

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "The House will come to order. All unauthorized personnel please retire to the Gallery. We will be led in prayer today by Reverend Lee Crawford with the Victory Temple Church of God in Christ in Springfield. Guests in the Gallery may wish to rise for the invocation. Reverend Crawford."

Reverend Crawford: "Let us pray. Precious and eternal God, we come so humbly before You in the spirit of Your word. Thy said, seek and you shall find. Knock and the door shall be opened. Ask, and it shall be given unto you. So this Assembly comes before You seeking, knocking and asking that the blessings of almighty God, Redeemer and Sustainer of all life be upon us this day and for evermore. Amen."

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

Coulson: " - 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. Republican absentees, the Gentleman from Sangamon, Mr. Poe."

Poe: "Mr. Speaker, we're all all here on a nice Saturday, sunny and it's final exam day and we're all present."

Speaker Brunsvold: "Representative Lou Lang, with the Democrat absentees."

Lang, L.: "Well thank you. What was it Mr. Hartke said yesterday, Mr. Speaker, I have no idea? So I think we're all here except... well we're not sure, Mr. Speaker, so hang with us for awhile, but turn off my microphone."

Speaker Brunsvold: "Mr. Clerk, take the record. There are 117 answering the Roll Call we do have a quorum. Messages

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

73rd Legislative Day

May 31, 1997

from the Senate."

Clerk Rossi: "Messages from the Senate by Mr. Jim Harry, Secretary. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a Bill of the following title: House Bill 449, a Bill for an Act to amend the School Code, together with Senate Amendment #3. In addition, I'm directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following titles: Senate Bill 320, together with House Amendments 2, 3, 4, 5 and 6."

Speaker Brunsvold: "The Lady from Cook, Representative Coulson, for what reason do you rise?"

Coulson: "I rise to let everybody know that a product from my district is Cracker Jacks. I have a box for as many people who are probably on the Floor right now. I just wanted you to know that in North Brook, Illinois they make Cracker Jacks."

Speaker Brunsvold: "Mr. Parke."

Parke: "Thank you, Mr. Speaker. I just like to say that I have already started to eat this Cracker Jack for breakfast and it makes a wonderful breakfast. The only problem is, Representative Coulson, there's a prize in every one of these Cracker Jack boxes and she told us that she wants the prizes back. So that's pretty an Indian-giver kind of thing."

Speaker Brunsvold: "Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker. If she has 24 boxes there's more than enough to go around and that means that some of us can get two boxes, ut I don't think there are 24 people here today."

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "Thank you, Mr. Black. Mr. Black, the Chair is worried about Mr. Cross, he's usually here bright and shiny in the morning, and I haven't seen him, but there he is."

Cross: "I'm right here, Mr. Speaker. Thanks for being concerned about me."

Speaker Brunsvold: "The Chair was worried about your whereabouts this morning."

Cross: "I was out looking for the new Bill. I didn't know where it was. I still don't know where it is but I'm looking. Mr. Black's looking right now too, for that Bill and I hope he finds it. I'll let you know."

Speaker Brunsvold: "Cheer up, Mr. Effingham, Mr. Hartke."

Hartke: "Where's Emilou when you need her?"

Clerk Rossi: "Committee Reports. Representative Novak, Chairman from the Committee on Environment and Energy, to which the following Conference Committee Report was assigned, action taken on May 31, 1997, reported the same back: 'be adopted', Conference Committee Report #1 to House Bill 2164. Representative Mautino, Chairman from the Committee on Insurance, to which the following Conference Committee Report was referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Conference Committee Report #1 to House Bill 223. Representative Dart, Chairman from the Committee on Judiciary 1- Civil Law, to which the following Conference Committee Report was referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Conference Committee Report #1 to Senate Bill 408. Representative Burke, Chairman from the Committee on Executive, to which the following Conference Committee Report was referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Conference Report

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

73rd Legislative Day

May 31, 1997

#1 to Senate Bill 1019. Representative Murphy, Chairman from the Committee on Personnel & Pensions, to which the following Conference Committee Report was referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Conference Committee Report #1 to Senate Bill 423."

Speaker Brunsvold: "Mr. Cross, Senate Bill 417."

Cross: "Thanks, I move to refuse to recede on House Amendment #1. Mr. Speaker, thank you."

Speaker Brunsvold: "The Gentleman has moved to refuse to recede to House Amendment #1 to Senate Bill 417. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does refuse to recede from House Amendment #1 to Senate Bill 417. The Gentleman has requested a Conference Committee be appointed. The Gentleman from Bureau, Mr. Mautino."

Mautino: "Thank you, Mr. Speaker. Just... I thought I would be able to help you out, Representative Cross had a question earlier about where that, where Pate's Bill that special package was and it turns out that Representative Coulson had it all along. We found them, they're right in here, so just open those boxes you'll find the new funding plan."

Speaker Brunsvold: "Mr. Clerk, Rules Announcement?"

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

Speaker Brunsvold: "The Resolution Calendar. House Resolution 61, Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 61 merely asks the Federal Government to take a look at a way that's... with respect to helping infrastructure payment for units of local

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

73rd Legislative Day

May 31, 1997

government by the method by which new money is created in a monetary fund on the federal level. It's actually just asking Congress to look at it, it doesn't require them to do anything. It's from a group that's headquartered in Freeport, Illinois in Mr. Lawfer's district. I'm not sure if there, if it's an accurate theory or not, but if they are right, it could be a way to provide substantial, in the billions of dollars, of low interest loans, or no interest loans, I should say to units of local government. And I would just ask for support on this. It passed out of Executive on the Attendance Roll Call."

Speaker Brunsvold: "The Gentleman has asked for the adoption of House Resolution 61. And on that question, is there any discussion? The Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative, I'm not sure I understand, who's going to provide the loans?"

Scott: "It will be the Federal Government, Representative Parke."

Parke: "So there's no state money involved in this at all?"

Scott: "No, no and actually all we're doing is asking... it has to do with who creates the additional money to fund the economy. When the economy goes up, there's actually extra dollars that are created. The Federal Government... the Federal Reserve leaves that to Banks, for the most part. This is suggesting that if the Federal Government did it themselves, they would have an extra pool of money that they could then loan to units of local government. Now that's the theory, and again, all this Resolution does is asks the Federal Government to take a look at that theory and see if it makes some sense."

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

73rd Legislative Day

May 31, 1997

Parke: "If we don't use... if this money comes to Illinois, does this Resolution earmark it for any particular place?"

Scott: "What the... what the plan would be, and again this is all subject to Congress, they can do whatever they wanted to do with it. But what this group is advocating is a formula of per capita expenditures what these loans could be so that Illinois, for example, would get \$100 per person for the state government to be able to use for various things. School districts would get some. Local governments would get some. So, it's a tremendous amount of money involved in doing this."

Parke: "Would the money go into the General Fund or would it go up into a special fund to be... let me ask that first part, is it going to go into General Fund or would a special fund be set up?"

Scott: "Well, it would be a wonderful problem to have, if it actually happened, to have no interest loans. The idea is to use for infrastructure improvements. So, my thinking is, it would go into those funds for which we used to provide infrastructure and the repay period is 10 to 30 years. And again this is just a, it's just a proposal Congress could do with it what they want. The Senate back... not last... not in the 89th, but in the 88th General Assembly, passed this exact same Resolution that we're asking for now. And there has been some interest in Congress. I've gotten some letters that have been provided to me by this group, from Representative Tauzin, and I believe he is from Louisiana and some other Representatives who have expressed some interest in doing this. They had a Bill that they were going to introduce in Congress last year and ran up against a time line and didn't do it. This is just expressing them to take a look at it see if it's a good idea do it, if it's

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

73rd Legislative Day

May 31, 1997

not leave it alone."

Parke: "Well it sounds interesting I'm kind of curious. Would we, would we appropriate it or would it be something that would go into a... be distributed under rule or under the Governor's prerogative."

Scott: "No I would think it would be up to us to appropriate it, if we got the money. Just like every other fund that we would get, sure."

Parke: "So the intent would be that it would be an approp... something that would be appropriated through the normal process of the public scrutiny there by the legislature."

Scott: "Sure, oh absolutely, yeah absolutely."

Parke: "Well, I guess on the face of it we don't see any problems and we hope we can get some of the money. Oh by the way, is this going to be a matching money..."

Scott: "No."

Parke: "It's just..."

Scott: "No, it's totally federal dollars based on on how the monetary fund creates new dollars every year. It's totally federal money. If it wor... that's what I said, if it works, if they're right, it's a wonderful idea and it's a no lose situation for us and other units of local government."

Parke: "Do you have any idea on what the loan rate would be, will it fluctuate and if so, under what basis?"

Scott: "Loan rate would be no interest loans under this plan."

Parke: "I thought you said it would be a low interest loan."

Scott: "No interest loans."

Parke: "No interest."

Scott: "With 10 to 30 year repayment schedule."

Parke: "Sounds like a wonderful idea. You know, ultimately though, somebody has got to pay the taxes for these funds,

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

73rd Legislative Day

May 31, 1997

you know, nothing is ever free. Eventually the tax payers will pay for all this but on the concept if it's going to happen Illinois ought to be available."

Scott: "That's what I think, thanks."

Speaker Brunsvold: "Further discussion? The Gentleman from Jo Daviess, Representative Lawfer."

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

Speaker Brunsvold: "The Sponsor yields."

Lawfer: "Representative Scott, I've seen this plan and have talked to the Sponsor on that and since I evidently missed economics class when I went to school I don't exactly understand. Would this be generating what you might say a different class of money or where would these funds be different than the funds we currently have from the Federal Reserve?"

Scott: "The theory is, and again, I know you've talked to Mr. Bonsac too, your constituent, I believe, but the theory is that new money is created every year as the economy grows. Actually, new money is created every year as the economy grows and that instead of banks creating this new money and issuing it that it be done federally and that that money could be used to create this pool that would then be used for the loan program. And, again, all the Resolution asked for is for Congress who would have to take the action to take a look at it. And you know, you and I might of ended up in the same economics class. I don't know but if this group is right then obviously it's a very good situation for all of us and if they're not then Congress can look at it and say this isn't something we want to do."

Lawfer: "Well if, if this was created is there any, been any discussion on limiting it or the size of this fund?"



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

73rd Legislative Day

May 31, 1997

Scott: "It would be limited every year, Representative, to the amount of money that's created that the amount of new money that's created. So yeah, it would it would be limited naturally."

Lawfer: "What would back this money then... these funds, what would be the backing of that?"

Scott: "Federal Government."

Lawfer: "Could this be done with a bond issue at this time?"

Scott: "Well, the problem with bonds, and that's why, that's why he's suggesting that we look at this, the problem with bonds is bonds carry an interest rate. And what they're saying is, take the example of of the Rockford Schools for example, where they're going, they're going to build three new school buildings. Well the interest rate to pay back those bonds is higher than the cost of the actual capitol construction and his feeling, Mr. Bonsac and the Sovereignty Group's feeling, is that if you could do this with the no interest loans, it would be a much more preferable thing to have than the bonds, because you wouldn't have the interest rate to pay back."

Lawfer: "Well, I find this a very interesting concept maybe I can go back and get a part of a credit or something for for your explanation of that, Representative Scott."

Scott: "Thank you."

Lawfer: "I would hope that those people that are involved in it, mainly the US Senators and US Congressman, would at least express an opinion on this."

Scott: "Right, and I think that's what we're looking for is just say, 'Hey, take a look at this. If it makes sense, you know, give it a shot, if it doesn't, then...' but that's, you know, it's up to them to do we're just saying as a state we think it's an interesting idea that at least

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

73rd Legislative Day

May 31, 1997

should be looked at federally."

Lawfer: "Well, maybe they can change some of the economic theories that we have by this Resolution. Thank you very much for your explanation."

Scott: "Thanks, Representative."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman has asked for the adoption of House Resolution #61. All in favor say 'aye'; opposed 'nay'. The 'ayes' have and the House does adopt House Resolution 61. Mr. Clerk, a message?"

Clerk Rossi: "Messages from the Senate from Mr. Jim Harry, Secretary. Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to Concur with the House in the adoption of their Amendments to a Bill with the following title: Senate Bill 1048, a Bill for an Act creating the Diabetes Self Management and Education Act, together with House Amendments 1 and 2."

Speaker Brunsvold: "On page five of the Calendar in the Conference Committee Reports, appears Senate Bill 454, Mr. Deering."

Deering: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Conference Committee Report #1, the First Conference Committee Report for Senate Bill 454, in essence, is the identical Bill that we passed out of here 118 to nothing. Two Amendments was put on this Bill, the first Amendment authorizes the municipality to adopt ordinances to enforce overdue or missing vehicle registration stickers. And they would have the authority to issue \$25 citations which the proceeds of those citations would stay in the communities of the municipalities of which they're issued. Floor Amendment #2 amended the Highway Code that took care of a problem in Representative

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

73rd Legislative Day

May 31, 1997

Noland and Representative Julie Curry district as far as closing roads and was required to post by whose order the roads were closed. When this Bill went to the Senate the Senate Concurred with Amendment #2. They had some problems with Amendment #1 and killed the Bill. This Conference Committee Report just Concurs with House Amendment 1. I would be pleased to try and answer any questions."

Speaker Brunsvold: "The Gentleman has asked for the adoption of the first Conference Committee Report. And on that is there any discussion? The Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative, can you just give us a little background now this Bill the, underlying Bill, was what Bill number?"

Deering: "Senate Bill 454."

Parke: "Now it went over, it went over to the..."

Deering: "It's always been Senate Bill 453."

Parke: "Okay and it went over to the Senate and what happened?"

Deering: "The Senate Concurred with Amendment #2, the Amendment for Representative Noland that addressed the concern in his district. They Non-Concurred with Amendment #1, which was an Amendment that I put on authorizing the municipalities the option to pass an ordinance to issue \$25 tickets to those people who have expired or missing stickers on their license plates."

Parke: "Now, as far as you know now that this Conference Committee is presented to the Body, have you heard of any opposition?"

Deering: "It's my understanding there is no opposition."

Parke: "And the Municipal League is satisfied with this approach, it solves their problems?"

Deering: "As I understand it the Municipal League is in love with

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

73rd Legislative Day

May 31, 1997

this, Conference Committee."

Parke: "Well then I presume that the Body will be to."

Speaker Brunsvold: "Any further discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, what did the Senate do on each Amendment? House Amendment #1, they would not Concur with that, is that what I heard you say?"

Deering: "That's correct."

Black: "Was that the Vehicle Sticker Amendment?"

Deering: "That's correct."

Black: "And now they are going to concur with House Amendment #1?"

Deering: "As I understand, yes sir, they are. There was some confusion and misunderstanding in what Amendment #1 did and I believe we have those problems, we got those problems and concerns worked out."

Black: "I'm sorry, Representative, are you insinuating that there was some confusion in the Senate?"

Deering: "It appears, it appears that there was at some point in time, and probably is continuing today."

Black: "Well, I'm shocked to hear that."

Deering: "I'm appalled."

Black: "That's not what I expect to hear from the upper Chambers. So, they refused to accept House Amendment #1, but on the Conference Committee the only thing you're really doing is agreeing to a Bill that we sent them on a unanimous vote."

Deering: "Yeah, I guess it... you're correct in your analogy and I guess sometimes hindsight is 20/20, so..."

Black: "And so the Senate didn't even change one comma?"

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

73rd Legislative Day

May 31, 1997

Deering: "As far as I understand, no they haven't."

Black: "How many trees died to produce this Conference Committee Report that they could of adopted on the Bill we sent over there?"

Deering: "Probably several but we probably could of put a few more coal miners back to work if can establish a way to make paper out of coal."

Black: "Yeah, what happened... by the way we'll have to talk about our sales tax exemption on Illinois coal, too, at some point."

Deering: "Well, we kind of wanted to bring that up yesterday but, you know, that's neither here nor there at this point and time."

Black: "Okay. Well I, I stand in agreement then. I mean, Bill, we've all voted on it, it got 118 votes and went to the Senate and they didn't concur in the Amendment, but now they concur in the Amendment on a Conference Committee. That makes a lot of sense to me. So I think a 'yes' vote is probably the thing to do."

Deering: "Thank you, Representative, I appreciate your support."

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

Deering: "Just ask for another 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall the House adopt First Conference Committee Report on Senate Bill 454?' 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? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 116 voting 'yes'; 1 voting 'no'; 0 voting 'present'. And the House does adopt First Conference Committee Report on Senate Bill 454. And this

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

73rd Legislative Day

May 31, 1997

Bill, having received a Constitutional Majority, is hereby declared passed. On the Conference Committee Report on page five, appears Senate Bill 939. Mr. Stephens."

Stephens: "Thank you, Mr. Speaker, and good morning. Conference Committee Report on Senate Bill 939 is a Bill that's sponsored by Representative Holbrook, Novak, Scott, and Persico. Senator Watson is the Senate Sponsor. A lot of meetings have taken place in order to come to this compromised legislation, and I'll just briefly go over it and I'll be glad to respond to any questions. Representative Holbrook also would like to respond to any questions and, I believe, would like to close on the Conference Committee Report. This..."

Speaker Brunsvold: "The Gentleman has asked for the... Proceed, Mr. Stephens."

Stephens: "The Bill creates the Environmental Remediation Tax Credit. The tax credit is for tax years ending December 31, '97, and on or before December 31, 2001. The income tax credit is equal to 25% on the remediation cost in excess of \$100 thousand per site, except that the \$100 thousand threshold shall not apply to any site contained in an enterprise zone. The total tax credit allowed is not to exceed \$40 thousand per year, with a maximum total of \$150 thousand per site. This tax credit can be carried forward for five years. This Conference Committee Report also contains language that includes an application fee to the Environmental Protection Agency in the amount of \$1,000. The application fee for a site in an enterprise zone is \$250. Furthermore, it allows for the applicant to request for an informal opinion on the remediation budget from the EPA when the applicant's draft remedial plan is submitted. EPA may charge a fee of \$500, or \$250 in an enterprise

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

73rd Legislative Day

May 31, 1997

zone, for review and the applicant may waive the 60-day time frame to receive their 'no further remediation letter'. The waiver would be for 30 or 60 days, depending on the project. Furthermore, this creates the Brownfields' Redevelopment Grant Program and directs the Comptroller to transfer \$1,200,000 within 30 days from the effective date of the Response Contractors' Indemnification Fund to the Brownfields' Redevelopment Fund, and also transfer the same amount on the first day of the Fiscal Years '99, 2000, 2001, and 2, for a total of \$6 million. This language was negotiated by the Regional Commerce and Growth Association that represents much of Southwestern Illinois. It's an important economic development tool, and I hope that I can answer all the questions from the Republican side of the aisle. Representative Holbrook will stand to assist me."

Speaker Brunsvold: "The Gentleman has moved for the adoption of First Conference Committee Report. And on that, any discussion? The Gentleman from Kankakee, Mr. Novak."

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

Speaker Brunsvold: "The Sponsor yields."

Novak: "Representative Stephens, first of all, could you tell me the groups that support this measure and the groups that oppose it?"

Stephens: "Illinois EPA is in support, the Illinois Manufacturers' Association, the Regional Commerce and Growth Association of Southwestern Illinois, which also has members in St. Louis, the Illinois Chamber of Commerce, and others. Anyone who has an interest in economic development should be in support. I know of no opposition to the Bill. If you know of someone who is opposed, I'd be glad to have you share it with us."

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

73rd Legislative Day

May 31, 1997

Novak: "Incidentally, we have the director of the EPA on the floor here today, Mary Gade. So, is Mary Gade for the Bill?"

Stephens: "Maybe she would like to step to your microphone and..."

Novak: "She's shaking her head 'yes'."

Stephens: "Nod her head at the microphone. Mary Gade understands the importance of economic development and..."

Novak: "How about the environmental community, the Environmental Council, are they neutral on this Bill?"

Stephens: "They are not opposed, as far as I'm concerned."

Novak: "Okay, one last question, Representative. What is the hit on the state treasury as far as tax credits are concerned?"

Stephens: "There's a \$6 million transfer to the new fund that's created. But, Representative, this isn't a hit to the treasury, this is going to bring economic development to areas that would not otherwise be developed. And so I believe that this is going to be a revenue producer. This is going to enhance the state treasury, in my opinion."

Novak: "Okay. Thank you. I overlooked one other aspect. I'm sorry, I apologize. Two years ago, I think, or was it last year, I can't recall specifically, we passed the Brownfields' Legislation. Just in a couple of sentences, Representative Stephens, could you tell me how this impacts the Brownfields' Legislation that we passed in the previous Session?"

Stephens: "One of the problems with the current..., not a problem, with the current Brownfields Legislation, we used the same language here. We didn't change that basic understanding, but what's happening now is the current Brownfields' language has helped with the projects that are \$100 thousand and less. The ones that are more than \$100



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

73rd Legislative Day

May 31, 1997

thousand, there is still some trepidation by investors on whether they should take that sort of a risk. This is going to allow them the opportunity to have the protection to take that extra risk. So, I think now what we're doing is moving from the smaller Brownfields' sites to some of the more expensive, \$600, \$700, \$800 thousand sites, possibly. And I think this should be viewed as an enhancement to the Brownfields' Legislation that was passed two years ago."

Novak: "Okay. No further questions. Thank you."

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

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative, on the Brownfields' Legislation, that is going to cost more money because we're going to put more money in the fund. How does this affect the Brownfield Legislation we passed, again, one more time? Where is the money going to come from for this?"

Stephens: "The money that will fund the Brownfields' Redevelopment Fund comes from the Response Contractors' Indemnification Fund, and there have been no claims made against that fund since its existence. Representative, we're using that money to fund the tax credits that will cause current Brownfields that aren't being developed, to be developed."

Parke: "Are they for... the contractors that pay into this fund, are they for you using this money this way?"

Stephens: "I don't know that they, as the board or whomever governs the Response Contractors' Indemnification Fund has made no opposition known to me or to any of the negotiators on this Bill."

Parke: "Well, throughout the Bill there's a lot of things that

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

73rd Legislative Day

May 31, 1997

affect the Department of Commerce and Community Affairs. It shows in my notes here that DCCA is opposed to this legislation. Under this Conference Committee are they still opposed?"

Stephens: "No, they are not opposed to it at all."

Parke: "It shows that the Illinois Environmental Protection Agency is opposed, are they still opposed?"

Stephens: "No. Representative, you may be looking at an analysis or at language from the original legislation. This is a Conference Committee Report that all of the members, the folks that you just mentioned were at the table. DCCA is in support, EPA is in support, environmental groups, I'm told now from the back of the room, are in support."

Parke: "Okay. Let me ask you another question. It says that it was introduced on behalf of the Metro East Association of Regional Council and Growth Association. As you know and you remember in committee, I supported you and supported that group to help you get this out of committee. Is this only going to affect the Metro East area or can I, or anyone else in the state, utilize this fund for our projects throughout the state?"

Stephens: "Statewide legislation."

Parke: "One last thing. You said this is not going to, even though this is a \$6 million shift, that it's really not going cost the taxpayers anything because you expect a positive result, is that right?"

Stephens: "Yes. That's my analysis of the Bill."

Parke: "Well, I would like... Is there anything in here that makes you report back to the General Assembly as to how successful this plan is, and is it sunsetted in any way?"

Stephens: "The program sunsets in the year 2002, I believe. It's a five year program, but let me make sure. Yes, 2002."

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

73rd Legislative Day

May 31, 1997

Parke: "So then you'll have to bring it back to the Body for review to see how effective it's been?"

Stephens: "Representative, it's my expectation that before that time I think we're going to see that we are just taking a step up in the size of the program, excuse me, the size of the investments that can be handled. I think what we're going to see before this sunsets, is that we're going to want to take the next notch up and possibly talk about increasing the tax credits and making even more sites a better business risk, so that we can develop these sites, get them cleaned up with the EPA oversight. The environmentalists are well-served, economic development is well-served, and the state treasury will be well served."

Parke: "Will the Governor sign this Conference Committee?"

Stephens: "Yes."

Parke: "One last thing, whenever you have something that's successful, that's come about from this program, would you do me a favor and just come and tell me say, 'See, I told you this would happen.' I'd like to know about the success of this program. So, when you have your first success why don't you share it with us?"

Stephens: "I'll do my best to keep you apprised of the many successes that this program will surely have as part of its record."

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

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

Speaker Brunsvold: "The Sponsor yields."

Dart: "Representative, there's nothing in this legislation other than Brownfields related issues, correct?"

Stephens: "Yes, that's correct."

Dart: "Secondly, I was looking through analysis and I don't see anything, but at the beginning I believe you made reference

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

73rd Legislative Day

May 31, 1997

to some type of fee increase, raising the levels. Can you explain that to me?"

Stephens: "Yes, Representative. The EPA, at the request of a developer, a developer can ask for the approval of their plan, and what this legislation calls for, is that the applicant may request an informal opinion on their remediation budget from the EPA. And when that applicant's draft remedial plan is submitted, and at that point they would submit a \$500 fee to EPA. That makes good sense to me. It's something that the developer would initiate. Obviously, EPA is going to have some cost in approving that plan, or giving them some idea about whether that plan is indeed valid. So, that's the fee. It's an application fee to the EPA. It's the amount of up to \$1 thousand for a site, and if that site is in an enterprise zone the maximum fee is \$250."

Dart: "That's the only fee change in the Bill?"

Stephens: "To my knowledge."

Dart: "Is the environmental council, are they in favor of this Bill?"

Stephens: "Yes."

Dart: "Okay. No other questions. Thank you."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "I wonder if the Sponsor could tell us if this is the funding Bill for Representative Persico's Bill of two years ago? Is this the way to pay for Representative Persico's Brownfields' Bill of two years ago?"

Stephens: "No."

Skinner: "How much money is going to be utilized per year?"

Stephens: "Representative, there is currently a fund called the Response Contractors' Indemnification Fund. That fund has in excess of \$6 million. That money would be transferred,

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

73rd Legislative Day

May 31, 1997

over a five year period, into the Brownfields' Redevelopment Grant Program. That is a transfer of funds that are not currently being used, and that's the source of the money, if that was your question."

Skinner: "And the maximum exposure is \$6 million of cash outlay, and on top of that we add the tax credits, which you contend will be more than offset by the increased income tax receipts, correct?"

Stephens: "And other revenues that would be a natural spin off of any economic development of this nature."

Skinner: "Okay. Thank you."

Speaker Brunsvold: "The Gentleman from Whiteside, Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. I would appreciate it if the record would reflect that on Senate Bill 454, Conference Committee #1, I'd like to be recorded as a 'yes'. I inadvertently hit my red button."

Speaker Brunsvold: "Thank you, Mr. Mitchell. Further discussion? Seeing none, Mr. Stephens, would you like Mr. Holbrook to close? Closing on the Motion to adopt the First Conference Committee is the Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Speaker. Senate Bill 939 is an excellent Bill that's going to help rejuvenate our industrial areas. It's going to help out our municipalities. There's no opposition. There's support from all sectors, and I would urge its adoption and urge everyone to vote 'aye'. Thank you."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 939?' 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.

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

73rd Legislative Day

May 31, 1997

Clerk, take the record. On that question, there are 106 voting 'yes', 8 voting 'no', 0 voting 'present'. And the House does adopt the First Conference Committee Report on Senate Bill 939. And this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Floor Amendment and Conference Committee Reports were referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Floor Amendment #3, to Senate Bill 9. Conference Committee Report #1, to House Bill 23. Conference Committee Report #1, to House Bill 228. Conference Committee Report #1, to House Bill 310. Conference Committee Report #1, to House Bill 379. Conference Committee Report #1, to House Bill 1628. Conference Committee Report #1, to Senate Bill 240. Conference Committee Report #1, to Senate Bill 522. Conference Committee Report #1, to Senate Bill 574. Conference Committee Report #1, to Senate Bill 730. Conference Committee Report #1, to Senate Bill 1109."

Speaker Brunsvold: "On page five of the Calendar, under Conference Committee Reports, appears Senate Bill 663. Mr. Scully."

Scully: "Thank you, Mr. Speaker. I move that we adopt Committee Report. This Conference Committee Report makes a small technical Amendment adding the two words, 'or service' to the Bill to be consistent with the purpose of the Bill."

Speaker Brunsvold: "The Gentleman has asked for the adoption of the First Conference Committee Report. And on that, the Gentleman from Kendall, Mr. Cross."

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

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, is there any opposition to this Bill?"

Scully: "No there's no opposition to this Bill."

Cross: "I see that everyone with the exception of one Senator signed the Conference Committee Report, is that accurate?"

Scully: "The information that I have right now is that Senator Chris Lauzen is the only Senator who had not signed this report as of yesterday."

Cross: "Well, it looks like a good Bill and I would be glad to support it, Representative. Thank you."

Speaker Brunsvold: "Further discussion? The Lady from Cook, Representative Zickus."

Zickus: "Thank you. Will the Sponsor yield, for a question please?"

Speaker Brunsvold: "The Sponsor yields."

Zickus: "In one of the Amendments you had excluded the realtors from this legislation, is that still in the Conference Committee Report?"

Scully: "Yes it is, the Conference Committee Report has no impact on that Amendment, excluding the realtors."

Zickus: "Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Cook to close, Mr. Scully."

Scully: "We ask for your support for the adoption of the First Conference Committee Report."

Speaker Brunsvold: "Excuse me Mr., excuse me Mr. Scully. The Gentleman from Vermilion, Mr. Black."

Black: "Thank you very much, Mr. Speaker. I apologize for the delay in getting my light on. As I recall, I think I voted against this in its original form. Representative, you're still exempting several entities that utilize telephone solicitation quite a bit from the provisions of the Bill,

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

73rd Legislative Day

May 31, 1997

is that correct?"

Scully: "That's correct."

Black: "So, in your best judgement, what companies, what telephone solicitors would I be able to get out of my telephone circuit should this become law?"

Scully: "This Bill is not specifically targeted at any specific group of telephone solicitors. Rather it is targeted at telephone solicitors in general and has exempted from it's coverage certain specific regulated industries. So the answer to the question is, any telephone solicitor other than those who have been specifically exempted. I don't believe that this Bill is targeted at any specific group of telephone solicitors."

Black: "Okay. So those that have been exempted are the telephone companies themselves, and I see on here what, realtors?"

Scully: "Yes."

Black: "Is there any other categories specifically exempted?"

Scully: "Mr. Black, excuse me while I get a copy of the Bill."

Black: "Okay, all right, thank you."

Scully: "There were no other groups exempted through Amendments since the original adoption of the Senate Bill. Other exemptions, I believe, do exist under the original Senate Bill."

Black: "Okay. So, if I remember the Bill, the underlying Bill, telecommunications carriers, banks, savings and loans, credit unions, licensees under the Consumer Installment Act, they're all exempt from the provisions of your Bill, is that correct?"

Scully: "I believe that's correct."

Black: "Okay. Thank you, Representative. Mr. Speaker, to the Conference Committee Report."

Speaker Brunsvold: "Proceed."



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

73rd Legislative Day

May 31, 1997

Black: "I intend to vote 'no' on the Conference Committee Report. I think the Gentleman has done a good job and I have absolutely no concerns about where his Bill is headed, but most of the calls that I get at home night after night, day after day and even on the weekends are those that are exempted from the Bill. I must get three a day from various long distance carriers, none of them I've ever heard of, asking me to switch. I get calls from banks telling me that now that I'm a senior citizen I should switch to their senior citizen checking account and it's generally a bank from Oregon or Washington or California. I don't need those kinds of calls. I would Cosponsor the Gentleman's Bill if we just told everybody, get off the phone, I don't want to be bothered at home. Leave me alone, but everybody is exempt under the Bill, and for that reason, I'm going to vote 'no'. Get my name off your telephone list. Leave me alone at home. The Bill doesn't go far enough and I'm not going to vote for it. Tell those telephone companies, take me off your list. Tell those credit card companies, take me off your list. I've had it with telephone solicitation. And by the way, tell those political parties, stop calling my home and asking me if I like George Bush or Bill Clinton. I'm not sure today I like either one of them. The Bill doesn't go far enough, vote 'no'."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "The Gentleman from Vermilion, has just given my speech against the income tax increase."

Speaker Brunsvold: "Representative Scully, to close."

Scully: "Other than those who have so eloquently expressed their opposition to my Bill I urge all others to vote 'yes'."

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

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

73rd Legislative Day

May 31, 1997

First Conference Committee Report for Senate Bill 663?' 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 97 voting 'yes'; 19 voting 'no'; 1 voting 'present'. The House does adopt the First Conference Committee Report on Senate Bill 663. And this Bill, having received a Constitutional Majority, is hereby declared passed. Under Nonconcurrency Senate Bill 232, Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. I would move to refuse to recede from House Amendment #1 and request a Conference Committee Report on Senate Bill 232."

Speaker Brunsvold: "The Gentleman has moved to refuse to recede from House Amendment #1, to Senate Bill 232. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does refuse to recede from House Amendment #1, to Senate Bill 232. And the Gentleman has requested a Conference Committee be appointed. On page 7 of the Calendar, under Resolutions, appears House Joint Resolution 30. Representative Erwin. Representative Erwin."

Erwin: "Thank you, Speaker. House Joint Resolution 30, is a Resolution that would ask that a portion of North Avenue, in the City of Chicago, be renamed as an honorary name, Cardinal Bernardin Avenue. It is a portion of North Avenue, which is Route 64, that goes right in front of the Cardinal's residence at North State Parkway and North Avenue. This is a Resolution that I believe the Speaker has worked with the Illinois Catholic Conference on, and I would appreciate your consideration."

Speaker Brunsvold: "The Gentleman has asked for the... the Lady

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

73rd Legislative Day

May 31, 1997

has asked for the adoption of House Resolution, Joint Resolution 30 and on that? The Gentleman from Dupage, Mr. Biggins."

Biggins: "Thank you, Mr. Speaker. I wonder if the Sponsor has heard of an idea that was proposed by some Members on our side of the aisle some time ago, and that was when Meigs Field expires in several years, we would name the new park there Cardinal Bernardin Place, and we thought, several of us thought, that was an idea worthy of merit. And I wonder what the Sponsor of this Resolution, which I will support and very happy to see that she is introducing it, what she thinks of that idea of me naming the new park in a few years Cardinal Bernardin Place?"

Speaker Brunsvold: "The Sponsor yields."

Erwin: "I think that's a great idea, Representative, I would be happy to support it."

Biggins: "Thank you."

Speaker Brunsvold: "On the question, the Gentleman from Kane, Mr. Hoeft."

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

Speaker Brunsvold: "The Sponsor yields."

Hoeft: "Just to make sure there is no conflict, Cardinal Bernardin does not run into Bishop Ford does it?"

Erwin: "No, Representative, it doesn't."

Hoeft: "I just want to make... we could have a religious problem if they... it does not, absolutely, right?"

Erwin: "No, and it will be a very ecumenical street, I assure you."

Hoeft: "Well, I just needed to clarify that. Thank you."

Speaker Brunsvold: "Any further discussion? Representative Erwin to close."

Erwin: "Thank you, Speaker. I think that everyone in this

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

73rd Legislative Day

May 31, 1997

Chamber and indeed all the citizens of this state are fully aware of what a great treasure we had for many years in Illinois. Cardinal Bernardin was able to serve as really a role model for building bridges between communities where there had not been bridges. And as we close the end of this Session I know I personally will try and heed his good advice and I would certainly ask for your approval of this honor to Joseph Cardinal Bernardin."

Speaker Brunsvold: "The question is, 'Should the House adopt House Joint Resolution 30?' 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. On this question, there are 117 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt House Joint Resolution #30."

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

Speaker Brunsvold: "On the Supplemental Calendar, under Nonconcurrences, appears Senate Bill 320. Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I would move to refuse to recede from House Amendments 2, 3, 4, 5, and 6. And request a Conference Committee."

Speaker Brunsvold: "The Gentleman has moved to refuse to recede from House Amendments 2, 3, 4, 5, and 6, to Senate Bill 320. Is there any discussion? The question is, 'Shall the House refuse to recede?' All in favor say 'aye'; opposed say 'nay'. The 'ayes' have it and the House does refuse to recede from House Amendments 2, 3, 4, 5, and 6, to Senate Bill 320. And the Gentleman has asked a Conference Committee be appointed. Senate Bill 1048, Mr. Clerk."

Lopez: "Thank you, Mr. Speaker and Members of the General Assembly. I move to refuse to recede on Amendments 1 and 2."

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "The Gentleman has moved to refuse to recede on House Amendments 1 and 2, to Senate Bill 1048. Any discussion? Seeing none, the question is, 'Shall the House refuse to recede from House Amendments 1 and 2, to Senate Bill 1048?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does refuse to recede from House Amendments 1 and 2, to Senate Bill 1048. And the Gentleman has request a Conference Committee be appointed. House Resolution 78, Mr. Clerk. Representative Moore."

Moore, E.: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 78, the Resolution points out several sites that's specifically locations where CTA and metro passengers have no stations or stops to transfer. The ability to transfer will likely create more riderships and help the local economy. Metro and the RTA, along with the Chicago Area Transportation Study and the Northeastern Planning Commission, are requested to conduct a feasibility study on the creation of a part-time or full-time metro train stop detailed in the Resolutions. I request the adoption of Senate Resolution."

Speaker Brunsvold: "The Gentleman has moved for the adoption. The Lady from DuPage, Representative Pankau. The Gentleman has asked for the adoption of House Resolution 78. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. The House does adopt House Resolution 78. House Resolution 26, Mr. Hartke."

Hartke: "Thank you, Mr. Speaker, Members of the House. House Resolution 26 is a repeat of last year's Resolution which creates the Orphan Wells Task Force. This task force would be put together by the Department of Natural Resources with the Department of Mines and Minerals, several individuals, some interest groups appointed to that to study the problem

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

73rd Legislative Day

May 31, 1997

of the abandoned and orphan wells in the State of Illinois.

I would appreciate your support and be happy to answer any questions."

Speaker Brunsvold: "And on the Gentleman's Motion, is there any discussion? The Gentleman from Kankakee, Mr. Novak."

Novak: "Yes. Will the Sponsor yield?"

Speaker Brunsvold: "The Sponsor yields."

Novak: "Representative, how did these wells become orphans? What happened to their parents?"

Hartke: "Their parents have simply abandoned them. The ownership of the wells and the rights on that land, the individual who maybe had it, went broke, the oil well went dry, and so those individuals just filed bankruptcy, or just left and now that hole is there and is not plugged and is causing problems in the oil field."

Novak: "Well, does that... how many are there in the state?"

Hartke: "Right now we have, I think, approximately four thousand orphan wells in the State of Illinois. And these wells are really causing some problem because those wells that are next to it that are used in the flooding fields the water and oil seems to leech over to them then come up to the surface, they're plugged on the surface, but inadequately. Prior to 1941 we didn't have rules in place in the State of Illinois which properly plugged these wells and so when a oil patch or oil field is flooded with water under pressure, oil and salt water leaks to the top of the ground. Recently, in Crawford County, we had a well that all of a sudden an area started to have... being saturated with salt water and this water was in the middle of a cemetery."

Novak: "Okay, that's enough."

Hartke: "Thank you."

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

73rd Legislative Day

May 31, 1997

Novak: "Okay, thank you."

Speaker Brunsvold: "Further discussion? Mr. Hartke to close."

Hartke: "I would just appreciate your support on this House Resolution 26."

Speaker Brunsvold: "The question is, 'Shall the House adopt House Resolution 26?' 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 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt House Resolution 26."

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

Speaker Brunsvold: "On Supplemental Calendar #1, under Conference Committee Reports, appears House Bill 310. Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Conference Committee Report #310 contains a number of administrative provisions for the Department of Employment Security and resets the speed bumps provisions to the Act to the year 2002. Business and labor met with Representative Schakowsky and myself and other State Senate counterparts several times this spring. This Conference Report represents results of these meetings. There is one provision in the report that I want to particularly focus my comments on. The Unemployment Insurance Act is currently out of conformity with the requirements of federal law. This Conference Report addresses that issue and will satisfy the U.S. Department of Labor. If we fail to enact this technical change, Illinois employers could face a loss of their FUTA offset credit. While that sounds highly technical, let me simply say that this loss of these federal tax credits would increase the federal tax liability in Illinois employers by \$1.9 billion annually."

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

73rd Legislative Day

May 31, 1997

In addition, Illinois could lose almost \$200 million in yearly federal appropriations used solely for the administration of our Employment Security Program. I do not believe that we could play around with the prospects that Illinois employers should be financially punished for our lack of action, we should act now. Mr. Speaker, I move the adoption of Conference Committee Report #1, to House Bill 310, and would appreciate your favorable consideration."

Speaker Brunsvold: "The Gentleman has moved for the adoption of the First Conference Committee Report. And on that the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I rise in support of this Conference Report which as Representative Parke said was a product of the discussions that were held throughout much of the Session regarding unemployment insurance. It is a Bill that was agreed to by the business and labor community and we should all be supporting it. Thank you."

Speaker Brunsvold: "And on the question, is there any further discussion? Seeing none, the question is, 'Shall the House adopt the First Conference Committee Report, to House Bill 310?' 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 115 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report, to House Bill 310. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 2164. Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The First Conference Committee Report on House Bill



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

73rd Legislative Day

May 31, 1997

2164 contains the following: House Bill 2164 originally amended the Environmental Protection Act to provide the agency with flexibility in managing used fluorescent and high intensity discharge lamps. This was an initiative that I put subsequent to a Bill that was signed by the Governor last year. This deals with Universal Waste Rules that are promulgated by the United States Environmental Protection Agency. And it helps a fledgling industry in this state with respect to managing and recycling fluorescent and high intensity discharge lamps. That part of the Bill passed this House, unanimously. The second part of the Bill deals with the Dry-cleaning Environmental Response Fund. That was a Bill that was Sponsored by Representative Smith that passed this Chambers and went to the Senate. The third part of the Bill is dealing with House Bill 1322 that was an initiative of Attorney General, Jim Ryan, that created the offense of disposing of waste without a permit, or what was commonly known as criminal disposal of waste related to the Operation Silver Shovel situation in the City of Chicago. Also, it deals with Asbestos Emission Controls and fines dealing with that subject matter. So there are three provisions on this Bill, including certification of non-special waste. And that Bill was an initiative of the Illinois Automotive Services Association. And that Bill provides that all waste generated from industrial processes or pollution control must be managed as special waste unless the generator certifies that the waste falls outside the definition of special waste. The generator certification must be in writing. It must include a description of the process generating the waste, the means of testing the waste, and relevant testing results. This was an

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

73rd Legislative Day

May 31, 1997

initiative as I indicated of the Illinois Automotive Services. That was an agreed to provision. I would be more than happy to answer any questions. Thank you."

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

Dart: "Will the Sponsor yield."

Speaker Brunsvold: "The Sponsor yields."

Dart: "Phil, are there any fees in this Bill?"

Novak: "Yes, there are, Representative."

Dart: "Is that in regards to the dry-cleaning provisions?"

Novak: "Pardon me."

Dart: "Is that in regards to the dry-cleaning provisions?"

Novak: "Yes, you're right, Representative Dart."

Dart: "Okay. Thank you."

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

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, under the dry-cleaning provisions of this Bill, since many of the chemicals that they utilize have been adjudicated as hazardous or potentially hazardous by our good friends in Washington. It's my understanding that any of the fees that would be in this Bill have been agreed to by the industry and, in fact, they want this, do they not?"

Novak: "You are correct, Representative Black."

Black: "I also, I don't know I just heard last week from several owners, of even small dry-cleaning establishments in my district, and they were very much in favor of this provision. I apologize, I was looking at my computer while you were talking about a possible third provision in the Bill that dealt with something in the City of Chicago."

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

73rd Legislative Day

May 31, 1997

Novak: "Yes, Representative Black, the last provision of the Bill was an initiative of Attorney General, James Ryan, and had to deal with creating the new offense of the criminal disposal of waste. It went to the Senate on a unanimous from the House but the Bill was never considered and it was still in the Rules Committee. So that's the reason we put (sic-House Bill) 2164 into a Conference Committee with deference to Attorney General Ryan so we could include his language on this Bill."

Black: "And as I recall that kind of illegal dumping was an initiative of, I'm sure the City of Chicago and the Attorney General as well, to enable them to seek penalties and redress from people who do those kinds of things. Was that the genesis of that Bill?"

Novak: "You are correct."

Black: "Do you know of any opposition of the provisions in the Conference Committee Report?"

Novak: "To my knowledge in looking through my analysis, I do not believe so."

Black: "That's what I indicate, as well. I know that the dry-cleaning industry, while I'm sure they are not unanimous in support, I've not heard from anybody in my district that is opposed and I have heard from several who stand strongly in favor of this Act and it is an Act that they are asking to be imposed on their own operations so that they're being pro active rather than, and I agree with that philosophy, wait until the Federal Government might promulgate rules that could literally put them out of business. So I congratulate you on the work that you have done and I stand in support of the report."

Novak: "Representative Black, thank you very much for those comments. And you are right, they are anticipating what

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

73rd Legislative Day

May 31, 1997

might come from Washington and for those of us that use dry-cleaners, especially when we're in Springfield, we use them so much and so often the solvents that are used in the process are highly toxic and they're simply, right now, just disposed of through the normal drain. So they're policing themselves. Yes, there are a few fees in there, but they realize that it's going to be going for a very, very important public health reason. Thank you."

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

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative Novak, quick question. There's some concern that we have that the fluorescent lamps being put in landfills is a hazardous waste, can you address that issue?"

Novak: "Yes, yes, Representative, there... first of all, the Bill that I passed last year specifically outlawed the burning of any type of fluorescent light bulbs or high intensity discharge lamps in incinerators. This Bill doesn't have anything to do with that. It doesn't have anything to do with banning fluorescent light bulbs in landfills. We would like to do it but we just don't have the apparatus in this state right to recycle hundreds of thousands of fluorescent light bulbs. There are some businesses that are in the business, specifically one in Mokena, Illinois, I think it's Representative Kosel's district, by the Gallagers Family and they're very, very active in this issue."

Parke: "So, as far as you're concerned, the landfill question is not something, that in essence, that we're putting these in in any landfill that will be an environmental hazard, or create any kind of a problem for us if we vote for this?"

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

73rd Legislative Day

May 31, 1997

Novak: "Well, Representative, as I said, they are not banned from landfills as of today. But in the future if more recycling businesses operate in Illinois, we can certainly keep the old light bulbs out of the landfill because they contain elements of mercury, which is highly toxic, that kills fish in streams and it certainly can have a terrible impact in the water system."

Parke: "I'm curious about the Attorney General's Amendment that's in here. Is that something that Attorney General Ryan has given to you and you've incorporated it...? Why wasn't it approved the first time that it was sent over to the Senate? What was the problem with that?"

Novak: "Well, wonders never cease in that Chamber across the street. It passed out of here unanimously, Representative Parke. It was House Bill 1322, but it was never kicked out of Rules."

Parke: "Some of us think that the Senate certainly does some wonderful things."

Novak: "Yeah. Maybe should they slice their salary in half."

Parke: "Oh, I think that maybe they are a deliberative Body and that they have their own opinion on how things that are done and thank God that they do. That's why we have two different Chambers, but that's not the issue that we're talking about. You didn't answer my question though. What aspect of this would be for the Attorney General' part? What does this do for him for the tax... for the people?"

Novak: "I'm sorry, this was an initiative, as I indicated, this creates an offense of disposing of waste without a permit. It changes it from, it changes it to a Class IV Felony, to a Class III Felony."

Parke: "And what is the difference on the III and IV?"

Novak: "Currently, everything today is a Class A Misdemeanor."

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

73rd Legislative Day

May 31, 1997

Parke: "Okay. And there was a third part of this again and that does what?"

Novak: "And the other part of it deals with Asbestos Emission Controls. It says if there's a knowing violation of a provision of the Federal Regulations on Asbestos Emission Controls, this is a Class IV Felony, which is a one to three years imprisonment and up to a \$10 thousand fine."

Parke: "Okay. So, therefore, what was the problem with the Senate on that Amendment?"

Novak: "That was, that was part of House Bill 1322, Representative Parke."

Parke: "So you have no idea, just that it's a good idea?"

Novak: "No, they never even even heard the Bill, they kept it in Rules. They must of deliberated quite about that to keep that in Rules."

Parke: "Okay. Now again, Representative Black asked you that as far as you're concerned and you're aware there is nobody opposed to this and environmental groups are for it now?"

Novak: "I believe so, yes."

Parke: "What was the vote in committee, this morning, on this Bill?"

Novak: "The vote in committee was 12 to 2 to 1."

Parke: "And the reason that the two Members of our Assembly voted against it was what?"

Novak: "Well, I can't recall, but there are some fees in here and the fees."

Parke: "When we keep talking about fees... I don't know what fees mean? Maybe you can tell me what those fees are, are we talking hundreds of thousands of dollars, a thousand dollars?"

Novak: "Just bear with me for a second I'll read them to you, Representative. No they are nominal fees and they are fees

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

73rd Legislative Day

May 31, 1997

that the industry wants to impose on itself. First of all, it's a licensing fee and it's a \$5 hundred for a facility that buys up to 140 gallons of solvents annually. It goes up to a \$1 thousand for a facility that buys 140 gallons or more. Then it goes up to \$15 hundred for a facility that buys 360 gallons or more solvents annually."

Parke: "And where does these fees go, where do they end up?"

Novak: "Fees goes into the fund, goes into a fund and it's managed by the Environmental Protection Agency. It's called the Dry-cleaner Environmental Response Trust Fund."

Parke: "And where do those funds go?"

Novak: "Those funds go back into the industry for environmental cleanups, due to any type of spillage or leakages or any type of environmental impacts that the dry-cleaning industry has been involved with over the years. Again, this is a very pro active initiative of an industry that is parts, that is part of everyday life in small towns and large towns and we're, I think we're all familiar with the relative high degree of toxicity of the chemicals that are used to dry-clean our clothes. So again, we want to applaud this business, this industry, because what they're attempting to do, is address a very serious, potentially serious environmental hazard rather than having the United States Environmental Protection Agency or some rule-making bureaucrat come down and mandate some more punitive provisions."

Parke: "So you think these fees are asked for by, by the industry itself so they're not really punitive and they're something that will be?"

Novak: "No, I don't... once again they are fees they're voluntary, they're self imposed fees I should say, I'm sorry, by the industry. They're just asking us for the

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

73rd Legislative Day

May 31, 1997

okay."

Parke: "Okay. Thank you, for answering my questions, I appreciate that."

Novak: "You're welcome."

Speaker Brunsvold: "The Gentleman from Fulton, Mr. Smith."

Smith: "Thank you, Mr. Speaker and Members of the House. I rise in support of Conference Committee Report on this Bill and particularly Senate Amendment #3 which addresses the Dry-cleaner Environmental Response Trust Fund. This is an initiative, if you remember, that we passed out of the House earlier this year. Senator Mahar agreed to amend this Bill in the Senate and add agreed language from the Environmental Protection Agency and the Department of Revenue. I know of no opposition to the dry-cleaner portion. I would reiterate comments that have been made earlier, by Representative Black and Representative Novak, that this is a pro active measure on the part of the dry-cleaning industry in the state to address some serious environmental concerns that they have experienced. This provision is pro environment, it is pro small business, it will allow small and medium size dry-cleaners in this state to survive, to address concerns that they have. There is no money from the state involved in this. This is all self-imposed fees by the dry-cleaning industry. It is supported by the Illinois State Fabricare Association and by the Korean American Dry-cleaners Association. Again, I know of no opposition, it is pro active legislation and I would encourage all the Members of this Body to support it. Thank you."

Speaker Brunsvold: "The Gentleman from Adams, Representative Tenhouse."

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



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

73rd Legislative Day

May 31, 1997

House. I guess I have to rise in opposition to this Bill, especially after hearing the comment from the Gentleman from Fulton, simply to point out that I think people need to understand, and we talked about the industry saying they're in favor of this Bill. By their own admission in committee, the industry representatives said they represent 20% of the dry-cleaners in the State of Illinois. This Bill only received 60 votes when it went out of here the last time. My small mom and pop dry-cleaners in my district are opposed to this Bill, and really are telling me that under, even a very small dry-cleaner, is going to end up with an increase in his fees of at least \$7to \$8 hundred dollars a year, which may not seem like much, but it's just another imposition on small family owned businesses. I think before people vote on this, they need to understand the implications that it may have for those small businesses. And as a result, I rise in opposition to the Bill, and I urge others to vote 'no'."

Speaker Brunsvold: "Further discussion? Seeing none, Representative Novak to close."

Novak: "Thank you, Representative. Thank you, Mr. Speaker. Ladies and Gentlemen, there is some very, very good provisions in this Bill. All of these Bills successfully passed the House of Representatives. All of them have been consolidated in the First Conference Committee Report of 2164. I believe we debated the merits of each provision of the Bill in a significant manner and I simply ask my colleagues in joining me and adopting the First Conference Committee Report on House Bill 2164. Thank you."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report on House Bill 2164?' This is final action. All in favor vote 'aye'; all

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

73rd Legislative Day

May 31, 1997

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 this question, there are 74 voting 'yes'; 38 voting 'no'; 2 voting present. And the House does adopt the First Conference Committee Report on House Bill 2164. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 1628. Mr. Lang, in the Chair."

Speaker Lang: "Mr. Leitch, House Bill 1628."

Leitch: "Thank you very much, Mr. Speaker. House Bill 1628 is the Wildlife Prairie Park Bill. We made some adjustments and language, such things as Peoria County wasn't referred to in a couple in both places where it needed to be. There was a number wrong, it should of been four instead of three. There was a clarification that said that the foundation gets money locally that was raised could be for its purposes has been agreed upon by everyone. And it clarified that the , that the police is also permissible with the state. I don't know of any opposition and I ask for your approval."

Speaker Lang: "Representative Leitch, has moved for the adoption of the First Conference Committee Report to House Bill 628, sorry 1628. Is there any discussion? Representative Slone."

Slone: "Thank you, Mr. Speaker. I rise in support of this Bill, as well. This is a very important Bill for our area of the state. An important Bill, for the State of Illinois and I would urge your favorable consideration for the Conference Committee Report."

Speaker Lang: "Representative Andrea Moore."

Moore, A.: "For clarification. Will the Sponsor yield, for a

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

73rd Legislative Day

May 31, 1997

question?"

Speaker Lang: "The Sponsor yields."

Moore, A.: "Representative will this increase the appropriation over last year's appropriation, will this legislation?"

Leitch: "No, there is no appropriation language in this in any way, shape, or form."

Moore, A.: "This is just creating the Museum Act?"

Leitch: "It's just a permis... yes, it's just a permissive structure around which the various parties from the present Wildlife Prairie Park ownership to the foundation that is anticipated to take over and run this and raise the money for, locally, to the state tie-in affiliation, the commission that is created under this Bill, and I believe everyone, I know everyone is onboard, there are no disagreements with it."

Moore, A.: "Thank you."

Speaker Lang: "Mr. Brady."

Brady: "Sponsor yield?"

Speaker Lang: "The Sponsor yields."

Brady: "Representative, I'm sorry, I didn't hear what you said. This takes the Department of... The Department of Natural Resources is taking this park over?"

Leitch: "No, no. What this Bill does is, it creates a commission that can be a link with Wildlife Prairie Park Foundation, which will be running, but there are no appropriations in this and there is no request for money in this, and it clarifies the ability of the local foundation to raise and manage its money, which was not clear before, because everyone, especially the administration, want the local foundation to operate the park. So, these are just clarification issues, which I don't know of any opposition to, whatsoever."

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

73rd Legislative Day

May 31, 1997

Brady: "Thank you."

Speaker Lang: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I would ask that you correct,  
I meant to vote 'yes' on House Bill 2164."

Speaker Lang: "The record will so reflect."

Lindner: "Thank you."

Speaker Lang: "Further discussion? Seeing none, Representative  
Leitch to close."

Leitch: "I would ask for a 'aye' vote."

Speaker Lang: "The question is, 'Shall the House adopt the First  
Conference Committee Report to House Bill 1628?' This is  
final action. All those in favor will vote 'aye'; all  
those opposed shall vote 'no'. The voting is open. Have  
all voted who wish? Have all voted who wish? Have all  
voted who wish? The Clerk will take the record. On this  
question, there are 117 voting 'yes'; 0 voting 'no'; 0  
voting 'present'. And the House does adopt the First  
Conference Committee Report to House Bill 1628. And this  
Bill, having received the required Constitutional Majority,  
is hereby declared passed. House Bill 379, Representative  
Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the  
House. House Bill 379 includes child luring as a sex  
offense that would require a convicted felon to register  
under the Sex Offender Notification Act. The Bill is  
slightly changed from the version that we sent to the  
Senate. They put in an enhanced penalty arrangement so  
that if someone commits this offense within a school zone  
the penalty would be enhanced. I don't know of any  
opposition to the Bill and I urge its passage."

Speaker Lang: "The Gentleman moves for the adoption of the First  
Conference Committee Report to House Bill 379. On that

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

73rd Legislative Day

May 31, 1997

question, is there any discussion? The Chair recognizes Representative Dart."

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

Speaker Lang: "The Sponsor yields."

Dart: "Representative, you mentioned about enhanced penalties, could you explain which ones were enhanced, and from what, to what?"

Roskam: "Let me just get it here. I don't know if you have a copy of the Bill in front of you, but on page 4 of the report it says a person convicted of a second or subsequent violation is guilty of a Class III Felony. That's in the underlying Bill. On paragraph six of page five, it says if a defendant committed the abduction while in a school, regardless of the time of day of year, in a playground, on any conveyance owned, leased, or contracted by a school to transport students to or from or within a thousand, basically, a thousand feet, then the penalty is enhanced. This is an initiative of the Senate. They had another idea that I thought was goofy which we stripped out of the Bill. But that's all it does."

Dart: "Okay and the... it went from one class penalty to..."

Roskam: "What one, I'm sorry?"

Dart: "Are you waiting for me?"

Roskam: "Yeah I was I..."

Dart: "Oh I'm sorry, I was waiting for you. It went from one offense to what class?"

Roskam: "Let me read our analysis it's more clear than I can possibly do it."

Dart: "I was just trying to figure out what class of penalty we have."

Roskam: "Here's the deal, we increased the penalty for a second violation of child abduction by luring a child into a

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

73rd Legislative Day

May 31, 1997

vehicle, from a Class IV Felony, to a Class III Felony. It also provides that luring a child into a vehicle within a thousand feet of a school or playground is an aggravating factor during sentencing. That's all it does."

Dart: "Okay. Thank you very much."

Speaker Lang: "Further questions? Mr. Hartke, could you hold that up, please? Thank you very much."

Dart: "I think that's illegal under this Bill."

Speaker Lang: "Mr. Roskam, to close."

Roskam: "I urge an 'aye' vote."

Speaker Lang: "The question is, 'Shall the House Adopt the First Conference Committee Report to House Bill 379?' This is final action. All those in favor shall signify by voting 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. And the House does adopt the First Conference Committee Report to House Bill 379. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Feigenholtz, on Senate Bill 408."

Feigenholtz: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I rise to adopt Conference Committee Report #1 to Senate Bill 408. It's basically some clarifications which allow the board of managers of a condominium association to serve a tenant of a defaulting owner of a unit with that association with a copy of the notice which was sent to the owner. These changes are clarifications of procedures under the civil procedure section governing termination of lease and possession of condominium. The cause of action for termination and

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

73rd Legislative Day

May 31, 1997

possession already exist, there are no changes with that. This is an initiative of the Condominium Arm of the Chicago Bar Association. And I would encourage an 'aye' vote."

Speaker Lang: "The Lady moves for the adoption of the First Conference Committee Report, to Senate Bill 408. Representative Cross, is recognized."

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

Speaker Lang: "The Lady yields."

Cross: "Representative, is this the Bill that we hotly debated in Judiciary this morning?"

Feigenholtz: "The very same, Mr. Cross."

Cross: "Now does this Bill require all condominium owners to wear helmets, in their condos?"

Feigenholtz: "Only during night baseball games."

Cross: "Oh really. I didn't read that part of the Bill. We're a little confused on the legal aspects of this Bill, could you go over those one more time for us, Representative? We're not really quite sure what's in the Bill."

Feigenholtz: "Not a problem."

Cross: "Representative, there's no opposition to this Bill is there?"

Feigenholtz: "No, not at all. This is a Bill that... this is a Bill that was being worked on in the Senate and it had absolutely no opposition, 100% support, and the Chicago Bar Association loves this Bill."

Cross: "Is this the Bill you've been working with Senator Cullerton on, did you say?"

Feigenholtz: "I believe that's true, yes."

Cross: "You're not worried about the obvious constitutional problems with this Bill, you wish to ignore those?"

Feigenholtz: "Absolutely."

Cross: "Oh, okay, well that's fine. Well, if you wish to pass it

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

73rd Legislative Day

May 31, 1997

I'm sure we'll go ahead and support it. Thank you, Representative."

Feigenholtz: "Thank you, Representative Cross, it's always a pleasure to answer your questions."

Speaker Lang: "And the Chair was actually looking forward to hearing Representative Feigenholtz explain the legal ramifications of the Bill. Seeing no further discussion, the Lady moves for the adoption of the First Conference Committee Report, to Senate Bill 408. This is final action. All those in favor of the passage of this Conference Committee Report shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 114 voting 'yes'; 2 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 408. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Art Turner. House Bill... Senate Bill 521, Representative Turner. Out of the Record. Representative Fritchey, on Senate Bill 574. Representative Fritchey."

Fritchey: "Thank you, Mr. Speaker. Senate Bill 574 is the administrative adjudication which would allow for the City of Chicago to, basically, have administrative hearings on municipal violations, other than traffic violations. The Conference Committee Report combines some language, which was arrived at after lengthy discussions between the City of Chicago and the realtors and other interested groups. This is a very good Bill and I'm happy that we reached consensus on this and would ask for the adoption of the First Conference Committee Report."



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

73rd Legislative Day

May 31, 1997

Speaker Lang: "You've heard the Gentleman's Motion. For a discussion, Mr. Black."

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

Speaker Lang: "The Gentleman yields."

Black: "Representative, as best I recall, I voted for an administrative adjudication Bill sometime ago for the City of Chicago so that they could handle parking tickets in a more judicious manner. I think I've regretted that vote more than any vote I've made down here because it really took, particularly in the infamous downstate parking tickets, it took away some judicial review and due process. So, you're now expanding administrative adjudication. What due process protections are in here?"

Fritchey: "The due process protections that are in here, and these were expanded, again, at the request of certain interested groups with respect to.... there are notice provisions put in to the respondents. We have protections put in with respect to the qualifications of hearing officers, that they have to be attorneys, as well as, you have obviously your appeal protections from any finding of the hearing officer."

Black: "Okay, if you can.... and I apologize, but just very quickly, if you can walk me through a time line. Who files a notion... excuse me, who files a notice of violation or whatever? That would be a code officer?"

Fritchey: "The notice would be filed by the municipality, in this case, by the city, and would be served upon the respondent. There would be a date and time set for a hearing."

Black: "Okay."

Fritchey: "The respondent could then come into the hearing, before the hearing officer. It requests discovery if that

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

73rd Legislative Day

May 31, 1997

be appropriate in the matter. If we needed to try to subpoena individuals or documents, that, too, could be done. A hearing would be held, and following that hearing, if there would be the imposition of a fine, which has now been capped, and if there was a contest to the finding of the hearing officer, then that, of course, could be appealed to the Circuit Court."

Black: "Okay, what is that cap on the fine?"

Fritchey: "I believe now that cap is \$50,000."

Black: "All right. Now..."

Fritchey: "And... Representative, if I may, with respect to the Vehicle Code, which I probably didn't do a good enough job pointing this out, this administrative adjudication Bill does not apply to the 'P' tickets, to parking tickets, or to any type of moving or vehicular violation."

Black: "No, I understand that. Yeah. I understand that. It's just that administrative adjudication process on parking tickets has come back to give me some grief on occasion. What's the time line from the violation being filed or mailed or notice given to when the respondent must respond? Ten days...?"

Fritchey: "There's at least seven days."

Black: "Okay. Can the respondent bring legal counsel to the hearing?"

Fritchey: "Absolutely."

Black: "Okay."

Fritchey: "But one of the advantages, I mean, let me say this because this is something that is lost on some people, though I'm sure not yourself, is one of the advantages to the administrative proceeding rather than the court, is that it actually saves time and money for respondents that they feel that it is not something that warrants the hiring

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

73rd Legislative Day

May 31, 1997

of an attorney. Somebody is going to be, I think, less intimidated coming into City Hall for an administrative hearing as they would going to Circuit Court where they may feel more compelled to have to bring an attorney in with them."

Black: "Okay, this only applies to the City of Chicago, is that correct?"

Fritchey: "This was... this applies to Home Rule units. It was originally all the municipalities, then it was scaled down to Home Rule units, then the City of Chicago. Now, it's back to Home Rule units again."

Black: "Okay. All right. Okay, I've always been somewhat intimidated going into City Hall in Chicago. It's a.... there are more people work there than live in my home town. But, be that as it may, if at any time in the process or at the end of the hearing process, do I have recourse to the courts?"

Fritchey: "Following the hearing?"

Black: "Yeah, if I don't like the hearing officer's verdict or decision, I guess would be a better word, would I then have recourse to the courts or do I surrender that right when I go into the administrative hearing process?"

Fritchey: "No, no, absolutely not. You still have the ability to appeal the finding of the hearing officer to the Circuit Court."

Black: "All right. Okay, thank you very much, Representative."

Speaker Lang: "Further discussion? Mr. Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Durkin: "Representative, what have you done in this Conference Committee Report with respect to the hearing officers? Have you changed the qualifications for these individuals?"

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

73rd Legislative Day

May 31, 1997

Fritchey: "At the request of the State Bar Association."

Durkin: "I'm sorry, I can't hear you, could you speak up?"

Fritchey: "At the request of the State Bar Association and some others, there is now a requirement, in addition to undergoing a training course, that all the hearing officers must be licensed attorneys in the state."

Durkin: "Is there any requirement that these hearing officers, I mean, what's the years of practice which is required for each one of these hearing officers?"

Fritchey: "At least three years."

Durkin: "Okay, is there any requirement of any type of continuing education for these hearing officers once they have been appointed to this position?"

Fritchey: "There's not a continuing education requirement. There's a requirement that they complete a formal training program, which would include instruction on procedural rules, orientation on the subject matter, or the code violations that they will be hearing. They have to observe and undergo... just going through some hypothetical hearings as well as observe actual administrative hearings."

Durkin: "I have a question regarding the subpoenas. How will the subpoenas be served? Is this going to be through the mail or does it have to be personal service?"

Fritchey: "I believe that subpoenas can be served either through mail or personal service right now. But before I say that, let me follow this up. Representative, if you have any other questions that I could attend to address while I'm looking up the answer to that one, I'd be happy to do so."

Durkin: "Sure, what's the limit for fines under this Act, under this Conference Committee Report?"

Fritchey: "There originally was no limit. It's now been set at

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

73rd Legislative Day

May 31, 1997

\$50 thousand. But I think as a practical matter, the majority of cases that you are going to see come through this process, are probably going to be under a couple thousand dollars."

Durkin: "I'm kind of curious why we've set \$50 thousand at a limit when we're going to be allowing hearing officers to adjudicate municipal violations. What types of violations would you envision would perhaps reach that threshold?"

Fritchey: "Perhaps, perhaps more than anything else, perhaps building violations, property damage issues, things along those lines."

Durkin: "Let me just envision another situation. This does not apply to Vehicle Code violations, correct?"

Fritchey: "Correct."

Durkin: "If you have a situation where a police officer will issue some type of Vehicle Code violation, however, accompanying that offense there is a municipal violation, how are those two issues going to be handled and where?"

Fritchey: "If it was, if it was a ticket that was written as a ordinance violation or a code violation by a police officer, those violations are still going to wind up in the Circuit Court."

Durkin: "My only concern about that is that perhaps maybe this municipal offense may be what they refer to as a lesser included offense, therefore if the lesser offense is adjudicated prior to the vehicle code violation, that subsequent prosecution would be denied under double jeopardy. Now, I'm just kind of curious whether or not you envision there is going to be problems where you're going to have violations which are going to be addressed within the Criminal Code but you're also accompanying that offense, there could be a lesser included offense which is

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

73rd Legislative Day

May 31, 1997

going to be adjudicated at that lower level which may jeopardize the subsequent prosecution."

Fritchey: "No, again, if you have the type of situation where there's two offenses that are part and parcel of each other, and one of those is going to wind up in court anyway, by taking part of that out to go into the administrative process, that would really be duplicative and that's not the intention here. In that situation, the whole thing would be heard, I'm sure, in court before a judge."

Durkin: "That's one of the concerns I have. Maybe my argument may be tenuous at that point but getting back to the subpoenas, perhaps if an individual does not comply with that subpoena, who will enforce and what are the sanctions for an individual who does not comply?"

Fritchey: "Representative, I can't find this in front of me right now. With respect to any noncompliance with the hearing officer, that.... or to the orders of the hearing officer, the order could be in or by a hearing officer and that order is obviously could be appealed at a later point in time, too, with the Circuit Court."

Durkin: "Well, is there's no sanctions for an individual who does not comply with the subpoena, it seems like this is a toothless tiger. There's actually no sanction or any type of mechanism to require these people to comply with the subpoena."

Fritchey: "I think at that point it would still be within the realm of the hearing officer to order a sanction which he deems to be appropriate. There's no limit on what sanctions he could put in the Bill other than the monetary limit at the amount of controversy. But if he were to enter a default judgement or something along those lines

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

73rd Legislative Day

May 31, 1997

based on noncompliance with an order of the hearing officer then that would be your enforcement trigger that you could either comply with then or appeal from that."

Durkin: "Would these individuals perhaps who don't comply with the subpoena, would they be opening themselves up to some type of contempt of court violation?"

Fritchey: "Not contempt of court, failure to comply with the order of a hearing officer."

Speaker Lang: "Mr. Durkin, could I ask you to bring your questions to a close, Sir?"

Durkin: "I'm doing my best. Thank you very much. I'm not sure, did you respond... that first question I asked about, what type of services the the... are going to be appropriate? I don't know if you've received an answer on that yet, but..."

Fritchey: "There's not separate language with respect to service for the subpoenas, but service of the, of process of the violation. The Bill specifies that they be served with process in a manner reasonably calculated to give them actual notice, including as appropriate personal service upon the party or its employees or agents, service by mail or notice that's posted upon the property where the violation is found when the party is the owner or manager of the property."

Durkin: "I have one last question. Approximately how many of these hearing officers do you envision will be appointed in the City of Chicago?"

Fritchey: "I don't think that's been determined at this point. The city has created now a Department of Adjudication in anticipation of passage of this and I think that they are going to have to determine the amount of officers on hire based on the efficiency of this Act. If it works as

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

73rd Legislative Day

May 31, 1997

planned, I think they would like to expand this to whatever size is reasonable. This is something that would take a considerable burden off the court system in Cook County."

Durkin: "Okay, so actually this process is going to look very much like what is currently incurring in the City of Chicago with respect to parking tickets, correct? It's going to be that same type of hearing? Would you..."

Fritchey: "I... I think it is an enhancement from that. I think they've probably learned from that and they've tried to take the good parts of the process and improve upon the bad parts of the process and that's part of the reason that this Bill is now a Conference Committee Report rather than the Bill as it originally stood was that we've been trying to fine-tune this with the Bar Association, with the realtors, as well as with the city and other municipalities."

Durkin: "Okay, so the ISBA does not.... they are in favor of this Bill, of the Conference Committee Report?"

Fritchey: "I don't want to misrepresent they are a proponent. They are at a minimum neutral, but this is agreed language between all..."

Durkin: "Does anybody oppose this Conference Committee Report?"

Fritchey: "No, Sir."

Durkin: "Okay. Thank you very much."

Speaker Lang: "Mr. John Turner."

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

Speaker Lang: "The Gentleman will yield."

Turner, J.: "Representative, you may recall that I had asked some questions concerning the provision in the Bill that allows for a lien to be placed upon real estate based upon a finding by an administrative hearing officer rather than upon a judgement entered in a court of law. Has that



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

73rd Legislative Day

May 31, 1997

particular issue been addressed in the Conference Committee Report?"

Fritchey: "What we had done, what we had done was add language which was not in the original Bill and that was that the lien can be ordered by the hearing officer but before that lien can be enforceable, it needs to be recorded in accordance with Article 12 of the Code."

Turner, J.: "Well, I think when we passed it out of here the last time, it had to be recorded but question, then and still remains, is the lien a cloud upon title based upon the finding of an administrative hearing officer rather than upon a finding by a court of law?"

Fritchey: "It's a cloud upon title once it's recorded and the lien, the Act provides that it can be recorded upon the finding of the hearing officer, so yes."

Turner, J.: "So, as to that particular... what I see as a flaw in the Bill, so that particular flaw, and that's what I'll call it, I know you don't call it that, that is still in the Bill. Was not addressed in the Conference Committee Report?"

Fritchey: "That is correct. The issue was looked at again after you had raised it. It was looked at respectfully before you had raised it but again after you and I had discussed this issue and... to require the city or any Home Rule municipality to go to court to have a lien authorized by a judge after going through the administrative process, really renders the administrative process to be superfluous. What we're trying to do here is streamline the proceedings here both for the Home Rule municipality and the respondents. Trying to take a burden off of the court system by handling a lot of these offenses in an administrative hearing rather than having to go to court

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

73rd Legislative Day

May 31, 1997

for a graffiti offense or for a public urination offense, for a broken window offense, et cetera. If you were going to require us to take a... to have a finding made by a hearing officer and then go and have that finding ratified by a judge, it really kind of renders the act meaningless."

Turner, J.: "Well, I fail to see how it can be superfluous. It's my understanding that there is an appeal right to a court. Is that taken out of the Bill or is that still in the Bill?"

Fritchey: "No, that's absolutely still here."

Turner, J.: "I'm sorry, it is in it?"

Fritchey: "Yes, Sir."

Turner, J.: "All right, well if there is an appeal right to a court, my question before, and still remains, until that appeal right has been exhausted or until the appeal has actually been taken, why do we want to put a cloud on title? Why can't it wait until that period has run or until a court has, in fact, found that the administrative hearing officer's decision was correct? That is not superfluous, is it?"

Fritchey: "Again, as a practical matter, I don't believe that you're going to find the lien being immediately recorded. A fine is going to be imposed, if warranted. At that point, efforts will be made to have the respondent comply either with the provisions of the finding of the officer or to comply with the payment of the fine. If that is not done or if an appeal has been filed, the city is not going to want to waste its time or the respondents time by running to court to enforce a lien or by running to court to enforce a judgement that is still at issue. If there's an appeal pending, the city is going to be busy handling the appeal or trying to respond to the appeal or trying to

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

73rd Legislative Day

May 31, 1997

work out the appeal. I fully understand, and in all sincerity, I understand your concerns and in the theoretical, they are valid. As a practical matter, I don't think it's going to be a situation that's going to occur."

Turner, J.: "Well, as a practical matter, I think that most often it will not occur but there may be instances where it does occur and I really wish that could have been addressed because that's my problem with the Bill. It just strikes me as a fundamental fairness that the cloud on title would not be put into place by the recording of the lien on the real estate until such time as a court of review has had the opportunity to review the administrative hearing officer's decision or until such time as the appeal rights have run. And if they have not, obviously, been utilized by the person who's been found to have acted against the code... Oh, I just got a note here. But anyway, Representative, I do appreciate what you have done. I agree with most of the provisions. I just don't think that this provision is a correct... I wish it would have been addressed in the Conference Committee Report. Thank you."

Speaker Lang: "Further discussion? Mr. Parke."

Parke: "Thank you, Mr. Speaker. Nice tie, how are you today?"

Speaker Lang: "A pleasure to see you, Sir."

Parke: "Nice to see you in the Chair. Will the Sponsor yield?"

Speaker Lang: "The Gentleman yields."

Parke: "Just a couple quick questions, Representative. Where are you? Oh, I see. We sent this to the... you passed out of here with a very tight vote, if I remember correctly, wasn't it?"

Fritchey: "I don't believe it was that close. That's a relative determination."

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

73rd Legislative Day

May 31, 1997

Parke: "Okay, well, relatively speaking, what happened in the Senate?"

Fritchey: "Senate Bill 574 came out of the Senate, unanimously. And then when we tried take the... we tried to pass the identical version of 574 in its original form in the House and we were unable to do so, then we passed 574 out with the representation and understanding that we were going to try to fine tune this with the realtors and with the State Bar Association and we did that and the result of... lengthy and a voluminous exchange of correspondence and suggested language and writing and rewriting and rewriting, we wound up with this Conference Report. And this is truly a joint effort of all the interested parties."

Parke: "So, the realtors are on board?"

Fritchey: "Yes, Sir."

Parke: "How about the mortgage brokers?"

Fritchey: "Mortgage brokers have expressed no opposition. They are aware of the Bill. I discussed this with them. They never... they really did not express an issue one way or the other to the extent that there was a concern it will be that a lien will not be found to be effective unless it was recorded and that's the language which Representative... which the previous speaker and I were just discussing and that... that language has been put in that the lien is not effective now unless it's recorded and so it's now in accordance with Article 12 of the Code of Civil Procedure."

Parke: "So, as far as you're concerned, from your understanding, from your understanding, there's no opposition to this?"

Fritchey: "Yes, Sir. That's my understanding and representation."

Parke: "Thank you very much."

Speaker Lang: "Representative Lindner. Representative Lindner."

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

73rd Legislative Day

May 31, 1997

Representative Lindner does not wish to speak. Mr. Fritchey to close."

Fritchey: "Thank you, Mr. Speaker. I appreciate the questions and concerns. This, as I said, and I don't mean to be redundant, this Conference Committee Report is the product of considerable effort and revisions through the realtors, through the State Bar Association, through the city. This is a good Bill that is going to be of considerable value, both to Home Rule municipalities that take advantage of it, as well as the respondents that have to answer in accordance with it. And accordingly, I ask for the adoption of the First Conference Committee Report."

Speaker Lang: "The Gentleman moves for the adoption of the First Conference Committee Report to Senate Bill 574. This is final action. All those in favor of the Motion shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 75 voting 'yes'; 39 voting 'no'; 0 voting 'present'. I'm sorry, 79 voting 'yes'; 39 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report to, Senate Bill 574. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 228, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I wish I could stand before you today and say that this Bill was a balanced billing Bill that was agreed between labor and commerce, but it's not. This Bill is an agreed Bill, however, it simply sets up a procedure where out-of-state companies coming into Illinois to do business would have to pay the in state workers comp rate and not

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

73rd Legislative Day

May 31, 1997

the rate from the state of origin. A lot of times those rates are very much lower than ours and it sets up an unfair advantage for those companies against Illinois companies. So, this Bill is agreed to. Labor, commerce have to agreed to this Bill. Makes a small change in Workers' Comp Act. And I would ask for your support in the adoption of First Conference Committee Report."

Speaker Lang: "The Gentleman moves for the adoption of the First Conference Committee Report, to House Bill 228. Mr. Parke is recognized."

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

Speaker Lang: "The Sponsor yields."

Parke: "Representative, in other words you're saying that the underlying Bill was changed. This Amendment added in and now makes the Conference Committee completely different than it was, originally?"

Brunsvold: "Yes, and I was hoping that we could get a balanced billing agreement this Spring, but that's not going to happen so the Bill was totally stripped and Senator Lauzen has come to an agreement with business labor sitting down to this provision, a small provision really, but important as far as setting up the rates for out-of-state contractors."

Parke: "Right, so this is not... this is not a vehicle, this is the final form. We wish to pass it to the Governor with this Amendment... making this Conference Committee. Actually, in essence, says that out of state contractors, that do business in Illinois, must pay the same fees that the in-state contractors get."

Brunsvold: "Absolutely. That gives the level playing field for the Illinois contractors."

Parke: "So, it's competitive. It was brought to you by the

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

73rd Legislative Day

May 31, 1997

Illinois Contractors' Association?"

Brunsvold: "Yes, absolutely."

Parke: "And, as far as you know, there is no opposition to this?"

Brunsvold: "I know of no opposition to the Bill."

Parke: "Then I rise in support of this legislation."

Speaker Lang: "The Gentleman moves for the adoption of the First Conference Committee Report, to House Bill 228. This is final action. Those in favor of the Motion, shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report to House Bill 228. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Senate Bill 730, Representative Wait. Representative Wait. Mr. Wait."

Wait: "Yes, Ladies and Gentlemen of the House. Senate Bill 730 here does a few things. First of all it allows the local tourism people to put signs up along the road similar to what we're doing along the state highways. Also, it allows for a towing problem to be clarified where there secondary market are towing and not picking along the road for an accident. Thirdly, it allows for when a company takes possession of a... personal property here in the State of Illinois and then carries it to their own offices, they will not be double taxed on it. And finally, it says that for it clarifies a document fee on auto installment loans. Would be happy to answer any questions."

Speaker Lang: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I rise in support of the Gentleman's Motion to adopt the First Conference

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

73rd Legislative Day

May 31, 1997

Committee Report. Everything in this Conference Committee Report passed out of the House, I don't want to say, unanimously, but I think each of the provisions got a substantial number of votes. There seems to be some concern in the Bill about a little, a little provision that I had asked to be included for a constituent of mine. Now, I'm not sure that this opposition is based on the merits of what I've asked to put in the Bill. In all honesty and due respect to my colleagues, the opposition to what I have in here is in retribution for a vote I made about two days ago. Now, if the, if the concerned parties had come to me and said, 'We didn't like the vote you made on Education and, therefore, you can either take this out or we'll take it out in the Senate.' I would have acquiesced. I would of said, 'I understand that. I know what political retribution is, that's fine.' But no, no, people here today anymore can't come to you and just look you in the eye and say, 'Look, we've got a problem with you. So, you take this out of the Bill or we'll kill the Bill.' Now, if they would have come over and said that, I would have taken it out of the Bill. Oh no, they've got to generate and gin up some weak excuse about they don't understand what it does. And so I'm going to stand here and tell you what it does on behalf of a constituent of mine. Those of you who are environmentally sensitive, you have a lot of auto recyclers and salvage yards and they go from tow truck operator, or to a junkyard, or a police station and they pick up wrecked automobiles. They winch them on a flatbed truck, they haul them to the salvage yard where they either will rebuild them or scrap them out. They are not a tow truck but my constituent was stopped by a State Trooper, who said a tow truck, is a tow truck, is a tow truck.



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

73rd Legislative Day

May 31, 1997

Well, I don't think so, and where are you going to put on this flatbed a garbage can, a broom, a shovel, et cetera, et cetera. So, that's what supposedly makes this Bill a bad Bill. Everything else in the Conference Committee, tourist oriented signs, the UPS provision, everything else in the Bill passed out of this Chamber with about 100 votes. So, you make up your mind how you want to vote on it. I know how I'm going to vote on it. I'm going to vote 'aye'."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner. Representative Brunsvold, in the Chair."

Skinner: "Mr. Speaker, I wonder if the Sponsor would yield for a question?"

Speaker Brunsvold: "The Sponsor yields."

Skinner: "The signs that are tourist related business signs, could this be a sign on a state highway pointing to a downtown?"

Wait: "This would only apply to local roads, in other words, township and county, because we already have this on state highways."

Skinner: "Oh. Thank you."

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

Moore, A.: "So, the road district highway commissioners would... do they currently have the authority to place signs along township roads?"

Speaker Brunsvold: "The Gentleman yields."

Moore, A.: "To Representative Wait."

Speaker Brunsvold: "Mr. Wait."

Wait: "What was the question?"

Moore, A.: "Mr. Speaker, will the Sponsor yield for a question?"

Speaker Brunsvold: "The Sponsor yields."

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

73rd Legislative Day

May 31, 1997

Moore, A.: "Representative Wait, do township highway commissioners currently have the authority to place signs along local highways?"

Wait: "Yes, I guess they do."

Moore, A.: "And do these... will these signs... could these signs ever be construed as to be bill boards?"

Wait: "No, I don't believe so. These are similar to the ones that we now allow along the interstates, you know, saying their restaurant or gas this particular area, turn here."

Moore, A.: "So, but is there some kind of a size restriction?"

Wait: "Yes. The state has the rules and regulations that they would have to comply to. They would be basically the same ones that the state complies to, currently."

Moore, A.: "So, what sizes are those? I mean, what would be the maximum size sign that could be used for this purpose?"

Wait: "It's on the uniform manual on signs, is what it is, that's adopted, I guess throughout the country. And IDOT has adopted them in the State of Illinois. So, it would have to conform to those."

Moore, A.: "And so, but I'm, I'm envisioning a toll road sign with a big billboard next to it and that would... that fits into the uniform code according to toll roads. But I don't really have an idea what size this would be, if you could just give me a hint."

Wait: "Have you seen them when coming down on the interstate, you know, when they say Amoco, or McDonalds, or some sign. You have a board there and then on the board I think you can have up to maybe six different logos. So, it would be like, you know, a Shell logo, or something like that. The logo itself, I believe, is, maybe, two by two, two feet by two feet. It might not even be that big, actually."

Moore, A.: "Okay. So, you would suggest it wouldn't be any larger

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

73rd Legislative Day

May 31, 1997

than two by two?"

Wait: "Right. The individual logos right."

Moore, A.: "Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Cook, Mr. Art Turner."

Turner, A.: "Thank you, Mr. Speaker. Will the Gentleman yield for a question?"

Speaker Brunsvold: "The Gentleman yields."

Turner, A.: "Could you briefly explain the UPS provision in this legislation?"

Wait: "Yes, right now UPS buys their, their forms, Wallace Forms, which is an Illinois manufacturer and they take possession of these forms and then they put them on their own trucks to distribute to their own outlets. And what we were doing here in Illinois, we are taxing them here and then once they go to the other states and is the final destination, they're taxing them a second time. And certainly, they should not be taxed twice on these, you know, final retail sales. So, this just allows them exemptions so they would not be taxed twice. We currently have this for railroad stocks, also."

Turner, A.: "Is there a revenue loss to the state as a result of this legislation passing?"

Wait: "Yes, first the Governor and the Department of Revenue were against this, but now they have signed off on it and I think they're talking about potential revenue loss, could be somewhere between \$50, \$60 thousand. Like I say, what they're actually doing is taxing them twice and the other states are not allowing them a credit. If we were going to tax them here then the other states, at least, should allow a credit for them but the other states will not allow a credit for them."

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

73rd Legislative Day

May 31, 1997

Turner, A.: "Is this... would one describe a very important piece of legislation for UPS?"

Wait: "Well, they think it's only fairness that they don't be taxed twice on these forms."

Turner, A.: "And the other parts of this legislation deal with, as the earlier discussion was held, the posting of signs on highways? And then there's the one provision, that Representative Black wants, regarding tow trucks. And those are the only items in the Bill, am I correct?"

Wait: "Yes, yes, it's only those four items, right."

Turner, A.: "If Representative Black's provision was out of this legislation... if Representative Black's provision remains in this legislation and the Senate decides to handle this Bill as they did earlier and this Bill goes down, will this be, pretty much, the last shot in terms of the other three components, am I correct? In terms of the UPS, the... what the counties want regarding signs, and the other provision?"

Wait: "Well, we're hoping the Senate will see the light and accept these four provisions."

Turner, A.: "Have you any reason to believe they will or will not support it with all five provisions?"

Wait: "Well we never know what the Senate is going to do, of course."

Turner, A.: "Well, the only reason I rise is that I'm concerned, especially, about the UPS provision. And I'm wondering if a Second Conference Committee drafted, with the piece that Representative Black is interested in is removed, would it be, I think, better served by us in this Chamber to try to address what I consider probably three important aspects of this legislation? I guess the question that I'm asking, and I want to reluctantly rise to not support Conference

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

73rd Legislative Day

May 31, 1997

Committee #1, is that, and nothing against Representative Black because we have worked together on numerous pieces of legislation, is that if there is some retribution on his side of the aisle because of, what I consider, an extraordinarily brave move on his part, and only not only brave, but the correct move regarding education funding, should we not let everybody have to pay the price. And for that reason, I reluctantly rise to support it because I would like to see the Conference Committee redrafted with as many road blocks eliminated as possible. And so, I would urge our Members on this side of the aisle to not adopt Conference Committee Report #1, so that a Second Conference Committee can be appointed. Thank you."

Speaker Brunsvold: "The Lady from DuPage, Representative Biggert."

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

Speaker Brunsvold: "The Sponsor yields."

Biggert: "In the portion of this Bill, which deals with the signs on the local roads, according to the Bill, local authorities have the authority to sell or lease space to... to businesses who are involved in tourism?"

Wait: "Yes, yes, the local authorities would have the ability to do that."

Biggert: "Is... does that also give the local authorities the right not to have any signs put up? Or is that mandatory?"

Wait: "Yes, this would be completely permissive, if they don't choose to sell them, then that would be up to the local authority. This is strictly permissive, does not mandate that they sell them."

Biggert: "Well, this is for local roads, are we talking about two-lane highways, are we talking about just a road in a

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

73rd Legislative Day

May 31, 1997

community?"

Wait: "This would be township and county and I suppose city roads, also. So it would be strictly left up to the individual local authorities to decide which roads they would want to put them on. But they would have to conform with the manual, with the state manual, and I'm not sure, you know, what the state manual if that says on arterial, you know, city roads, I'm not sure. But it would have to comply with the state manual."

Biggert: "Well, if they have the authority to sell or lease space on these signs, and let's say there's five businesses involved and they all want to, so called, advertise on these signs on a local road, how big are these signs?"

Wait: "Well, like I say, on the interstate I believe you can put like six of these logos on the one board and so whoever gets there first, and if you get the six there then, then the first ones that come would be the first ones to get their sign up."

Biggert: "I can understand a sign on the, on a highway road but for a local road, would they be as big as what could be on a major highway or interstate?"

Wait: "Well, for example, in my area I know we've been trying to get signs for a long time for... and we have the Edwards' Apple Orchard and people come out there from the suburbs and have no way to find it. This way we would be able to locate it for the apple orchard and then we have a halloween place. Anyway, for different functions that... then they wouldn't have to stop all along the way and ask how to get there. It' a matter of convenience for the people. And again, it's up to the locals, if the locals don't want the signs, they don't have to put them up."

Biggert: "All right. Are you envisioning, for example in your

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

73rd Legislative Day

May 31, 1997

case, of the apple orchard having several signs going through the community then, directing that this is the way to the apple orchard?"

Wait: "Yes. It would probably be like from our toll way, which is probably five or six miles away, there would probably be three or four main signs directing it."

Biggert: "And who sets the fee or the cost of the advertising on these signs? Is that done by each local community?"

Wait: "Yes. Each local would do it, but it would also have to tie in and be in compliance with the manual, state manual, and I believe the state manual sets a maximum."

Biggert: "Have you heard from any municipalities? Are municipalities in favor of this?"

Wait: "I have not heard anybody complaining about this and I do know there has been a lot of demand out there because I've been trying to work on this issue for the last five or six years."

Biggert: "Have you heard from any, like the Municipal League or anybody that..."

Wait: "This is the county engineers' Bill and I guess it's fine with the Municipal... Municipal League."

Biggert: "Have you heard from any counties that are opposed to this?"

Wait: "This is the counties Bill, by the counties engineers."

Biggert: "By the counties engineers, you mean the engineers throughout the state, of all counties?"

Wait: "Yes."

Biggert: "All right. Thank you."

Speaker Brunsvold: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. If the Sponsor would take the Bill out of the record and somebody from the Senate, even the staffer would come over and tell me of my

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

73rd Legislative Day

May 31, 1997

transgression, I'll remove my constituent's request. I don't want to endanger the material in there for UPS or anybody else. If the Sponsor would be kind enough to take it out of the record and anybody from the Senate would come over and tell me that I'm a bad boy, I'll accept my punishment, and I'll have that removed from the Bill, so the good parts of the Bill, regardless of what my constituent wants, I'll take that out, and the good parts of the Bill can pass."

Speaker Brunsvold: "Mr. Wait, your..."

Wait: "Yes, in deference to my leader here, I would ask that this be taken out of the record."

Speaker Brunsvold: "The Gentleman takes the Bill out of the record. On Concurrence Calendar appears House Bill 223, Mr. Mautino, the Gentleman from Bureau."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I ask today for the adoption of Conference Committee Report #1 to House Bill 223. Most of these provisions have been voted on earlier in the year, passed out, unanimously. The provisions under the Bill, we have from Representative Woolard, the Mine Subsidence, which is the provision for the schools. We have Representative Cross' Employee Leasing which has now been agreed by all parties, including the employment companies, the IMA, the Management Association and that language is in this Bill. Representative Brady's language on the Insurance Exchange which has been agreed to and that just sets up for the restructuring of the Insurance Exchange and syndicates and the Guaranteed Fund. This language also passed out of here in House Bill 1552, unanimously. There's language in the Bill which has been agreed to by the State Bar, the Trial Lawyers and that deals with the valued of privilege of, the



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

73rd Legislative Day

May 31, 1997

self valued of privilege of the work product of insurance companies' compliance units. That's been signed off on. I know of no opposition and be happy to answer any questions. I simply ask for an 'aye' vote."

Speaker Brunsvold: "And on the question, the Gentleman from McLean, Mr. Brady."

Brady: "Thank you, Mr. Speaker. I stand in strong support of the Bill. The Sponsor's worked hard. I ask for your 'aye' vote."

Speaker Brunsvold: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "Yes, I wonder if the Gentleman could explain what is being done with leased employees?"

Speaker Brunsvold: "The Gentleman yields."

Mautino: "Just getting to the dot points. This is Representative Cross' Bill. Okay. This is going to require that the employee, it sets up a new Act is going to require that the leasing companies register with the departments and disclose certain information. The leaser has to provide all the information to the department once every 12 months or when they finish up with a contract with one of the agen... with any of the agencies they're operating with. Policies would be issued in the name of the leasing companies and they would provide for some specific information as to the clients and they would have specific endorsements in there. Do you have any questions as to the negotiations? Or what directly are you looking for, Representative Skinner?"

Skinner: "Well, if a company decides to go from leased employees to having its own employees again, will the company take out the Workers' Comp. Rate that the leased employees had?"

Mautino: "I don't see anything directly impacting that. I know that's one of the discussions that went through in

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

73rd Legislative Day

May 31, 1997

Representative Cross' negotiations with the IMA. I believe they have resolved that but it's not specifically stated in the analysis."

Skinner: "Thank you."

Speaker Brunsvold: "The Gentleman from Winnebago, Mr. Scott."

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

Speaker Brunsvold: "The Sponsor yields."

Scott: "Frank, how is this last provision with regard to the leasing employees different than what was in the original Bill that passed out of here. I believe it was Representative Cross' Bill. Is Mr. Cross available?"

Speaker Brunsvold: "Mr. Cross."

Cross: "Yes."

Speaker Brunsvold: "Mr. Scott has a question regarding this Bill."

Cross: "I don't, not a Sponsor of the Bill but what do you want to know?"

Scott: "The employee leasing provisions that used to be your Bill and now it's part of this. Do you know what changes were made between the first Bill and this?"

Cross: "Had absolutely no idea that the employee leasing was in this Bill. Had nothing to do with the negotiations. I'm sorry, I... if Frank says that there's no opposition, I completely trust him and for that reason alone I'm going to vote for the Bill because I know he wouldn't mislead anyone in this Chamber and I know he wouldn't mislead you, Representative Scott, so I'm with Frank."

Scott: "I'm sure he wouldn't."

Speaker Brunsvold: "Mr. Mautino to answer the question."

Mautino: "Just lovely, okay. I think that the... well, to give you an idea, we did some testimony in committee today and the organizations that came out and that were actively

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

73rd Legislative Day

May 31, 1997

involved in negotiating this that had opposed it in the past. The Insurance Information Service they are not opponents now. They are in favor of the Bill. The American Insurance Association, CNA, the Employment Law Council, and the Illinois Manufacturers' Association along with the Midwest Association of Professional Employers and that would be the temporary and the employee leasing organizations. I think one of the questions was, were there going to be individual policies that were going to be required. That was the main question involved in this and I believe that is no longer part of this."

Scott: "So, yeah, because that was the main contention..."

Mautino: "That was the main contention on it and I believe that's what's been negotiated."

Scott: "...was whether or not they were going to require individual, continue to require individual policies and this would say, 'no', in essence?"

Mautino: "That's my understanding."

Scott: "Okay, great, thanks."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Bureau to close. Representative Mautino to close."

Mautino: "I just appreciate the work of all the Sponsors, the different pieces involved in this legislation and simply ask for an 'aye' vote."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 223?' 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 118 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. And

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

73rd Legislative Day

May 31, 1997

the House does adopt the First Conference Committee Report to House Bill 223 and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of Senate Bill 9?"

Clerk Rossi: "Senate Bill 9 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Burke, has been approved for consideration."

Speaker Brunsvold: "The Gentleman from Cook, Representative Burke, on Floor Amendment #1."

Burke: "Thank you, Speaker. I'd like to withdraw Floor Amendment #1."

Speaker Brunsvold: "The Gentleman withdraws Floor Amendment #1. Further Amendments?"

Clerk Rossi: "Floor Amendment #2, offered by Representative Burke."

Speaker Brunsvold: "Representative Burke, Floor Amendment 2."

Burke: "I would move for the adoption of Floor Amendment #2."

Speaker Brunsvold: "On that question, the Gentleman from Cook, Mr. Parke."

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative Burke, did this Bill left the Senate with how many votes?"

Burke: "I believe it was unanimous, Representative. It may have been 56, with no dissenting. Fifty-four, I beg your pardon, 54 votes."

Parke: "There were any 'no' votes?"

Burke: "No 'no' votes."

Parke: "Okay. Do you know of any known opposition to the Bill now?"

Burke: "There was originally, and Floor Amendment #2 would

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

73rd Legislative Day

May 31, 1997

address the concerns of our Members in the House Committee that considered the Bill originally. It has to do, and I certainly understand the nature of the Amendment, amending the Electronic, the Obscene Phone Call Act. This would deal with the subject of those who would intend to harass individuals, via the use of computers or other electronic devices. There was language in the original Bill that this Amendment would address, that would call for the confiscation of the equipment that was used to harass individuals. Our Members were concerned with that language. And now, as a result of negotiations between the Attorney General and the Illinois State Bar Association, we have come to agreeable language that will remove any reference to the confiscation of these electronic devices. And I believe the new language would resolve the concerns that our Members had and articulated in the committee. And everyone is now in agreement."

Parke: "In the past we've done things like this and we've gotten opposition from the Private Detectives Act. Do you know if this is any problem for them? Or has that been brought to your attention in any way?"

Burke: "I know of no opposition to the Bill other than what the State Bar Association had indicated originally. And now with Amendment #2, their concerns are addressed. And as I said, I believe all parties that had been previously interested in the legislation have come to an understanding. And through the negotiated Amendment, all parties have their concerns addressed."

Parke: "And you know of no known opposition?"

Burke: "I know of no opposition at this time."

Parke: "Thank you very much."

Speaker Brunsvold: "Further discussion? The Gentleman has asked

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

73rd Legislative Day

May 31, 1997

for the adoption of Floor Amendment #2. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Phelps."

Speaker Brunsvold: "The Gentleman from Saline, Representative Phelps, on Floor Amendment #3."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Amendment #3 to Senate Bill 9 is a different attempt to address obscenity in the state. This is a compromise version that does not address a county's standard. This adds language that will address on a statewide standard. Expands... presently, the statute has to pass a three part test to determine if a violation of obscenity has occurred. And that is covered in the Miller v. California. And so, we're expanding the second part test by adding bestiality to the examples of offensive, patently offensive conduct. We also changed the statute in trying to deal with affirmative defenses. This provides that libraries and other institutions that deal with legitimate scientific and educational purposes provide material, is not provided to a child under 18 years old is defended, protected in this. Also, currently, we know that the Illinois Statute that deals with obscenity, includes another affirmative defense. One I just stated. We are changing the word 'children' to 'a child', as well as, the language that refers to under 18 years of age, that I just covered, mainly so that we could deal with someone who violates this code that would, in fact, refer to a child, and not plural, that presently is in the language under children. Essentially, that's it under the definitions that is currently covered in the code. We've expanded,

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

73rd Legislative Day

May 31, 1997

like I said, the patently offensive language to bestiality. Be happy to answer questions. This is not opposed by the libraries, the motion picture industry is not opposed to this. So, I'll be glad to answer your questions."

Speaker Brunsvold: "The Gentleman's moved for the adoption of Floor Amendment #3. And on that question, the Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, a few questions if I might. When I get home, whenever that is, a day or two, a week or two, I'm not sure, probably the only person that's going to be happy to see me is my dog. That's why I have a dog. Dog doesn't care how I vote. Dog's always glad to see me. And, you know, I'm going to bend down and I'm going to kiss that dog. Now, under this Amendment am I in trouble? Am I going to get in trouble if I kiss my dog?"

Phelps: "Mr. Black, is this that same dog that was looking for that Bill?"

Black: "What?"

Phelps: "Is this that same dog that was looking for that Bill the other day?"

Black: "This is Emilou, this is my hunting dog."

Phelps: "I hope that this passes a three-pronged test before you kiss the dog. But, take a cold shower before you address this, will you?"

Black: "So as far as you know, if I show affection toward my dog, depending on how far I go in showing that affection, I'm not going to be in trouble. Right?"

Phelps: "No, that would not be covered in this Bill. I think

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

73rd Legislative Day

May 31, 1997

you're fine, protected."

Black: "Okay. Is the... What's the position of the Farm Bureau on this Bill?"

Phelps: "I really haven't discussed this Bill in context of farmers."

Black: "Well, you know, there are several, you know, Representative Woolard and I have worked for years on the flightless bird industry, ratites, and emus, and ostriches. There's all kinds of agricultural implications in this Bill. Have you heard from any shepherders?"

Phelps: "Mr. Black, I'm not sure where we're going with this, but, no I haven't, I haven't heard from any shepherders."

Black: "Well, let me ask you a serious question now."

Phelps: "I could call Saturday Night Live and talk to the goat boy, and see what he thinks about this."

Black: "Let me ask you a serious question. In your Amendment, you are not changing how obscenity is defined. You're not going to a local standard in the Amendment, are you?"

Phelps: "Definitely not."

Black: "Actually, all you're doing is defining material. You're defining..."

Phelps: "Essentially, more focused on clear definitions of prurient interest."

Black: "And, it's my understanding that the motion picture industry people have no objection with this Amendment."

Phelps: "That's right."

Black: "Okay. Thank you. Mr. Speaker, to the Amendment, if I might."

Speaker Brunsvold: "Proceed."

Black: "This may be a very baaad Amendment. But it may be a very goood Amendment. So I would like to, joined by the requisite number of people on whatever side of the aisle I



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

73rd Legislative Day

May 31, 1997

can get them from, I would like to request a Roll Call on this fine Amendment. And will probably vote my conscience, but I need to call my dog. So don't be real quick, will you?"

Speaker Brunsvold: "Thank you, Mr. Black. The Gentleman from Cook, Mr. Fritchey."

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

Speaker Brunsvold: "The Sponsor yields."

Fritchey: "Representative, you and I had spoken about this Bill briefly. I want to address a couple issues. While there is some superficial humor here, this is an important piece of legislation. And I don't mean that in a good way, unfortunately, if it were to pass. You went over the changes that the Bill makes and the language that the Bill adds. Let me take these in order that they come up in the Bill. With respect to the affirmative defenses, Subparagraphs 2 and 3 of the Affirmative Defense Section of the Bill, provides, and it says, an affirmative offense if the dissemination, in Subparagraph 2 was, in aid of a legitimate, scientific or educational purpose. And that's fine, and I commend that. But additionally, and it's not either/or, it's additionally you have to show as an affirmative offense that the material was not disseminated to a child under the age of 18 years of age. And what you're requiring a respondent to do in that case, is to prove a negative. For example, if some material was distributed to a medical school, and was in furtherance of an educational purpose, you now have to show that, that material was not distributed to somebody under 18 years of age. How are you going to prove that negative as an affirmative defense?"

Phelps: "When you refer to a negative what do you mean? The fact

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

73rd Legislative Day

May 31, 1997

that we just changed under age 18?"

Fritchey: "You require to show now that it was not disseminated to somebody under the age of 18. I can provide some materials to a medical school for a medical class, or some AIDS prevention materials."

Phelps: "That's for scientific and educational purposes, which we defined."

Fritchey: "But it's not just scientific and educational purposes, and I mean this with all due respect, the way this reads now is that it has to be for scientific and educational purposes, and not disseminated to somebody under the age of 18. If I provide some AIDS materials, or some sex education awareness materials to a high school, or to a college, it's not just enough that those materials were provided for an educational purpose. I have to show, and the only way I can establish my affirmative defense to this charge, was that that material was not given to anybody under the age of 18. I don't understand how I would be able to do this. I'm not asking this flippantly. How can I show that it did not wind up in the hands of somebody under the age of 18? That's what I mean when I say you're forcing somebody and requiring them to prove a negative. And I don't understand how they could possibly do that."

Phelps: "And you're talking about if this was in a court of law?"

Fritchey: "Yes, Sir."

Phelps: "Okay. The materials would have to, first of all, be agreed what's deemed to be obscene, before you get to the age question."

Fritchey: "We'll get to that."

Phelps: "I'd rather get to that first."

Fritchey: "I'll tell you what, let's backtrack, and let's get to what's obscene."

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

73rd Legislative Day

May 31, 1997

Phelps: "All right. Let's deem what's obscene."

Fritchey: "What you've done here in the definition of prurient interest. Prurient interest, and I want to quote because the language is important here, means 'an unhealthy, or abnormally lustful, or erotic interest, in nudity, sex or excretion.' The Supreme Court in the Brocket Decision, held that an erotic interest in nudity is not obscene. It does not say abnormally erotic interest. It says an erotic interest in nudity is not obscene. If I go into an art gallery, and there are some photographs there that result in a healthy erotic interest. Under this Bill, that piece of art, that photograph, that painting, that sculpture, is now obscene. And the proprietors of the art gallery, or wherever it might be, or the school, or the photo exhibit, are now going to be able to be charged under this statute. Isn't that correct?"

Phelps: "I believe that would be tested under what is the promise of serious literary, artistic material."

Fritchey: "Well, now it ties back in again to what I was discussing before. What if you have a 16 year-old...?"

Speaker Brunsvold: "Gentleman, Mr. Fritchey, are you discussing the Bill or the Amendment?"

Fritchey: "The Amendment. This is language right out of the Amendment."

Speaker Brunsvold: "All right. Proceed."

Fritchey: "If a 16 year-old were to go into a art gallery and, or a 17 year-old, and have an erotic interest as a result of something he or she sees in that art gallery, that material is now obscene under this Bill. Isn't that correct?"

Phelps: "That's right. It is not."

Fritchey: "It's not correct?"

Phelps: "It is not obscene under this Bill, as you described."

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

73rd Legislative Day

May 31, 1997

Fritchey: "Why is that?"

Phelps: "It's already been decided. It's in a public display. We don't say which age of kids come into this museum, where the artists painting might be on nudity. And that's the third prime part of this test."

Fritchey: "I've got to respectfully disagree with you here, though because...."

Speaker Brunsvold: "Mr. Fritchey, bring your questioning to a close."

Fritchey: "I'm trying to, but this is an important issue here."

Phelps: "Mr. Fritchey, we didn't change the third prong test of this on page 2."

Fritchey: "The material is obscene if the average person finds it appeals to the prurient interest. Prurient interest is then defined as anything that results in an erotic interest. So, therefore, the material is obscene if it has an erotic interest. The Supreme Court has held that an erotic interest is not obscene, that is not actionable."

Phelps: "But according to Miller v. California, you cannot isolate that point without testing it to the third prong, which that would be cleared serious artistic literary value."

Fritchey: "And was not disseminated under the defense, or you lose the defense. And, Representative, you have nothing but the best of intentions, and I understand that."

Phelps: "But you don't go to that defense unless it's determined to be obscene material. That's why I asked you to go to the obscene material definition."

Fritchey: "It will be determined to be obscene material if it appeals to an erotic interest."

Phelps: "Well, Mr. Fritchey, I think you bring up a good point. This is a circular argument, which brings us back to the

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

73rd Legislative Day

May 31, 1997

county standard, which I wasn't successful in getting passed earlier in the Session. So, this compromise says we'll set it on a statewide standard. What you're saying is coming back to what a state's attorney might determine to be a standard in this locale. Well, maybe that's true, but it's got to pass the three-pronged test. You can't isolate the second definition without considering the third, literary artistic value. That's where we disagree, probably."

Fritchey: "Thank you, Representative. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Fritchey: "Colleagues, please take note and pay attention to this Bill. What this Bill has really done is, rather than have a community standard, which could be violative of the constitution, is now going to result in a statewide standard, which is going to be violative of Supreme Court decisions in the Constitution. Under this Bill... As I said, the Sponsor has nothing but the best intentions. Under this Bill, if a material, or art, or sculpture, or photograph, et cetera, et cetera, et cetera, appeals to the prurient interest, which is then defined as erotic interest, it is going to be obscene. The Bill is unconstitutional. The Bill is a bad Bill, although not intended to be so. And I've made that point clear. This may not be what he is intending to do. But the way this Bill reads, it's a very dangerous piece of legislation. Please pay attention to it. It's going to put the whole state in a trick bag here of getting into an enforcement issue that it does not belong in. It's going to impinge on sex education issues, on AIDS education issues, on art issues. Please read what this Amendment does, and don't take it lightly. There's going to be a Roll Call on this

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

73rd Legislative Day

May 31, 1997

vote and you're going to be held accountable on how you vote for this. Vote 'no' on this Amendment."

Speaker Brunsvold: "The Lady from DuPage, Representative Biggert."

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

Speaker Brunsvold: "The Sponsor yields."

Biggert: "Representative Phelps, on page 3 of the Bill under 'Affirmative Defenses', and line 30..."

Phelps: "Mr. Speaker, I can't hear her. I'm sorry."

Biggert: "On page 3 of the Bill under 'Affirmative Defenses', on line 30, where it's added 'in aid of legitimate, scientific, or educational purposes, and was not disseminated to a child under 18 years of age.' What would happen if some child were to give their age as being over 18, and this material was disseminated?"

Phelps: "What would happen? I guess the child would be chastised for lying."

Biggert: "Well, then the institution or individual who gave out that material could no longer use that as an affirmative defense, and yet they would have no way of knowing that that child was under 18."

Phelps: "If they willingly did not participate in the story in which the youth was giving, as far as the age, why would they be held liable?"

Biggert: "But that's not what the statute says. It says they are regardless of..."

Phelps: "It doesn't cover your question, though, what if they didn't or did know. That's what I'm saying would be protected under the law, knowledge of."

Biggert: "Well, they would have to prove that it was not disseminated to a child under 18."

Phelps: "I don't really understand your example. Who would be

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

73rd Legislative Day

May 31, 1997

filing charges to the local state's attorney and saying this child lied and they got this material disseminated?"

Biggert: "No, they would be filing charges against the institution or individual who gave that material to the child. For example, such groups that do give educational materials to children for sex education. It could be Planned Parenthood, it could be somebody who does Sex Respect, or Robert Crown."

Phelps: "But, those would not be deemed obscene materials, obviously, they wouldn't be under educational definition, or purposes. So, you're assuming that the bad is already proven before you get to your other example. That's where it breaks down here."

Biggert: "Well, would they have to go in and make that defense? Let's say that the state's attorney decided that they thought that, that was obscene."

Phelps: "The state's attorney, or the present statewide standard wouldn't, under what I'm offering here, shouldn't be any different than what presently is imposed. And I don't think your example is, quite frankly, a good one. Because the material has to be deemed obscene, anyway."

Biggert: "All right. And then on page 5, and Representative Fritchey was talking about the erotic interest. Is this something that has been found in the language of other state statutes? Or is this something new in Illinois?"

Phelps: "Can you repeat that? I still can't hear her."

Biggert: "I'm sorry. On page 5 the erotic interest that you have on line 10, that Representative Fritchey was talking about. Is this found in other states in their statutes? Or, is this something new that's been added in the State of Illinois?"

Phelps: "This is not exact language that we've copied from any

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

73rd Legislative Day

May 31, 1997

other state, whatsoever. But other states will use something similar to this. But we don't have the exact language, no. But we feel this suffices for the Miller v. California test, the three-pronged test, abnormally lustful, or exotic interest, erotic interest, excuse me."

Biggert: "What is the definition of 'erotic'?"

Phelps: "We don't define that. That's what the trier effect is all about, I understand. If we did define that so specific, then there would be objections, the constitutionality. And that's where the circular argument comes in."

Biggert: "Okay. Could a movie, an R-rated movie be defined as erotic?"

Phelps: "I didn't hear that. I'm sorry."

Biggert: "Could an R-rated movie be defined as erotic?"

Phelps: "No, because it's supposed to have serious artistic literary value."

Biggert: "Okay. You've mentioned that libraries, the movie..."

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

Biggert: "The movie industry and the Press Association are neutral on this?"

Phelps: "Yes."

Biggert: "What about the cable industry, the Cable Association?"

Phelps: "I haven't officially heard from them. I would say they may be, I don't know if they're against it or not, but I would say they would lean against it. But I haven't officially heard that."

Biggert: "All right. What about the ACLU?"

Phelps: "I believe they are opposed."

Biggert: "What about Planned Parenthood?"

Phelps: "I have not heard from them in an official way either."

Biggert: "All right. Have you heard from anybody else?"



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

73rd Legislative Day

May 31, 1997

Phelps: "No."

Biggert: "Okay. Thank you."

Speaker Brunsvold: "The Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker, Members of the House. I rise in opposition to Amendment 3. Let's be clear, Amendment 3 poses two major changes to the existing laws on obscenity. And what we're talking about are clearly major changes. First, it unconstitutionally expands the definition of prurient interest to include an erotic interest in nudity or sex. And as we've heard from other speakers, that not only is too broad and hard to define, and way too large a net, but it's also been proven to be unconstitutional. Secondly, the Amendment guts the existing affirmative defense that's currently available to persons charged with the crime of obscenity. So these are all very important reasons that we have to look very carefully at this Amendment and vote 'no'. I think the former speaker talked about materials that would be developed, and how we are jeopardizing them. And I think that is a very, very important point to be made. In addition, this Amendment adds a requirement that a person charged with obscenity also prove that the material was not disseminated to a child under 18 years of age. This, when you think about it, this is an impossible negative to prove. So, if somebody who created materials and delivered them to medical schools, or teaching institutions, or things of that nature, they could not prove, or be clear on who obtained access to those materials. And this requirement would essentially adds an age element to the crime, would cause them to. And we're taking away the affirmative defense. So, I'm very concerned about this. And as the former speaker mentioned, different materials, it poses a

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

73rd Legislative Day

May 31, 1997

danger to the distribution of materials on sex education, on ways to prevent HIV prevention, and any kinds of materials that would be used in education, on how we prevent HIV would be seriously, seriously in question. If such material was a subject of an obscenity prosecutions, persons distributing the material would be unable to claim the affirmative defense that it was in aid of a legitimate, scientific or educational purpose. And they would have to prove that the material was not disseminated to persons under age 18. Often these persons are the target of such materials. And they're clearly the audience we want to reach out to when we're talking about these educational materials. So, I think this Amendment is clearly a major change, and a major shift. And you should look at this very, very closely and be aware of all of the ramifications and implications if this law, if this Amendment becomes law. So I would urge all of my colleagues to vote 'no' on Amendment 3."

Speaker Brunsvold: "The Lady from Cook, Representative Mulligan."

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

Speaker Brunsvold: "The Sponsor yields."

Mulligan: "Representative, you said that the Library Association and the Movie Association had signed off on this. But what about the cable people?"

Phelps: "I believe I said they were neutral, Representative."

Mulligan: "That's not what I heard. They've just said that they're against this Bill."

Phelps: "Well, are you listening? They are neutral."

Mulligan: "Well, Representative."

Phelps: "I didn't say they were for it. And I don't think you could say I did."

Mulligan: "All right. What about Planned Parenthood, or the

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

73rd Legislative Day

May 31, 1997

ACLU?"

Phelps: "And I said I hadn't hear from them officially."

Mulligan: "Unofficially do they have a..."

Phelps: "No, wait. Planned Parenthood, I hadn't heard from them officially. ACLU is against it."

Mulligan: "Okay. I'm concerned, actually when you say affirmative defense, you're assuming there are going to be lawsuits. And I assume that that's true, there will be lawsuits. If you have a sex education program in a school you're giving out literature to children under 18. And if some parent doesn't like that they can sue the school. Wouldn't that be the case? And could you tell me the legislative intent behind this?"

Phelps: "The legislative intent is clearly is in the second affirmative defense we provide protection to institutions or individuals having scientific or special justification for possession of material, as well as, we also define in the third defense, intent to protect materials designated by the institution or individuals."

Mulligan: "But my Amendment reads and was not disseminated to a child under 18. What good is sex education by the time the child is 18?"

Phelps: "The materials have to be deemed obscene under the three part test in Miller v. California. That's what you're not grasping evidently. You can't judge it to be obscene if they haven't been determined to be obscene. So, we're talking about a criminal code, not a parent filing some kind of objection."

Mulligan: "So, you're stating that you would assume that, for the most part, a normal sex education program in a school would not fall under this as being open to lawsuits?"

Phelps: "That is not our intent. Correct."

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

73rd Legislative Day

May 31, 1997

Mulligan: "So, you feel that they would still be open, even though it's not your intent, under this legislation if they are giving out any kind of material, that is a drawing, or defines anatomy that a parent may object to, under 18? I mean, most start in lower grades, fourth or fifth grade."

Phelps: "You know, we have a system where the parent may go to the school board in the instance you're giving, and object. But there is nothing in this that would open up the criminality of a threat to that teacher or school."

Mulligan: "It seems to me we've added just a really wide section and opened up a whole new area for people that want to legislate and have some control over everyone's thought process, and I can't understand why. It didn't seem to me that what we had on the books was not in effect as I felt before, the last time you brought a Bill such as this. But I do feel that it certainly leaves people who educate children under 18, in areas of either health or sex education, to be open to lawsuits under this. And I have a great concern over the changing of a standard that has been with us for some length of time."

Speaker Brunsvold: "The Gentleman from Washington, Mr. Deering."

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

Speaker Brunsvold: "The Sponsor yields."

Deering: "Representative, in the definitions that you're adding in the statute, when you come to material where it lists several different items, including it, but not limited to computer equipment software, cd's, stuff like that. Could this be construed as to equipment that individuals have in the privacy of their own home that now they can be convicted of a misdemeanor or felony?"

Phelps: "Absolutely not."

Deering: "I'm sorry, I didn't hear the answer."

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

73rd Legislative Day

May 31, 1997

Phelps: "No, absolutely not."

Deering: "So, there's nothing in this definition that says that if an individual is subscribing on, say, satellite television, direct satellite T.V., if he or she purchases, or rents material from certain facilities that provide this type of interest, that they are still protected in the privacy of their home?"

Phelps: "The first affirmative offense that I keep referring to, the three part protection, would be covered under the instance you're talking about."

Deering: "Okay, if we go down to, again, the prurient interest definition. Page 5, line 10 where the wording is, once again, erotic interest. Who determines what materials would meet this definition?"

Phelps: "That's a good question. If we defined it specifically, there would be more objections to any kind of suggestion we would have as legislation. So, if it does not meet the three part test, first, that it's obscene material, then the other two can't be supported."

Deering: "Okay. We know today you can go to any shopping mall throughout the country and find the speciality stores, Victoria Secrets, stores like that, and they publish magazines. And I get criticism from my constituents in the districts because they mail these magazines out, the catalogs out to individuals. Can someone decide that the magazine is lewd and lascivious and then file charges on an individual for having a magazine in their home and maybe their 16 year-old son or daughter is looking at the magazine or the catalog?"

Phelps: "That person was protected under page 3, line 28, 'was not for gain and was made to personal associates other than a child under 18 years of age, and knowingly.' So,

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

73rd Legislative Day

May 31, 1997

swimsuit edition Sports Illustrated in the high schools would not even be challenged, let alone, Victoria Secret."

Deering: "So those magazines, you're saying, under the intent of your language, that those magazines could not be construed by someone as being morbid or erotic. You know, that's... I don't see that listed in the definitions. Is there court cases or case law that already has precedents set in this area?"

Phelps: "Other than what I've referred to, Representative, Miller v. California, where the three part test and what is obscene has to be deemed before any of the other two ideas can be pursued."

Deering: "I have no further questions, Representative, but I do have one comment. I've just been talking to the cable industry and they've informed me that they are, in fact, opposed to this Amendment. So, the cable industry is opposed to this."

Speaker Brunsvold: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd like to ask if this Amendment gets the sufficient number of votes if we can have a verification?"

Speaker Brunsvold: "Your request has been acknowledged."

Schakowsky: "Thank you. This is really a dangerous expansion, in my view, of the standard and I'd like to, if the Sponsor will yield, ask a couple of questions?"

Speaker Brunsvold: "Sponsor yields."

Schakowsky: "Would you acknowledge, Representative, that it's just possible that some people who read the Sports Illustrated swimsuit edition might have an erotic interest in nudity?"

Phelps: "I didn't hear the last part. 'Might have an erotic

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

73rd Legislative Day

May 31, 1997

interest...'"

Schakowsky: "That they might, just might, probably not, but might have an erotic interest in nudity, if they read the Sports Illustrated swimsuit edition?"

Phelps: "I don't think that would be any more than what we see on network TV, swimsuit between the commercials of the Bulls' games and whatever, would you?"

Schakowsky: "Well so, you're saying then, that nobody that watches the Bulls' game or some other TV shows has any erotic interest in nudity? I mean, isn't it possible someone might read that magazine or watch those, I've never seen it, but I understand that Baywatch might, some people that watch that just might have that erotic interest in mind."

Phelps: "If they did, that still doesn't mean the three part test would be..."

Schakowsky: "No, I'm talking about part one, part one."

Phelps: "But part one can't stand alone."

Schakowsky: "No, I understand, I'm talking about part one, though."

Phelps: "Somebody might? Sure. Anybody might."

Schakowsky: "And the Victoria Secret Catalog, it's also possible that someone might have an erotic interest in nudity when they look at it, is that true?"

Phelps: "The erotic interest, Representative, in the conditions you've given, to me, and there again it's subjective, wouldn't mean it would be an unhealthy or abnormal, lustful, or erotic interest."

Schakowsky: "Or, 'or' erotic interest. Not 'and', but 'or' erotic interest."

Phelps: "And I said 'or'."

Schakowsky: "So, I'm focusing on erotic. It wouldn't

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

73rd Legislative Day

May 31, 1997

necessarily, but it could be, right?"

Phelps: "Objectionable, but would it be a criminal charge or challenge? I doubt it."

Schakowsky: "I'm talking about the definition in part one, and so, let me go to the Bill. What I'm saying is, that we, under this Bill, would be changing the standard for obscenity from a three part standard to a two part standard, because I think that anybody who's being honest about it would say that there are those who might read that Victoria Secret Catalog or the Sports Illustrated swimsuit edition, they just might have an erotic interest in nudity. I know that no one here would be in that category, but, you know, I think, actually there's some that have admitted to that. Okay. So, it seems to me that to say that this is just clarification or just explaining what we mean is really, in fact, a dangerous expansion of this that now sets a two part standard for obscenity. The other thing that I'm concerned about is the use of 'unhealthy, unhealthy'. We tried to add 'the health of the mother' to a Bill dealing with abortions and people said, 'Oh, that's going to be so broadly interpreted. We can't do that. It's going to be too broadly interpreted.' Now we talk about 'unhealthy'. I'd like to know what 'unhealthy' is. That's not defined here. 'Abnormal' is not defined here. I would strongly urge those of you who might have a subscription to Sports Illustrated and accidentally get that edition, that this would probably be a very bad Bill to vote for. I urge a 'no' vote."

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

McKeon: "Mr. Speaker, Ladies and Gentlemen of the House. Mr. Speaker, I'd like to inquire here. According to my laptop,



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

73rd Legislative Day

May 31, 1997

this Bill was referred on the 29th of this month from Rules to Judiciary II. I'm a Member of Judiciary II, along with my colleagues in the House, we've never seen this Bill. What kind of chicanery happened this morning in the Rules Committee to move this away from Judiciary II, which has not met this week, has not met today? What are you trying to accomplish in pushing this Bill out on the Floor, forcing a vote on this Bill, when the people that you appointed to consider highly complex, important issues, such as this, an issue, an Amendment, which fundamentally alters the law in this state? What is the chicanery going on here, Mr. Speaker? What are you trying to do? It's not in my laptop, Mr. Speaker. It's not in there that you sent it, that you jerked this Amendment out of Judiciary II, sent it to Rules, threw it on the Floor. It's not in my laptop. It's not in any of your laptops, either. What are you trying to do here, Mr. Speaker?"

Speaker Brunsvold: "Mr. Clerk, has the Amendment been distributed?"

Clerk Rossi: "The Amendment has been distributed."

Speaker Brunsvold: "Mr. McKeon, the Rules Committee has re-referred this piece of legislation to the Floor. They are a committee of this House..."

McKeon: "So what about Judiciary II? Why have we spent five months down here in Springfield reviewing critical legislation to this Body, in this State, in this Rules Committee, and its own parliamentary maneuver that wants to get this Bill on the Floor and get it voted on doesn't even trust the people that it puts on its committee. Why are we here? Why are we here?"

Speaker Brunsvold: "Mr. McKeon, I would refer your questions to the Chairman of the Rules Committee."

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

73rd Legislative Day

May 31, 1997

McKeon: "Every Member of this Floor should know the Judiciary Committee, composed of your colleagues, the men and women of this House, they haven't recommended that you support this Bill. They haven't taken a vote on it. Send it back to committee where it belongs now. Send it back. And if you can't do that, defeat it. This is a dangerous Bill. This is a Bill that's going to affect education. This is a Bill that has implications for health care. I urge your vote 'no'. I urge your 'no' vote. Put this back in committee where it belongs."

Speaker Brunsvold: "The Gentleman from Winnebago, Mr. Scott."

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

Speaker Brunsvold: "The Sponsor yields."

Scott: "Representative Phelps, I need to ask you a couple of questions about the affirmative defense. Let's take a library example. A library lends out a book, we'll pick any one of number of thousands of books that have been declared to be obscene over time. How in the world, once there's a charge against a library for dissemination of a book, how in the world would a library ever prove that that book wasn't disseminated to somebody under 18 years of age? How could they ever prove that?"

Phelps: "How in the world do they now?"

Scott: "They don't have to now, that's the point."

Phelps: "Why not?"

Scott: "Because you're adding an affirmative defense that makes them have to prove a negative, that makes them have to prove that it didn't get disseminated to somebody under 18. I'm just asking how they do that?"

Phelps: "Educational value and artistic, literary value is protected under the three part."

Scott: "That's not what I'm asking. That's not what I'm asking."

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

73rd Legislative Day

May 31, 1997

I'm asking how, we're past that point. We're now in the affirmative defense. If we understand how this works, this is a criminal charge. The prosecution has a duty to prove beyond a reasonable doubt that the three-pronged test was met. You're providing for an affirmative defense. The burden is not on the prosecution, the burden is now on the defense to prove... the burden, at this point, is on the defense to prove the affirmative defense. How do you prove that something didn't happen? That's the question."

Phelps: "How tough is it, if this would come into a court of law, to bring this person that someone's objecting to that was exposed to this dissemination of information, how tough would it be to prove that they were 18 or not? Is that what you're saying, it's going to be tough? You're an attorney. Would that be tough to say, 'Let me see your driver's license?'"

Scott: "Yeah. And I'll tell you why it's tough, because you're having the defendant prove that the entire universe of people under 18 weren't exposed to this document. That's why this affirmative defense is no defense at all."

Phelps: "So, you're saying that we have to go after all those other fictitious characters that might have been exposed and bring them, is that what you're saying?"

Scott: "I'm saying you're forcing, yes, you're forcing the defendant to prove affirmatively that the entire universe of 18 and under people weren't exposed to this material in order to prove the affirmative defense. That's exactly what I'm saying."

Phelps: "And you're assuming that by, if we're requiring that, which I don't disagree that we are, that it's already obscene. Who's determining that it's obscene?"

Scott: "Well, I'm saying, that's part of the case. That's part

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

73rd Legislative Day

May 31, 1997

of the case."

Phelps: "That's what law is all about. That's what make lawyers come forward. Makes people like you famous."

Scott: "It's not what affirmative defenses are all about, Representative. Affirmative defenses are for the defendant to be able to go in and prove that they have, that something about themselves that a jury could understand that would absolve them from the crime. Not that something didn't happen, not that the entire universe of 18 and under year old people weren't exposed to this particular thing. That's exactly what we're talking... you're claiming there's an affirmative defense here. I'm just saying your affirmative defense is worthless. Absolutely worthless."

Phelps: "But that's an opinion of a lawyer."

Scott: "Yeah. Absolutely."

Phelps: "Okay. Now, what I'm saying is, how tough would it be, in the conditions that you just put forth, to prove if someone is 18 or not, if, in fact, they have a tangible individual that..."

Scott: "Define 'disseminated' for me. Define 'disseminated' for me."

Phelps: "You mean the definition of 'disseminate'? What do you think it is?"

Scott: "All right. Let me give you an example. Let me give you an example..."

Phelps: "Of dissemination?"

Scott: "Yeah, dissemination. Take an Internet example. Internet goes out all over the world, right?"

Phelps: "Okay. So we don't know how many 18 year-olds in your household, or under, are seeing that, disseminating that? Okay? That's no problem. So who are you going to prosecute?"

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

73rd Legislative Day

May 31, 1997

Scott: "Well, I'm just saying if I'm the defendant, how do I prove that nobody under 18 got that material?"

Phelps: "Maybe the other people had to prove that you were."

Scott: "Well, I'm just saying your affirmative defense, if you're trying to say that this is some kind of bonus, this is some kind of help, I'm just saying it's worthless."

Phelps: "I understand. That's your opinion."

Scott: "And the reason why that's important is because of the first problem with it, which is that you've completely changed, beyond any scope of any law, anywhere else in this country, the definition of what obscenity is. That's already been well pointed out by a couple of other people. And I'll tell you that your definition, or one very similar to it, is one that was already struck down by the United States Supreme Court. Now that may not matter to a lot of people, but it directly runs counter to the language in the Brockett v. Spokane Arcades decision. I mean, directly runs counter to it. You've now made the broadest definition of obscenity that anybody has seen anywhere, because you've now made it such that because you're not, in the construction of your sentence, and I don't know if you meant it to be like this or not, but you've now made this particular law such that, an erotic interest in nudity can be declared to be obscene. And I'll tell you what, that's broader than you've got in any definition of obscenity anywhere else in the country. And, yeah, that's what makes part of having this affirmative defense be so bad, be important, because now you've expanded the universe of people that can get prosecuted and convicted under this offense far beyond anything..."

Phelps: "Give me a suggestion, a more specific definition of obscenity, then, and I'll put that in a..."

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

73rd Legislative Day

May 31, 1997

Scott: "Pardon me?"

Phelps: "Give me a more specific example of what obscenity is."

Scott: "Why don't you use the one that's in the Supreme Court Case, in the Roth Decision?"

Phelps: "What about Miller v. California and the three part test? Do you want to throw that out?"

Scott: "That's fine, but the three part test doesn't define an erotic interest in nudity as being obscene. That's not part of the Supreme Court decision, and, in fact, the follow-up case that I've got right here in my hand directly says that that's not obscene and can't be held to be obscene constitutionally. All I'm saying is, Representative, I know you're very well-intentioned on this. I know you fight hard on this particular subject, I'm just telling for you and for the other Members of the Body, for the people who voted against that last law, the county standards law, this is far worse. Because now you've put a statewide definition in that is far broader than anything any county is going to come up with. You've now made it the law of the state, that... in my opinion, an absolutely unconstitutional definition that would make virtually anything meet the first prong of the three part test. That's not what they intended in Miller, that's not what they intended in Roth, that's not what the Constitution provides and I would urge my colleagues to vote 'no'."

Speaker Brunsvold: "Mr. Phelps to close."

Phelps: "Thank you, Mr. Speaker. Those that have risen to oppose this, I understand their opinions from the legal, probably, standpoint. That they see a lot of the technicality of the law that many of us, maybe the lay persons, maybe do not, but just in response to most of the aversions here that

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

73rd Legislative Day

May 31, 1997

seem to be uncomfortable. What we've tried to do in a way of compromising, what we heard was objectionable was a county standard to be set. Now by just merely trying to clarify some definitions, possibly expanding in one area would now, you know, affect more opposition, I believe begs a question. Because now, the very people that were using examples of the libraries being offended by this or being put on the spot of responsibility beyond what they should be required to do, it's taken care of. Look, let's look at this Bill in the way in which you would judge what you feel obscenity is and then see if a court of law and a statewide standard will uphold it by the three-pronged test Miller v. California imposes. I appreciate your 'aye' vote."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Floor Amendment #3. There's been a request for a Roll Call Vote and a verification. The Amendment will be adopted by a majority of those voting. The question is, 'Shall the Floor Amendment #3 be adopted?' All in favor vote 'aye'; all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. Representative Schakowsky, do you persist in your verification? The Lady does not persist in her verification. On this question there are 79 voting 'yes', 33 voting 'no', and 4 voting 'present'. And the Amendment has been adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 9, a Bill for an Act in relation to harassing and obscene communications. Third Reading of this Senate Bill."

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

Burke: "Mr. Speaker, take this Bill out of the record."

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "Take the Bill out of the record, Mr. Clerk.

Representative McCarthy, for what reason do you rise?"

McCarthy: "A Point of Personal Privilege please, Mr. Speaker."

Speaker Brunsvold: "Proceed."

McCarthy: "I would like to announce that today, on the Floor, we have a guest of one of our Representatives who was recently elected the president of the Chicago Chapter of the Hispanic Lawyers' Association. So, I would like you all to recognize and congratulate, Miss Kupe Caldarone standing over there by Eddie Acevedo."

Speaker Brunsvold: "Welcome. On Conference Committee Reports appears House Bill 23. Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. House Bill 23 consists of two items. One that passed the House overwhelmingly, to allow judges a window of time who did not contribute, elect to contribute to the spouse's annuity benefit to do so, paying the full contribution and the interest per annum. And also it adds the... expands the investment authority of downstate police and fire pension funds, who previously were limited to government type securities. There is no opposition to this Bill."

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

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

Speaker Brunsvold: "The Sponsor yields."

Parke: "Representative Lindner, if you foot the police and fire and expanded their investment authority, is this unique, or are they doing what all the other pension funds have in the state, currently?"

Lindner: "I believe they are doing what the other pension funds in the state are currently doing."



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

73rd Legislative Day

May 31, 1997

Parke: "I'm sorry, I didn't hear you."

Lindner: "They are doing what the other pension funds in the state are doing."

Parke: "So, in essence, all, all we're doing is giving them parity with other pension systems in the state?"

Lindner: "That's true, allowing them to diversify their funds."

Parke: "Now does this also have, says allows judges elected to contribute for a spouse annuity benefits. Extends a previously granted benefit, is that in there?"

Lindner: "It allows them to pay and get in that system if they want to elect to do the spouse's annuity benefit."

Parke: "Didn't they say they didn't want to do this a couple of years ago, when this Bill came up and said that they only wanted to have... they didn't want to elect this benefit and now some of them are coming back and wanting to do it?"

Lindner: "I think some, some judges did not get into this and do want to do it. Or it can also allow them to rescind their election not to contribute. But it would cost the state no money because they have to pay the full contribution plus the interest per year."

Parke: "So, this has... is it just those two Amendments on the Bill?"

Lindner: "Yes, it is."

Parke: "And that's the extent of it."

Lindner: "Yes."

Parke: "Is there any opposition to this Bill that you're aware of?"

Lindner: "No."

Parke: "Then I have no problem with it either."

Speaker Brunsvold: "The Lady has asked for the adoption? Any further discussion? Seeing none, Representative Lindner to close."

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

73rd Legislative Day

May 31, 1997

Lindner: "Yes, I would just ask for a favorable vote on the Conference Committee Report."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 23?' 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. On that question, there are 117 voting 'yes'; 1 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report to House Bill 23. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements?"

Clerk Rossi: "The House Rules Committee will meet at 2:15, in the Speaker's Conference Room. The Rules Committee will meet at 2:15, in the Speaker's Conference Room."

Speaker Brunsvold: "Mr. Clerk, Senate Bill 1101. Mr. Hannig.

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. I would move that the House refuse to recede from House Amendment, from the House Amendment on this Senate Bill, House Amendment #1 and that a Conference Committee be appointed. Speaker Brunsvold: "The Gentleman has moved to refuse to recede from House Amendment #1 to Senate Bill 1101. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does refuse to recede from Senate... House Amendment #1 to Senate Bill 1101. And the Gentleman requests a Conference Committee be appointed. Mr. Clerk Senate Bill 423. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker."

Speaker Brunsvold: "The Bill appears on the Supplemental Calendar."

Hannig: "Yes, and the Clerk, I think, needs to correct the board."

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

73rd Legislative Day

May 31, 1997

Thank you, Mr. Speaker and Members of the House. This Bill's an agreement between the community colleges, the executive branch, the Department of Central Management Services, and the community college employees to provide for a mechanism whereby retired community college employees will receive a health care plan. The Conference Committee Report, Senate Bill 423 establishes a program of health, dental, and vision benefits for retirees of community colleges. It provides" a \$1 million lifetime maximum benefit. An annual deductible of \$300 per person with medicare and \$550 without medicare. General out-of-pocket maximums of \$800 that will be tied to the amount in the State Employees' Plan. No pre-existing exclusion period. PPO hospital benefits of 80% after the deductible. Non-PPO hospital benefits of 60% after the deductible. Non-PPO out-of-pocket maximum is \$4,000. Skilled nursing home facility of 100 days per plan year. Out-of-patient mental health care of 50% after the deductible. The dental plan is scheduled benefits program and division plan is a National Networks Providers. And I also want to say that nothing in the legislation prohibits collective bargaining with the community college board that would result in the community college district picking up the cost of the premium for the annuitant or the community college picking up the cost of the deductible or negotiation with any bargaining agent for any and all costs associated with the health insurance plan so long as the collective bargaining agreement does not involve any administrative functions on the part of the Illinois Department of Central Management Services, the State University Retirement System, or an insurance administrator. And having said that, this Bill, I believe, is agreed by all parties and is certainly a big

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

73rd Legislative Day

May 31, 1997

step forward for those who are retired from community colleges. I'd be happy to answer any questions and I'd urge a 'yes' vote."

Speaker Brunsvold: "On the question, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, I appreciate the work you've done on this. Many of us have worked on this for several years and I think we're very, very close to getting something on the Governor's desk. It's my understanding that there will be... it is not necessary for us to appropriate any new dollars in order to fund this plan and that may be the most beautiful part of it, correct?"

Hannig: "Yes. The beauty of this plan, Representative Black, is that the groups got together, the parties got together, and put together a plan that funds itself and the State of Illinois is not obligated to put any additional money into this plan."

Black: "And as I recall, some of the objection, when this Bill passed the House, earlier, was the annuitants were only going to pay .35% and that has been increased to .5% so I think that's a concern that we can put to rest. Everybody wanted to raise it to that, and that has been done, correct?"

Hannig: "That is correct, Representative, and, in fact, the active participants will begin contributing to the plan for, I think, a six month period of time or before the plan actually gets up and running in order to create a little cushion for the plan as we commence it."

Black: "That's great. I appreciate the work on this, Representative. CMS has dropped its objection to the Bill."

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

73rd Legislative Day

May 31, 1997

The community college system from the trustees down to the board, I don't know that the faculty has an organization, as such, but I know that I spent 10 years in the community college system and they've been working on that long before I was in the community college system and long after I left. I think this is a reasonable compromise. I congratulate you on what you have done and I stand in support."

Speaker Brunsvold: "The Gentleman from Kane, Mr. Hoeft."

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

Speaker Brunsvold: "Sponsor yields."

Hoeft: "No questions. I just want to say that I was the one that raised the series of concerns about this Bill and they have been addressed. We addressed them with Amendments in the Senate and this is a well-thought-through compromised Bill. I'm not thoroughly satisfied with it, but I know that this will help people considerably and I would ask people to support this. This is a good compromise."

Speaker Brunsvold: "On the question, the Gentleman from McHenry, Mr. Skinner."

Skinner: "Would the Representative yield to a question, please?  
I assume the answer is 'yes'."

Speaker Brunsvold: "Proceed."

Skinner: "The last time I talked to a potential recipient of this largess, I was told that community college employees were the same as state university employees, so they ought to have the same insurance benefits. Can you assure this General Assembly that there won't be a move to make us pay the entire Bill the way we do for university employees?"

Hannig: "Well, Representative, this is an agreement for a system that funds itself and the numbers that CMS, Central Management Service provided for us, it appears that this

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

73rd Legislative Day

May 31, 1997

will fund itself for many years out into the future as far as we can see and estimate in costs and things of that nature. So, Representative, the system is self-funding. I don't think we're going to see this group come back here to the Legislature asking for more money."

Skinner: "So if someone trying to curry favor with junior college employees, presents a Bill having the state pay 100% of the money, 100% of the premiums, you're not going to vote for it, right?"

Hannig: "Well, Representative, I mean, I can't tell you what Legislators in the future might do as far as proposing Bills to sweeten these benefits or perhaps to make these benefits more costly to the state employees, but I can tell you that this Bill is agreed to by all the parties, including the administration, the community college administrators, and the annuitants and the active people at the community colleges, so they are happy with this proposal."

Skinner: "Mr. Sponsor, I'm not asking you to make commitments on the part of other people. I'm asking, are you going to support a movement, you personally, are you going to support a movement to have the state pay a higher percentage of the premiums in future years?"

Hannig: "Well, Representative, if you would sponsor that Bill, I would probably find myself voting for it. I would have to confess that it would be very difficult not to."

Skinner: "Well, I promise you I won't sponsor it. What if somebody else does?"

Hannig: "Well, Representative, you know we have to look at every Bill as it comes before our desk, you know, and I'm going to do that, too. But this Bill that is in front of us today is an agreed Bill between the parties. I think that

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

73rd Legislative Day

May 31, 1997

they are happy with it and I don't, I can't speak for everyone but I think that these people are willing to accept this proposal before us as not only fiscally sound but a very strong step forward for the annuitants."

Skinner: "Well, Mr. Sponsor, I agree with you. The language here will work and I hope you will join me in making sure this language remains the language. Thank you."

Speaker Brunsvold: "The Lady from Kane, Representative Deuchler."

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

Speaker Brunsvold: "The Sponsor will yield."

Deuchler: "Representative Hannig, how do the benefits under this plan compare with the retired teachers' benefits?"

Hannig: "Well, Representative, what we have with this plan is a plan that is probably somewhat of a hybrid between what the retired teachers have and what the retired state employees have. So, it's its own plan but if you were going to put them on some type of spectrum, it would fall between the two."

Deuchler: "Well, are the benefits less than the retired teachers or more?"

Hannig: "I would say that on balance, the benefits are more."

Deuchler: "Will this take a separate system of administration in CMS or will you merge this into the existing...?"

Hannig: "The Department of Central Management Services has looked at the numbers very carefully and they are confident that this system, if we enact it and the Governor signs it, will fund itself. That will be self-sufficient and that we will not be coming back to this Legislature or future Legislatures asking for additional monies."

Deuchler: "Yes, but since the benefits are different from any other plan that is administered, does this take a separate staff to answer the questions and to administer...?"

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

73rd Legislative Day

May 31, 1997

Hannig: "No, the Department of Central Management Services, they administer the plan for the state employees. They now administer the plan for the retired teachers and they assure us that they can administer this plan as well."

Deuchler: "So, it will take no extra staff?"

Hannig: "Yeah, the people that we talked in the Department of Central Management Services were confident that they could administer the program and there was no request on their part for any additional people to run the program."

Deuchler: "No further questions."

Speaker Brunsvold: "Further discussion? The Gentleman from Whiteside, Mr. Mitchell."

Mitchell: "Thank you, Mr. Speaker. The previous Representative asked every question that I had and I'm very happy with the answers. I'd like to commend Representative Hannig for taking care of a problem for professors, for teachers that's been in existence ever since community colleges have. I think it's something that we've overlooked. If we're going to have health insurance for our employees, then we recognize the fact that these folks need the same kind of benefit. I think this is very innovative and an excellent answer to the need that's out there. I urge everyone to vote 'aye'. Thank you."

Speaker Brunsvold: "The Gentleman from Macoupin, Mr. Hannig to close."

Hannig: "Yes, thank you, Mr. Speaker. We worked very hard, a number of people on both sides of the aisle, on this proposal. The community colleges have been very generous of their time in providing us with the information. The employees, both active and retired, have been willing to pay their fair share and this is a program that will pay for itself and provide a much needed medical service to



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

73rd Legislative Day

May 31, 1997

these annuitants. It's a good plan and I would ask for your 'yes' vote."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report for Senate Bill 423?' 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? Take the record, Mr. Clerk. And on that question, there are 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report for Senate Bill 423. And this Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 240, Mr. Clerk. Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. Senate Bill 240, the basic Bill was to have the Inspector General's report both to the director and the Governor. And that the Department of Children and Family Services should adopt rules for the Inspector General and allow the Confidentiality Act for therapist in the Mental Health and Developmental Disabilities to disclose certain items. And this was the basic Bill that passed the House, I think with overwhelming 'yes' votes. Added to this are several provisions. One, to have an interagency agreements between DCFS and DMHDD for the placement of adult wards with developmental disabilities, who are not able to live independently. Another provision is to allow for a new term under the Juvenile Court Act of a subsidized guardianship. And those are the two added provisions."

Speaker Brunsvold: "Mr. Clerk, announcement?"

Clerk Rossi: "The Rules Committee is meeting immediately, in the Speaker's Conference Room."

Speaker Brunsvold: "Representative Lindner, have you finished

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

73rd Legislative Day

May 31, 1997

with your opening remarks?"

Lindner: "Yes, I am."

Speaker Brunsvold: "Okay. The Gentleman has moved for the adoption of the First Conference Committee Report. Is there any discussion?"

Lindner: "Gentleman?"

Speaker Brunsvold: "The question is."

Lindner: "No, you called me a Gentleman."

Speaker Brunsvold: "I'm sorry, the Chair apologizes."

Lindner: "I'm a Gentle Lady."

Speaker Brunsvold: "You're definitely a Lady."

Lindner: "Thank you."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 240?' This is final action. All in favor vote 'aye'; 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 117 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 240. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 1019. Mr. Cross."

Cross: "Thank you, Mr. Speaker. I would appreciate the House's, the House's adoption of the First Conference Committee Report. This has a variety of quick-take language or conveyances in transfers in this Conference Committee Report. None, incidentally, that benefit my district but benefit to other Members districts. It passed out of committee, unanimously, this morning. I don't know of, I know of absolutely no opposition. It's some language in here that benefits Representative Noland, Senator Donahue,

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

73rd Legislative Day

May 31, 1997

the area of Freeport, the City of Bloomingdale, the City of Elmwood Park and Oak Park. I'll be glad to answer any questions, or at least I'll certainly try."

Speaker Brunsvold: "The Gentleman has moved for the adoption of the Conference Committee Report. And on that, the Gentleman from Cook, Mr. Dart."

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

Speaker Brunsvold: "The Sponsor yields."

Dart: "Tom, was that the extent of the... the ones you named is that a complete list of the ones, can you run through that one just one more time?"

Cross: "I'll give you the one... Galesburg, which I may of not... may not have named the City of Galesburg, Bloomingdale, Freeport, Elmwood Park and Oak Park. The original underlying Bill had some language that provided for some transfer of some land in Kendall County for some reason it's been taken out of here. But the cities and villages I just named are the only ones remaining. As I said, Tom, I don't know of any opposition to this. I think that's it, Tom."

Dart: "Are these quick-takes, Tom, are they for a specific time period and for specific location?"

Cross: "There are, Tom, and each of them have specific time frames. I don't know if you want to go through each one, but they all do have those... they all do have specific time frames."

Dart: "Okay. None of them are open-ended at all?"

Cross: "No."

Dart: "Okay. Thanks, Tom."

Cross: "Thank you."

Speaker Brunsvold: "Further discussion? The Lady from DuPage, Representative Pankau."

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

73rd Legislative Day

May 31, 1997

Pankau: "Thank you, Mr. Speaker. I rise to vote 'present' on this Bill. My husband and I own commercial property on Lake Street, in Bloomingdale. And that's the reason for my 'present' vote."

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

Cross: "With the exception of Representative Pankau, I would appreciate a 'yes' vote from everybody."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1019?' This is final action. All in favor vote 'aye'; 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 111 voting 'yes'; 6 voting 'no'; 1 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 1019. And this Bill, having received a Constitutional Majority, is hereby declared passed. On the Supplemental Calendar appears Senate Bill 1109. Mr. Brady."

Brady: "Thank you, Mr. Speaker. Senate Bill 1109 was passed unanimous... I believe unanimously here. It dealt with regulation of towers in counties larger than 175 thousand and counties less. When it went to the Senate, IDOT had a problem that it may have impacted safety towers around airports and what this does is clear that up. As far as I know this is agreed to by IDOT and the previous supporters of this piece of legislation and I ask for your favorable vote."

Speaker Brunsvold: "Is there any discussion? Any discussion? The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 1109?' This is final action. All in favor vote 'aye'; all opposed vote

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

73rd Legislative Day

May 31, 1997

'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'yes'; 1 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 1109. And this Bill, having received a Constitutional Majority, is hereby declared passed. Supplemental Calendar #1 appears Senate Bill 521. From Cook, Mr. Art Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move for the adoption of Conference Committee #1, to Senate Bill 521. The most recent Amendment... I should say that the overall Bill deals with amending the Criminal Code of 1961 regarding potential witnesses and criminal prosecutions from accepting or receiving payments in consideration for providing information. There was a number of questions regarding reimbursing witnesses under the ordinary course of doing business regarding court procedures. And Amendment #2 took care of, pretty much a technical Amendment, took care of some of the other concerns that were presented in this Bill. I move for the adoption of Conference Committee #1, to Senate Bill 521."

Speaker Brunsvold: "And on that question, the Gentleman from Kendall, Mr. Cross."

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

Speaker Brunsvold: "The Sponsor yields."

Cross: "Representative, what... we had a little hard time following the changes you made with the Amendment there on the Conference Committee Report. Did you try to clean up some of the concerns about witnesses being called, if I'm reading this correctly?"

Turner, A.: "Representative, that's exactly what we did in

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

73rd Legislative Day

May 31, 1997

Amendment #2. We wanted some more clarification in terms of how do you deal with witnesses to the crime."

Cross: "Do... as we stand here today, Art, do you know of any opposition to this?"

Turner, A.: "No opposition, at this point, Representative. This report now, I think has satisfied all the interested parties in this legislation."

Cross: "All right, thank you, I have no other questions."

Speaker Brunsvold: "Mr. Clerk, Committee Reports. Excuse me, any further discussion? Further discussion? Seeing none, Mr. Turner to close."

Turner, A.: "Thank you, Mr. Speaker. And I move for the favorable... I move for the adoption of Conference Committee Report #1 to Senate Bill 521."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 521?' This is final action. All in favor vote 'aye'; 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 118 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt the First Conference Committee Report to Senate Bill 521. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Conference Committee Reports were referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted', Conference Committee Report #1, to House Bill 127. Conference Committee Report #1, to House Bill 1230. Conference Committee Report #1, to House Bill 1641. Conference

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

73rd Legislative Day

May 31, 1997

Committee Report #1, to House Bill 2209. Conference  
Committee Report #1, to House Bill 2215. Conference  
Committee Report #1, to Senate Bill 381. Conference  
Committee Report #1, to Senate Bill 603. Conference  
Committee Report #1, to Senate Bill 680. Conference  
Committee Report #1, to Senate Bill 806."

Speaker Brunsvold: "Announcement, at 6:00 p.m. this evening, Secretary of State, George Ryan, will be providing chicken and trimmings for the Members, on the second floor, in his office. So that's supper tonight, Ladies and Gentlemen. And thank you, Secretary of State Ryan."

Clerk Rossi: "Supplemental Calendar #3, is being distributed."

Speaker Brunsvold: "Mr. Clerk, House Resolution 77. Gentleman from Cook, Mr. Moore."

Moore, E.: "Thank you. Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Resolution 77 explains the Metro, operates a commuter rail service from Chicago to northwest stations, to Geneva and has stopped at downtown Wheaton and downtown Winfield. The DuPage County Board moves its office from downtown Wheaton to a complex near the DuPage County Fairgrounds. This office complex houses the majority of DuPage County Government and Chicago residents and professionals have no direct commuter stops to conduct business in these offices. So, therefore, I move for the adoption of House Resolution 77 in that regards. So, therefore the City of Chicago, Department of Transportation, the Department of Planning and Development and request a study the feasibility to create a commuter stop at DuPage County Complex."

Speaker Brunsvold: "Mr. Clerk, is there an Amendment for this Bill?"

Clerk Rossi: "Floor Amendment #1, offered by Representative

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

73rd Legislative Day

May 31, 1997

Eugene Moore, has been approved for consideration."

Speaker Brunsvold: "Mr. Moore, on Floor Amendment #1 to House Resolution 77."

Moore, E.: "I move for the adoption of Floor Amendment #1. The Amendment #1 to 77 (sic-House Resolution), on page... line 18 and 19, by changing City of Chicago Department of Transportation and the Department of Planning and Development to Chicago Area Transportation Study."

Speaker Brunsvold: "The Gentleman has moved for the adoption of the Floor Amendment. Is there any discussion? Mr. Skinner."

Skinner: "I wonder if the Representative could tell us if he's sponsoring this Amendment because he has found a way to get a lot of jobs at the DuPage County Court House Complex?"

Moore, E.: "Well, we're trying to make sure that our constituents in Chicago, as well as suburban area, are able to get to your particular complex. Not only as well as that, but with the Tantom Program well people do need jobs so this is another way of creating jobs or to getting to the transportation. In some cases where you find out whereby if they have to get out, then they got to get a bus at 4:00 in the morning. If they miss that bus, they out of luck. So, this would be a good way to do that, Representative Skinner."

Skinner: "You're probably correct, it would also be a good way for Chicago residents to pay their DuPage County parking tickets."

Moore, E.: "Exactly, that's exactly what this is about. Thank you."

Speaker Brunsvold: "Further discussion on the Amendment? The Gentleman has moved for the adoption of Floor Amendment #1. All in favor say 'aye'; all opposed 'no'. The 'ayes'



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

73rd Legislative Day

May 31, 1997

have it and the Amendment has been adopted. Further Amendments on the Resolution, Mr. Clerk?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Mr. Moore, on the Resolution as amended."

Moore, E.: "Yes."

Speaker Brunsvold: "Is there any discussion on the...?"

Moore, E.: "Recommend for the adoption."

Speaker Brunsvold: "The Gentleman has moved for the adoption of House Resolution 77. Is there any discussion? Seeing none, the question is, 'Shall the House adopt House Resolution #77?' 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 116 voting 'yes'; 0 voting 'no'; 0 voting 'present'. And the House does adopt House Resolution #77. Ladies and Gentlemen the Chair would like to go through the committee schedule. We intend to recess until the hour of 4:30. Mr. Clerk, read through the Committee Schedule."

Clerk Bolin: "The Environment and Energy Committee, will meet at 3:45 p.m., in Room 122-B. The Human Services Committee, will meet at 3:45 p.m., in Room C-1. The Judiciary II Committee-Criminal Law, will meet at 3:45, in D-1. The Labor and Commerce Committee, will meet at 3:45 p.m., in Room 118. The Local Government Committee, will meet at 3:45, in Room 114. And at 4:00 p.m., the Revenue Committee will meet in Room 118."

Speaker Brunsvold: "The Clerk will announce over the system the committee schedule again when the time arrives. And the Chair will now stand in recess until the hour of 4:30."

Speaker Currie: "The House will be in order. Committee Reports. Representative Currie, in the Chair."

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

73rd Legislative Day

May 31, 1997

Clerk Rossi: "Representative Schakowsky, Chairman from the Committee on Labor and Commerce, to which the following Conference Committee Report was referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Conference Committee Report #1, to Senate Bill 469. Representative Schoenberg, Chairman from the Committee on Human Services, to which the following Conference Committee Reports were referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted'. Conference Committee Report #1, to Senate Bill 317. Recommend: 'not be adopted' Conference Committee Report #1, to House Bill 1699. Representative Stroger, Chairman from the Committee on Local Government, to which the following Conference Committee Report was referred, action taken May 31, 1997, reported the same back recommend: 'be not adopted' Conference Committee Report #1, to Senate Bill 465. Representative Gash, Chairman from the Committee on Judiciary II-Criminal Law, to which the following Conference Committee Report was referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Conference Committee Report #1, to House Bill 1254. Representative Eugene Moore, Chairman from the Committee on Revenue, to which the following Concurrence was referred, action taken on May 31, 1997, reported the same back that Senate Amendment #3 to House Bill 449 'lost'."

Speaker Currie: "For what reason does Representative Mulligan rise?"

Mulligan: "Representative, I just wanted to say how nice it was to see you in the Chair and I'm so glad you're not wearing a tie and that I don't have to compliment it, you look really lovely up there. Thank you."

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

73rd Legislative Day

May 31, 1997

Speaker Currie: "Thank you. Representative Lang, for what reason do you rise?"

Lang: "Nice turtleneck, Mr. Speaker."

Speaker Currie: "Senate Bill 730. For what reason does Representative Rutherford rise?"

Rutherford: "Just to compliment the Speaker. I want to be able to get my kudos in before we move on in this thing and it's nice to see you in the Chair and even though you're not wearing a tie, Representative Lang beat me to it but, nice tie."

Speaker Currie: "Thank you. Representative Wait, for a Motion on Senate Bill 730."

Wait: "Yes. Thank you, Ladies and Gentlemen of the House. Yes, I refuse to recede on Conference Committee Report and would ask a second Conference Committee be formed."

Speaker Currie: "You refuse to recede? Refuses the first report and asked for the appointment of a second Conference Committee Report?"

Wait: "Exactly."

Speaker Currie: "All in favor of the Motion signify by say 'aye'; opposed 'no'. The 'ayes' have it, the Motion is adopted. Conference Committee Reports. House Bill 127. Representative Santiago. Representative Santiago in the Chamber? All right, he isn't. Out of the record. House Bill 1230, Representative Phelps. Representative Phelps."

Phelps: "Thank you, Madam Speaker. I rise to move to adopt the First Conference Committee Report to House Bill 1230. Essentially, this returns the Bill back to its original form that passed out of here with overwhelming votes. It just asks that the Legislative Oversight Committee preview or review the State Implementation Plan for Ozone Attainment of the Federal Clean Air Act, and that it should

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

73rd Legislative Day

May 31, 1997

come back to the General Assembly before it's approved, and that it does not supersede requirements that the Federal EPA standards impose."

Speaker Currie: "Representative Phelps moves adoption of the First Conference Committee Report on House Bill 1230. Is there any discussion? Representative Black."

Black: "Thank you very much, Madam Speaker. Good to see you in the Chair. I don't know why they've waited until the last day of Session. You should have been in there much earlier. I'm sure we could have had a great deal of fun. But it's good to see you in the Chair."

Speaker Currie: "Thank you."

Black: "Will the Sponsor yield?"

Speaker Currie: "He indicates he will."

Black: "Representative, is this another one of those Bills that the Senate added an Amendment to it and then decided they didn't like the Amendment, so we're going to return the Bill to the form it was in when it left the House?"

Phelps: "This time I have a dog that's a great retriever, and it brought this back to me in its original form. And here, master, now pass it again."

Black: "Isn't that amazing? So the Senate receded from their own Amendment?"

Phelps: "Right."

Black: "I'll be doggone. It just never ceases to amaze me. So actually what we're voting on is a Bill that we passed, I think is was, 114-2?"

Phelps: "Exactly right."

Black: "I'll be doggone. Well, it's a good Bill. It was a good Bill then, and it's a better Bill since it's been to the Senate, had one of their Amendments added, that they now want to drop. Makes a lot of sense to me. I intend to

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

73rd Legislative Day

May 31, 1997

vote 'aye'."

Speaker Currie: "Seeing no further discussion on the Motion, all in favor signify by voting 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Motion there are 118 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 1641, Representative Stroger. Representative Stroger in the Chamber? Out of the record. House Bill 2209, Representative Rutherford."

Rutherford: "Thank you, Madam Speaker. Conference Committee on House Bill 2209 doesn't... takes the original Bill that we had, had, there was a Senate Amendment put onto it, bringing it back here to the Chambers. Per Representative McGuire's request we nonconcurrred, but since that time we've come to an agreement that that Amendment should be on it. So, this Conference Committee Report actually is the underlying Bill with the Senate Amendment on it. Very simply what it does, it takes the Joliet Arsenal Authority, it removes the moral obligation from the State of Illinois on it. It removes the Governor's approval for the Bond issuance. It also removes the Governor's appointing members to the authority and with that then, with the Senate Amendment it will leave the appointment authority with the county board."

Speaker Currie: "Representative Rutherford has moved adoption of the First Conference Committee Report on House Bill 2209. And on that Motion, is there any discussion? Seeing none, the question is, 'Shall the Motion be adopted?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Clerk,

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

73rd Legislative Day

May 31, 1997

will take the record. On this Motion, there are 118 voting 'aye'; 0 voting 'no'; 0 voting 'present'. And this Bill, having received the required Constitutional Majority, is hereby declared passed. House Bill 2215, Representative Cross. Representative Cross."

Cross: "Thank you, Speaker. House Bill 2215, is a Conference Committee Report now. This was a Bill, that dealt with the right... it still is, it deals with the regulation of pawnbrokers. There was some opposition after it passed out of here a couple weeks ago from some of the smaller pawned broker organizations. We've worked with them. There is no opposition that I know of at this point. We've addressed their concerns. If I'm not mistaken... I am not mistaken I have the Roll Call, it passed out of the Senate at 3:42 p.m. today, 57 to 0. I think we've addressed all the concerns. I'll be glad to try to answer any questions if anyone has any."

Speaker Currie: "Representative Cross moves adoption of the First Conference Committee Report on House Bill 2215. And on that Motion, is there any discussion? Representative Black."

Black: "Thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Currie: "He indicates he will."

Black: "Representative, what is... are we increasing the allowable interest that pawnbrokers can charge with this Bill?"

Cross: "Well the current law, Representative, is 3% monthly interest plus using a rate schedule. Now we're going to have a 3% monthly interest charge to a maximum... a maximum of 1/5th the amount advanced. The concern under the current law was that we have an unequal charge assessed to

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

73rd Legislative Day

May 31, 1997

the customer and now we feel like we can have a more..."

Black: "I know when some of the pawnbrokers were down, they said that this in effect raised the interest rate from 3% a month to 20% a month. How is that concern been addressed?"

Cross: "Well I don't know how on earth you could get it up to 20 under what we have under this language of the 3% monthly interest charge. As I said, Bill, capped at a maximum of 150 amount advanced. So, I don't know how you could... I heard that but, I've never seen any proof of that, that, that would be the case."

Black: "Is there language in the report that clarifies that units of local government shall not have the power to require pawnbreakers (Sic-pawnbrokers) to charge lower monthly fees than 20%?"

Cross: "Yes there is."

Black: "So, if a local government wanted to say, 'We think that might be excessive in a Home Rule city we would like you to charge 'x' amount.' They couldn't do that, huh?"

Cross: "The answer is, yes. The answer is, yes, Bill."

Black: "All right. The other changes, other than the interest, it seems as if... we're not mandating that they computerize are we, we're just suggesting or allowing?"

Cross: "Correct."

Black: "Okay."

Cross: "Allowing."

Black: "And have we put any additional restrictions or regulations on them as to how long they have to keep records, or what they do with the records except of things of that nature?"

Cross: "The one thing, Bill, that we've done is the Commissioner of Banks and Real Estates... Real Estate can require them to keep videos up to 30 days. But that's in the discretion

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

73rd Legislative Day

May 31, 1997

of the Commissioner of Banks and Real Estates. The video tapes of the establishment, yeah."

Black: "Oh, okay. So, it would be video tape of their establishment, not videos that you pawn or something?"

Cross: "Exactly. No, we're not... this has nothing to do with the video tax or anything like that. We're just talking about when people come into their store."

Black: "And keep those videos. All right. My last question is, historically pawnshops have been regulated by municipalities like the City of Chicago, or the City of Rockford, the City of Danville, and it's my understanding that this regulatory authority will now be transferred to the Office of Banks and Real Estate. Is there any particular reason why we're doing that? We just think it's better or...?"

Cross: "Bill, the view here, the thought process, is this merely acts as a supplemental to the existing law with respect to regulation. That the Commissioner of Banks and Real Estates would... Commissioner of Banks would Supplement what the municipalities already do."

Black: "Does this require then that the business register or obtain a license or something from the banks and real estate?"

Cross: "That is correct."

Black: "Okay. Thank you very much, Representative."

Speaker Currie: "Further discussion? Representative Saviano."

Saviano: "Thank you, Madam Speaker, Members of the House. Conference Committee Report #1, to House Bill 2215 provides uniformity in regulation of pawn shops across the state. This is... this legislation will assist law enforcement officials in acquiring information if there are any kind of illegal or illicit activities going on with pawn shops even



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

73rd Legislative Day

May 31, 1997

though past experience it has been minimal. I think this provides uniformity across the state on how we regulate pawn shops. This legislation was brought to us by the pawn brokers themselves. The legislation is evolved through the process. We presented this Bill in committee about three months ago, it passed out unanimously. It's gone through the process, it's evolved. And I would ask for your support. Thank you."

Speaker Currie: "Further discussion? Representative Johnson. Tim Johnson."

Johnson, T.: "Thank you, Madam Speaker and Members of the House. This is a Bill, not rare, but probably more unusual than not that reaches out to all spectra of the relevant society, not only does it address the potential for fraud as to consumers, not only is it a consumer oriented, people oriented Bill, at the same time it's a Bill that's good for business, cleans up business to the extent it needs to be cleaned up, puts proper and reasonable regulatory authority in the hands of an entity who I think has ultimate trust of this Body and the people of Illinois is agreed upon, not only by the the industry, but by all aspects of the industry. So, we don't have a situation where one element is seeking to nose out another. This is a good, well threshed out, well thought out, and really nationwide model for regulation of an industry, without over regulating an industry, that is crying out, not only internally, but by the public for appropriate regulation. The pawnbrokers get a bad name, unfairly, this Bill addresses that. The consumers in some cases, in other states, in any event and probably here, as well, have had rare, but occasional unfortunate experience in this area. This Bill is a sound, hard fought, and tough piece of legislation that is cost

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

73rd Legislative Day

May 31, 1997

effective, good government, consumer oriented, and good for the business of Illinois. And I urge its support."

Speaker Currie: "Representative Cross, moves for the adoption of the First Conference Committee Report on House Bill 2215. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this... on this Motion there are 101 voting 'aye'; 9 voting 'no'; 6 voting 'present'. And the House does adopt the First Conference Committee Report on House Bill 2215. Representative Santiago, has returned to the Chamber. House Bill 127, Representative Santiago."

Santiago: "Thank you, Madam Chairman (Sic-Speaker) and congratulations. House Bill 127, or Conference Committee Report #1, it's part... the original Bill require applicants for FOID cards to certify to the state police that they have not been convicted of a domestic battery or substantially of similar offense at all. What the Amendment by Senator Geo-Karis does, it removes the... the five year provision which was a controversial part of the Bill. And Senator Geo-Karis put that provision that must... that provision was removed from the Bill because she thought that, that provision punishes persons for acts done potentially many years ago with no possibility of making amends. We agreed to that. I think it's a better Bill. And I will be happy to answer any questions that you may have."

Speaker Currie: "Representative Santiago, moves to adopt the First Conference Committee Report on House Bill 127. And on that Motion, Representative Black."

Black: "Yes. Thank you very much, Madam Speaker. Will the Sponsor yield?"

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

73rd Legislative Day

May 31, 1997

Speaker Currie: "He indicates he will."

Black: "Representative, I... I'm sure I heard you say this in your presentation, but let me... because I voted against this Bill originally, and I want to make sure that my concerns and some that were expressed to me by constituents have been addressed. Under the Omnibus Crime Bill that was passed by the Federal Government, a couple of years ago I can't remember, what we later found to be the case that a conviction of domestic violence, or abuse, 15, 20 years ago would prohibit anyone from carrying a gun. And in my district there were two sworn police officers, who had to be dismissed from the department because of this law, even though the case against them had been twenty-something years ago. And I think even at the time was a misdemeanor, rather than a felony, but there was no way around it. And I noticed nationwide there was quite a fuss about that. Is there anything in the Conference Committee Report that will address the concerns of people who did have a conviction 25 years ago, 10 years ago, whatever?"

Santiago: "Yeah. The first issue of the Federal Government... of the police officer that is taken care through the Federal Government... through legislation from the Federal Government. This one has a limitation of five years. So, if you did something 25 years ago, that would not affect you, only within the last five years."

Black: "Okay. So, if I... if one of my constituents was convicted three years ago and attempts to buy a deer permit, next fall, if this becomes law, I would assume my constituent's FOID card is going to be revoked, isn't it?"

Santiago: "No."

Black: "No?"

Santiago: "He's going to have to wait two more years."

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

73rd Legislative Day

May 31, 1997

Black: "Okay. Now, those people who were convicted, say three or four years ago, who probably have no idea we're discussing this Bill, how are they going to be notified that their FOID card is going to be invalid?"

Santiago: "I've been advised that they will be notified the same way that anyone... any individual that has committed a crime, they are notified by the Department of State Police."

Black: "Well, but, but keep in mind this... this particular crime may of... may of been adjudicated and done with in 1994 and the person at that time didn't lose the FOID card. So, he or she goes in to get a hunting license next fall, or a deer permit, I assume that there is going to be a hit on that FOID card if this Bill becomes law. And so then, what does that person do?"

Santiago: "Well, then you have... that person has to wait two years to get a new FOID card."

Black: "Okay. So... but if... if you're out there right now and you were convicted of domestic abuse three years ago, are you going to receive constructive notice that your FOID card should be surrendered?"

Santiago: "It... I have been advised by the legal counsel that they will be notified by the state police."

Black: "Okay. Now, is there any appeal process? Can the individual file documents or court records to say, 'Hey, this wasn't... I don't think it was domestic abuse as you have defined it. I think you ought to review what I went through, and I want to appeal. I don't want to lose my FOID card'?"

Santiago: "There's nothing in the Bill that... that addresses that."

Black: "Okay, but five years is the maximum you can go back,

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

73rd Legislative Day

May 31, 1997

right?"

Santiago: "Right."

Black: "Okay. The last scenario, because of what happened in my district with the federal law, what if one of these people, convicted three years ago, was a local police officer in 'Town A'. Now, as a result of that, a divorce was granted, the police officer moved to 'Town B', and currently is a police officer in that town. Now, since he was convicted three years ago, would that police officer, would 'Town B' be forced to dismiss that police officer, because, I assume, he could not carry... he or she would not be allowed to carry a gun?"

Santiago: "Getting back to the... for police officers there's an exception under the federal law."

Black: "Well, now that's what's got me confused, because I had a constituent, Representative, who was not granted any excuse, and it went back 15 years, and the department had no choice but to let him go, about six months ago."

Santiago: "Well, under my Bill they can only go five years. So, if he had a problem I... you know, then you're going to have to get me new legislation, I will Cosponsor it with you."

Black: "Sure. And I... but the point is, in your legislation, there is no exception for... there is no exception for a person who may have to carry a gun to make a living. If you are a police officer, if you are a state trooper, and you were convicted three years ago, when this Bill becomes law, you may be in trouble, right?"

Santiago: "Well, we can not supersede... the federal law will supersede the state law."

Black: "All right."

Santiago: "Under that scenario."

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

73rd Legislative Day

May 31, 1997

Black: "Okay. Well, Representative, I appreciate, as always, your patience in answering the questions. Thank you."

Speaker Currie: "Further discussion? Representative John Turner."

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

Speaker Currie: "He indicates he will."

Turner, J.: "Representative, I'm trying to follow what Representative Black had just questioned you on. If I'm reading this correctly, this will relate back five years, is that correct?"

Santiago: "Yes. Yes. Yes, Representative Turner."

Turner, J.: "All right. So, if someone has been convicted of domestic battery within five years, their FOID card would be revoked if this Bill passes, correct?"

Santiago: "Yes."

Turner, J.: "And then it... they automatically qualified to receive one again, or is there some step that they have to take in order to obtain a FOID card?"

Santiago: "They would apply, like they apply right now, and then they will be determined by the state police if they meet the guidelines."

Turner, J.: "The regular application process then?"

Santiago: "Yes, Sir."

Turner, J.: "All right. Suppose we pass this and a person is convicted of domestic battery, the middle of 1998 in July, does... is there a five year period then that they have to wait before they can obtain a FOID card? Or is it a lifetime revocation of the FOID card?"

Santiago: "No, you... they will never... they won't get one."

Turner, J.: "I couldn't hear you, I'm sorry."

Santiago: "They will not get a FOID card."

Turner, J.: "All right. So, if the Bill passes then, anyone

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

73rd Legislative Day

May 31, 1997

convicted of domestic battery, after the effective date of this Act, will no longer qualify for a FOID card for the rest of their life?"

Santiago: "Yes, Sir."

Turner, J.: "FOID card, just so everyone understands, does include... it's something that is necessary in order for a person to have in their possession a long gun, is that correct?"

Santiago: "Yes. Yes, Sir."

Turner, J.: "So, the FOID card requirement applies equally to a handgun as it does to a long gun? Is that... am I right?"

Santiago: "That is my understanding, Sir."

Turner, J.: "So, if we pass this, and the Governor signs it, then if a 19 year old, 18 year old, 20 year old, whatever, gets convicted next year of domestic battery, even by the time they reach 55 or 60 they will not be able to obtain a long gun to hunt with?"

Santiago: "As I stated before, the objective is to prevent domestic violence and assume tolerated teenagers, we should not tolerate teenagers, senior citizens, or anyone."

Turner, J.: "Well, let me just say that I certainly applaud you with that in mind and I agree. It's a terrible thing, domestic battery, domestic violence, we have to do all we can to pass laws so that those things don't happen in a domestic situation, I couldn't agree more with that. However, I think pointed out before, and I know at least from my reading you haven't addressed this problem, is that there are two forms of domestic battery in our current statutory scheme. One of those forms of domestic battery requires the defining of bodily harm. And clearly, if there has been bodily harm in a domestic situation, I think you're on the right track with your law. That person who

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

73rd Legislative Day

May 31, 1997

has committed bodily harm against the other individual in the domestic situation should not be allowed to possess a handgun or a long gun. But, and here, this gets to my question. The second way that domestic battery can occur in our state, is that if a person makes physical contact of an insulting or provoking nature. So, my question is, if a person is convicted of making physical contact of an insulting or provoking nature, but there is no bodily harm, whatsoever, involved, is that person, if convicted, going to be in a situation where they can never for the rest of their life obtain a FOID card?"

Santiago: "In that case, that would not be a battery."

Turner, J.: "Are you... when you refer to domestic battery, are you not referring to our own Criminal Code, Chapter 725/12-3.2? Is that not the domestic battery we're talking about?"

Santiago: "Hold on a minute. Let me check the statute. Representative Turner, in the Bill there is no reference to the Criminal Code. So, if you're reading the Criminal Code, I... the Bill does not reference that."

Turner, J.: "Well, Representative, as I read the Bill and the Amendment taken together. If a person commits the offense of domestic battery: Number one, they cannot get supervision under our current scheme, therefore, they must receive a conviction. Number two, the domestic battery does not require any bodily harm, nor does it require a weapon. It only requires physical contact of an insulting nature. Is that the type of offense that your Bill refers to, which if committed, will not allow a person to ever obtain a FOID card for a long gun for the rest of their life? Even if committed at 18, 19, or 20, even by the time they reach 55 or 60, is this what we want to do? And does



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

73rd Legislative Day

May 31, 1997

your Bill do that, because I think it does?"

Santiago: "Well, if... if... I'm not an attorney, but if that's the definition of domestic battery, then the individual committed that offense. It's, you know, simple... very, you know,... logical."

Turner, John: "Right, and I think... I agree with you. If a person commits battery in the sense that most people think about it, bodily harm, and we discussed this before when this Bill came up, if there's bodily harm involved, then you're right. This person should not have a gun, whether it be a hand gun or a long gun, but my question is, and I think that you are referring to the same domestic battery statute that's in our existing code, my question is, do we want this to apply in all situations, even those where the only contact is of an insulting or provoking nature? I think it goes too far. I don't think it should include provoking contact. It should include those situations where there is bodily harm. Do you disagree with that?"

Santiago: "I strongly disagree, because I'm trying to get at the bottom line of preventing domestic violence, and if you abuse the woman in any way, I feel that you should not be allowed to carry or get a FOID card."

Tenhouse: "Well, I don't disagree with that statement in and of itself, but clearly first of all, let me point out that this isn't... domestic battery works both ways. There are many domestic battery cases where the victim is the male and the aggressor is the female, probably not as many as the other way around but certainly those occur on a daily basis, as well. But the point is, let's face it, sometimes individuals are married at a rather young age, are 18 or 19 or 20, and it's not always the male who makes the physical contact of a provoking or insulting nature with the lady.

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

73rd Legislative Day

May 31, 1997

Sometimes, it's the other way around. Sometimes it's the wife that might provoke or insult the husband. But in either case, if they're 18 or 19 years old, they do this, if the police are called, and as in many jurisdictions now, once the police are called out in a domestic battery situation, they insist upon proceeding with their charges. In either case, whether the defendant is female or male, that individual, even if they're 18 or 19, under this Bill, will be barred from having a long gun for the rest of their life and it doesn't matter, as I understand it, because they're going to be deprived of getting a FOID card. And as I understand, it doesn't matter whether there is bodily harm involved at all."

Santiago: "But, I think you're missing the point. The individual has to be convicted of the crime. The state police are not going to come into their homes and grab the teenager because he was accused of the crime. The individual has to be convicted of the crime. And if you're a teenager, a senior citizen, or anyone that abuses a woman, you should be convicted and you should not be... no one should give you that opportunity or that privilege to carry that FOID card."

Turner: "Well, clearly I agree. If someone is charged, they have to be convicted. My point was, to the conviction. As I read the statute as it currently exists, frankly there's no mitigation or aggravation left in the statute. It can be provoking contact, it can be insulting contact, it can be bodily harm, but in no circumstance, can there ever be court supervision. So, in any circumstance where police officers are called, and where there is a prosecution there must be a conviction. And once there is a conviction, it makes no difference, whatsoever, whether there's bodily

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

73rd Legislative Day

May 31, 1997

harm involved or whether it's simply provoking contact, the FOID card will be revoked for the life of that person. Is that correct? Is that the way it is under this Bill?"

Santiago: "Well, with all due respect to you, I think you should get real. And the police are not going to go arresting people all over town and because his girlfriend or his wife said, 'Well, you know, he assaulted me verbally.' Or in a lot of those cases, the police will come in, the social workers will come in, and intervene in that case. Now, if you're convicted of beating up that woman, you should be convicted."

Turner: "Absolutely."

Santiago: "You shouldn't have any privileges. And that's the intent of the Bill."

Turner: "I know that the intent of the Bill..."

Speaker Currie: "Representative..."

Tenhouse: "That's a great intent."

Speaker Currie: "Representative Turner, would you kindly bring your remarks to a close. We have not had the timer on but I think had we done so, we would have been past 10 minutes at this point."

Turner, John: "Ah, I don't think so. Why don't we turn it on now and I'd have another five minutes? I agree wholeheartedly, Representative. Your intent is perfect in this Bill. The problem is, it goes way beyond your intent. And I don't know if you said 'get real'. I'm telling you, I am getting real. What happens, no, police don't come to the home, what happens in a situation is that a fight occurs. The police get called, they might go out this week. They don't do anything. They talk to the young couple. Well, guess what? It happens again the following week. They go out, they don't do anything, they talk to

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

73rd Legislative Day

May 31, 1997

the young couple. About the third or fourth time they insist upon prosecuting. Now, there may not be any bodily harm involved, whatsoever, but under your Bill, if there's insulting contact and charges are pressed, and they many times are, after the second or third call, and the thing goes to court, there's got to be a conviction because there's no court supervision. All I'm saying is, you're applying this law, the very same to insulting and provoking contact as you are to the situation where there's bodily harm. And where there's bodily harm, I agree. Should be no weapons, FOID card should be revoked. But you go well past that. Again, I agree with your intent. I can't vote for your Bill. I don't think you should include insulting and provoking contact. I think you should limit this Bill to those situations where bodily harm is involved. You may recall that the Bill was originally done so that there had to be bodily harm and a weapon. And I think you've convinced me and I think you've convinced certainly everyone else that the weapon no longer has to be there. But I still think we at least ought to require the finding of probable cause, the charge must... the finding of bodily harm, the charge should be based upon bodily harm. I don't think you should include the insulting and provoking contact. I'm sure you're going to get plenty of votes for your Bill. I wish I could vote for it, but because I think it's too broad, well beyond your intent, I simply can't vote for it. I commend you for your efforts, though, thank you."

Santiago: "Well, I highly respect your opinion..."

Speaker Currie: "Before we... that wasn't a question, so we'll go on with the discussion."

Santiago: "Let's go."

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

73rd Legislative Day

May 31, 1997

Speaker Currie: "But before we do, the Chair wants to remind you that at 6:00, the Secretary of State, George Ryan, will have chicken and all the trimmings in his office for us and for staff and to sweeten the offer, the State Comptroller, Loleta Didrickson, has decided to provide dessert at that very same party. Further discussion? Representative Ronen. And the timer will be on."

Ronen: "Thank you, Madam Speaker. And it is a pleasure to see you in the Chair. I was saying it was a pleasure to see you in the Chair and you can press your..."

Speaker Currie: "Thank you. Thank you."

Ronen: "...you can press your button from there and I don't have to reach over. It's very nice. I rise in strong support of Representative Santiago's legislation. He's done a tremendous job in fashioning this Bill and worked very hard to bring it to this point and I think we all owe him our support. This is a very important Bill. We're talking about a crime that affects too many women and too many people and it doesn't matter the gender. The Representative that spoke before is correct. When somebody is violent towards somebody else, we need to take strong action. When somebody has a violent nature, they shouldn't be allowed to have a gun, that just makes them more dangerous. This Bill addresses those issues and that problem, and I think for that reason we all ought to strongly support this Bill and support Representative Santiago. And I urge all my colleagues to vote 'aye'."

Speaker Currie: "Further discussion? Representative Cross."

Cross: "Thank you, Speaker. I yield my time to Representative Turner."

Speaker Currie: "Thank you. Representative Turner has said it all. Further discussion? Representative Tenhouse. Also

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

73rd Legislative Day

May 31, 1997

yielding. Further discussion? Representative Lindner."

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

Speaker Currie: "He indicates he will."

Lindner: "I have some of the same concerns as Representative Turner and I do applaud, I certainly applaud your intent in this. But, when you talk about domestic battery or a substantially similar offense in another jurisdiction, what is a substantially similar offense and could that be an Order of Protection? I'm wondering about the situation in a divorce situation when there is an Order of Protection and the domestic battery portion is marked on the Order of Protection, but the person just decides not to come in to contest the order, so there is a conviction. Would that apply in this case also?"

Santiago: "This is... that is a commonly used phrase in all the statutes and all the Bills that we use here. On the issue of Order of Protection, if it is a battery, it is a violation of an Order of Protection."

Lindner: "No, but I mean, in an Order of Protection, when an Order of Protection is first issued, sometimes, particularly in a divorce situation, the party accused is... does not come into court and contest the Order of Protection, and so the order stands as testified to by the person getting the Order of Protection, so if there is a box marked for domestic battery in that and somebody just doesn't come in to contest it, will that be this situation also? Would the person lose their FOID card?"

Santiago: "Usually those Order of Protections are given in an emergency basis. And they usually have a time line of about two weeks so... and someone is given that opportunity of about two weeks to respond to that Order of Protection."

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

73rd Legislative Day

May 31, 1997

Lindner: "But many times, my point is, that many times they don't. So, if they don't come in just because they don't want to bother or they are negotiating other things in the divorce case and that Order of Protection stands, but has never been really admitted to by the person, then would that person also lose his FOID card?"

Santiago: "The individual has to be found in conviction of that Order of Protection. If the individual violated that Order of Protection, then the statute applies like any other statute."

Lindner: "Okay, and you don't have a definition for a substantially similar offense in another jurisdiction?"

Santiago: "I didn't hear your question."

Lindner: "I said, and you do not have a definition for a substantially similar offense in another jurisdiction?"

Santiago: "We don't have a definition, but I've been advised by the attorneys that is a commonly used phrase."

Lindner: "Okay, thank you Representative."

Speaker Currie: "Further discussion? Representative Fritchey."

Fritchey: "Speaker, I Move the Previous Question."

Speaker Currie: "You're the last speaker, so Representative Santiago to close."

Santiago: "Thank you, Madam Speaker. I ask everyone to really look at this Bill and if you're concerned about domestic violence, this is one of the first steps in trying to curtail that problem. What we're trying to do here is, to protect woman, to protect households, to protect children. And you can do whatever you want to do with the statute. Play around with the definition and do whatever you want to do, but the bottom line is, we must protect the household, and this affects mostly children. And this is a Bill to protect families. This same Bill passed the Senate 55 to

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

73rd Legislative Day

May 31, 1997

1. So I urge everyone here to please consider and vote 'yes' on this Bill. Thank you."

Speaker Currie: "Representative Santiago moves adoption of the First Conference Committee Report on House Bill 127. And on that Motion, all in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Motion, there are 92 voting 'aye', 22 voting 'no', 3 voting 'present', and the First Conference Committee Report on House Bill 127, is adopted. The Chair would like... Senate Bill 381, Representative Roskam."

Roskam: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 381 is back. It is the frivolous lawsuit language as it relates to people incarcerated in the Department of Corrections. It overwhelmingly left the House. In addition it has language from the office of the State Appellate Defender which changes the competitive bidding process for backlog cases. Under the current program, private attorneys are allowed to bid to represent appellate defendants. There's been some problems with that, in that there has not been an adequate criminal appellate experience on the part of some of those attorneys, so Senate Amendment 1 which is now in this Bill, which is why it is here, would require that bidders have prior criminal appellate experience and submit satisfactory samples of their legal writing ability with their bids. And in addition, it will allow the office of the State Appellate Defender to limit bids to five cases at a time. I don't know of any opponents. I'll do my best to answer any questions."

Speaker Currie: "Representative Roskam moves adoption of the First Conference Committee Report on Senate Bill 381, and



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

73rd Legislative Day

May 31, 1997

on that Motion, is there any discussion? Seeing none, the question is, 'Shall the House adopt the First Conference Committee Report?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion, there are 116 voting 'aye', 0 voting 'no', 1 voting 'present', and the House does adopt the First Conference Committee Report on House Bill, sorry, Senate Bill 381. Senate Bill 603. Representative Saviano. Is Representative Saviano...Representative Saviano."

Saviano: "Thank you, Madam Speaker, Members of the House. Before I present the Bill, I would ask for a Point of Personal Privilege."

Speaker Currie: "State your point."

Saviano: "Thank you, Madam Chairman (Sic-Speaker). Five years ago I came down here as a freshman State Representative and was appointed as a Minority Spokesperson of the Registration and Regulation Committee. To be perfectly honest with you, at that time I didn't fully understand what that position was going to entail as far as holding up the Republican agenda in the Registration and Regulation Committee. Over the last five years I've learned a lot as a Member of that committee, and I can honestly tell you that most of the lessons I learned in that committee, I can attribute to the knowledge and expertise that a person has lent to me who will soon be retiring after over 20 years of dedicated service as a staff person on the House Republican Staff. She's been a great mentor to me on the Registration and Regulation Committee. She's kept me in line. Everyday I sit in that chair and I think the success of the committee over the last five years, 90% of it, has to be

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

73rd Legislative Day

May 31, 1997

because of Mona Lamkin. This is her last Session. She'll be retiring in September and on behalf of the House, with your indulgence, we want to wish her well and many years of happiness and health in her retirement."

Speaker Currie: "Thank you, Representative. And it seems on your Point of Personal Privilege there are some others who wish to join in these remarks. Representative Art Turner."

Turner, A.: "Thank you, Madam Speaker and Ladies and Gentlemen of the Assembly. I, too, will miss Mona and we certainly wish her Godspeed, but I have one question. It appears that we're losing all the great staff. Is it something that was in Stroger's pension Bill or in the pension Bill that I carried? Because, if so, we can still have time to correct this. But, Mona, we wish you well and Godspeed again."

Speaker Currie: "Representative Stephens."

Stephens: "Madam Speaker, it is absolutely unbelievable, it's unconscionable. The Gentleman from Cook is trying to blame his voting record on one of the finer staff persons that have ever blessed us with their presence. You're not going to get away with it, Representative. She's a better woman than that. Your record stands for itself. Or whatever I tried to say."

Speaker Currie: "Representative Lopez."

Lopez: "Thank you, Madam Speaker. I rise on a Point of Personal Privilege."

Speaker Currie: "State your point."

Lopez: "I also served on the committee for five years and I really give Mona a lot of credit. As we've gone through the last few years, it's been years of very hard work. A lot of partisanship, a lot of fights back and forth, and I can honestly say that Mona never, never did get involved in any of those fights. And we will miss you greatly and I

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

73rd Legislative Day

May 31, 1997

appreciate all the work that you have done to making sure that no matter what party you belong to, that our issues were brought up in committee, you treated us all equally. And that says a lot and is a big tribute to you, as a person, and as an individual. And thank you for all the good work and God bless you."

Speaker Currie: "Representative Black."

Black: "Thank you very much, Madam Speaker and Members of the House. I just rise to echo the remarks of everyone. You know, to staff on both sides of the aisle, when it gets hectic, when those elected officials get a little short of temper and a little short on knowledge sometimes, I just want to say, and I mean this sincerely, without staff this place would not function, or at least not function as well as it does. And without staff I'm not sure any of us could keep our sanity, particularly on the last day of Session. To Mona Lamkin, who I've worked with for many years, particularly on Cellular 911 Emergency with Representative Brunsvold, and we never could get that worked out, and then we had another problem on 911 locator from private switchboards, hour after hour, after hour in very contentious meetings. The woman never lost her cool, never lost her composure, worked hour after hour, after hour. We sometimes forget to say 'thank you'. Mona, thank you so much. Godspeed."

Speaker Currie: "Representative Kubik."

Kubik: "Thank you, Madam Speaker. We have a lot of people that go through this place and we have a lot of staff who have the opportunity to work for us, but there are just a few who rise to the top and who are just special, special people. There's special people on both sides of the aisle. They're known as people who understand an issue, understand

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

73rd Legislative Day

May 31, 1997

the implications of an issue and always are honest with Members on both sides of the aisle. Mona Lamkin is one of those people. She's a straight shooter, she knows her stuff, and you know what? She's one of the nicest, finest people I've ever had the opportunity to meet. We're going to miss you, Mona. You're a great lady. Thank you."

Speaker Currie: "Representative Flowers."

Flowers: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I, too, would like to echo the remarks of my colleagues. Mona, I just want to say to you, quite frankly, I'm going to miss your hugs and I love you, and may you just continue to have a prosperous and happy life. Thank you, Mona."

Speaker Currie: "Representative Deuchler."

Deuchler: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. As the senior woman on this side of the aisle, I want to add my thanks. I came here in 1980 and I know that Mona Lamkin has just been a mentor to so many of our staff. When they had problems or questions, they always knew that her door was open, that she would welcome them and give them her advice and counsel. She drove long hours to get here and was always at her post, staying late, coming in early. And I just think this valiant lady deserves all the thanks of all of us. Thank you, Mona."

Speaker Currie: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Speaker. One of the first committees I ever served on here was Public Utilities, and I can remember being chagrined to discover that I had been given that assignment because I had absolutely no idea what the public utilities' laws of Illinois were. I soon discovered that that was one of the most difficult and complex set of issues that any committee here ever has to

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

73rd Legislative Day

May 31, 1997

deal with. But I was soon reassured when I met Mona Lamkin, who I think was the very first staff person here with whom I ever really became very well acquainted. Here was someone who understood things thoroughly, who could express things so that you could understand them, who would admit when she didn't have enough information to let you know what you needed to know, who dealt evenhandedly and fairly with everybody, from the people who represented, and all of the special interests that surround public utilities, to those of us on the committee, and I might add, on both sides of the aisle. She has immense wisdom. She works very, very hard, but as others have already said, the thing I think most of us will remember the most about Mona is that she is simply a wonderful, pleasant, wonderfully nice person. A woman of worth. Thank you."

Speaker Currie: "Representative Wojcik."

Wojcik: "Thank you, Madam Speaker and Members of the House. I would be remiss if I didn't stand up here and praise this fine lady. If it wasn't for her, many times I wouldn't know what my answers would be to certain problems we had, and we have been very, very close and bonded. And I can only say that she deserves the best, she's a beautiful, beautiful woman. And I can only echo the thank you's for both sides of the aisles for the staff and those we work with. But, Mona, God bless you and you know what? Now you can do that protein diet, no sweat."

Speaker Currie: "Representative Rutherford."

Rutherford: "Thank you, Madam Speaker. I join and echo with my colleagues in recognizing this outstanding individual. I've had the chance to get to know Mona since I've been in the General Assembly. Not having served with her directly on a committee, but there's been times when I've been here

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

73rd Legislative Day

May 31, 1997

on the House Floor and she's come up to me with a Bill File and wanted to know if we could try to walk ourselves through this and try to get some of the debate clarified in some of those issues. And it's always comforting to know that when Mona is by your side it's going to be content, settled, substantive, and accurate. And to that extent, Mona, I want to just say thank you very much for all that you've been able to provide me and this Body and wish you all the very best in your retirement years."

Speaker Currie: "The Chair joins in thanking Mona Lamkin for her help and her hard work, and in our best wishes for a happy and well deserved retirement. And now we're back to Representative Saviano on his Motion to adopt the Conference Committee Report on Senate Bill 603. Oops, sorry. Representative Daniels. Sorry."

Daniels: "Well, Madam Speaker, Ladies and Gentlemen of the House. I started in Springfield in 1974 and not too long after that Mona Lamkin started in the Illinois House. Started working for George Ryan, who was the Minority Leader and then Speaker of the Illinois House. I inherited Mona's talents as a result of George having the wisdom to have her part of staff. And ever since then, I can tell you that we have been extremely pleased on our side of the aisle, to have somebody of the capability, the brightness, the intelligence, and the personality of a Mona Lamkin. She is, of course, the best of the best. She is an inspiration to all of us, not only in the Legislature, but also all of us that serve this process and every staff member. Mona, I can tell you that it's been my pleasure to work with you. We've been blessed to have you as part of our staff, you've made government operate and function, and you are what the people of Illinois should always hail as the best. So

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

73rd Legislative Day

May 31, 1997

thank you for all you've done for Illinois, for all of its citizens and certainly for all of us here. God bless you, Mona. We'll miss you."

Speaker Currie: "Representative Daniels."

Daniels: "Mona just said to me, 'Does this mean I have to go now?' I said, absolutely not, she can stay as long as she wants to stay, and you can come back if you want, anytime you want and teach us how to do things. Okay? All right. Why don't you just say hello to everybody?"

Mona Lamkin: "I am speechless in a room full of people who know, very well, how to speak, but I want to thank you from the bottom of my heart. Thanks. I'll miss you all."

Speaker Currie: "And now Representative Saviano on the Conference Committee Report."

Saviano: "Thank you, Madam Speaker, Members of the House. Conference Committee Report #1 to Senate Bill 603, I need Mona here with me. This is an Agreed Bill which was worked out in regards to the Pharmacists Sunset Extension. This Bill passed out of the House on a vote of 112 to 5. The reason we went to Conference was to include a provision that permits pharmacists to store the prescription records by digital imaging and to add an immediate effective date. And I would make a Motion that we adopt the First Conference Committee Report to Senate Bill 603."

Speaker Currie: "Representative Saviano has moved to adopt the First Conference Committee Report on Senate Bill 603, and on that Motion, is there any discussion? Seeing none, the question is, 'Shall the Motion be adopted?' All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk, take the record. On this Motion, there are 118 voting 'aye'; 0 voting 'no'; 0 voting

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

73rd Legislative Day

May 31, 1997

'present', and the House does adopt the First Conference Committee Report on Senate Bill 603. Senate Bill 680. Representative Bugielski."

Bugielski: "Thank you, Madam Speaker, Members of the House. It's a pleasure to see Madam Speaker in the Chair. We finally have someone decent to look at rather these other guys that we had in here all year long. I move to adopt the First Conference Committee Report on Senate Bill 680. Six eighty passed out of here with the vote of 115 votes and this is where we were allowing local municipalities, school boards, and high schools... community college districts to accept payments by credit cards. One of the questions that was brought up last time when we had the Bill the first time was, Representative Black I know was concerned about whether or not local municipalities would be able to use this as a money maker. And we took that into consideration and in the Conference Committee Report we put caps on the payments that they would be able to charge for any of their fines or fees or payments that they were making. So, that was taken care of in this. It authorizes but does not require the local units of government and the community colleges to accept payments by credit card. And all we have done was made this... it was a good Bill to begin with, and with this Conference Committee, it makes it a much better Bill, and I ask that we adopt the First Conference Committee Report on Senate Bill 680."

Speaker Currie: "Representative Bugielski moves adoption of the First Conference Committee Report on Senate Bill 680. Is there any discussion? Representative Parke."

Parke: "Thank you, Mrs. Speaker (Sic-Madam). What was the process that was done in the Senate on this Bill that made it go into a Conference Committee?"



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

73rd Legislative Day

May 31, 1997

Bugielski: "When the Bill came here it was a Shell Bill. I put the Amendments on for the payments, for them to accept the payments with a credit card. And with the concerns that we had before, we went into the Conference Committee to just change it. They did not accept our Amendment, the Amendment that was put on by the House, and what we did now is just incorporate, left the same Amendment there but incorporated the caps on fees in there."

Parke: "As far as you know, is there any opposition from any group? If so, who?"

Bugielski: "No one that I know of. It's supported by Dean Witter, American Express, United Counties' Council, the metro counties, the Illinois Municipal League, south suburban mayors and the County Treasurers' Association."

Parke: "So, no oppositions. Let's go."

Speaker Currie: "Further discussion? Representative Black."

Black: "Thank you very much, Madam Speaker and Members of the House. I just simply rise to support the Gentleman's Motion and to applaud and thank him for getting the fee language in this Conference Committee, because my fear was that cities would add a 10 or 15% kicker to a transaction to take the discount rate into consideration on the credit cards. With this fee cap on it, this is an extremely good Bill, a very reasonable Bill, in an age of plastic. And I appreciate your tightening up the Bill. I hope we can all vote 'aye'."

Speaker Currie: "On the Motion, all in favor signify by voting 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Clerk, please take the record. On this Motion, there are 116 voting 'aye'; 0 voting 'no'; 0 voting 'present', and the House does adopt the First Conference Committee Report to Senate

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

73rd Legislative Day

May 31, 1997

Bill 680. Senate Bill 806, Representative Santiago.  
Representative Kosel, for what reason do you rise?"

Kosel: "On the last Bill, my switch malfunctioned. The green light should have been lit and I would like to be recorded as such."

Speaker Currie: "The record will reflect that comment. Representative Santiago. House Bill 1254, Representative Scott."

Scott: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1254, Conference Committee Report to House Bill 1254, has three provisions in it. The first provision would amend the Child Passenger Protection Act to require that any person transporting a child 4 years of age to 15, must secure that child in either a restraint system or seat belt. That changes the current law from 6 years of age to 16. The second provision, is amending the Illinois Controlled Substances Act to increase the penalties for manufacture and attempted manufacture of methamphetamines. This is obviously a problem that is coming our way. It's started to infiltrate this area. It's an incredibly dangerous drug with very serious consequences and we want to try to stop this before it starts. And the third provision here is a restitution provision which says that the restitution payments must be made in as short of time as possible. It also will deem that the facts that were found to be by the court won't have changed unless there is some affirmative evidence to the contrary. And also that the probation can be extended or modified to allow people to pay for restitution. Those last two provisions you saw are provisions which have passed out of here nearly unanimously before and out of the Senate nearly unanimously before. The first provision was something that, although

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

73rd Legislative Day

May 31, 1997

passed out of the Senate 53 to 3, was not successful in the House, but we're coming back for one more time."

Speaker Currie: "Representative Scott moves to adopt the First Conference Committee Report on House Bill 1254, and on that Motion, Representative Black. The timer is on."

Black: "Thank you very much, Madam Speaker. Will the Sponsor yield?"

Speaker Currie: "Indicates he will."

Black: "Representative, is there some reason you're agreeing to adopt the contents of Senate Bill 166 in this Conference Committee?"

Scott: "Was that the child restraint?"

Black: "Yes."

Scott: "Yeah. I think it's good law. It would be good law if we passed it. And if I could take 20 seconds and elaborate, Bill, why I think it is. The statistics that we see on the number of children that are killed every year who might have been saved had they been in a restraint system, leads me to think that this is something that its time has come. When we set the law back several years ago, I think it was set at an arbitrary level. I don't think we're really changing the composure of that particular law, we're just saying that we could save a lot more children if we enacted this particular law."

Black: "Okay. Madam Speaker, to the Bill and Members of the House."

Speaker Currie: "To the Bill."

Black: "To the Conference Committee Report, I'm sorry. The underlying Bill that is included in this Conference Committee Report, failed to get 42 votes in this Chamber, not that long ago. Now if you want to go ahead and vote for this Conference Committee, that's fine, and the

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

73rd Legislative Day

May 31, 1997

Gentleman is well intended and I think probably right. But at some point, people in my district say, 'Please let me make up a decision, let me make the decision if my children in the back seat of a car will wear a seat belt.' I still don't understand how this law is going to be enforced uniformly. If you've got vans, does it mean the back, back seat? If you've got a Chevy Suburban, does it mean the back, back, back seat? Or if you've got one of those little pickup trucks with a little bench seat, and there might not be seat belts, what happens then? At some point, let's let parents and people take responsibility for their own actions instead of legislating anybody under the age of 16, no matter where they're riding in a car or a van or a truck have to be buckled up in a seat belt. In older cars where they only have a lap belt, now we've got confusion. The National Traffic Safety Board said, 'Oh, that's dangerous. You don't want to wear just a lap belt, but in Illinois, you'll have no choice if this passes. I intend to vote 'no'. I would suggest you do so, as well."

Speaker Currie: "Further discussion? Representative John Turner."

Turner, John: "Thank you, Madam Speaker. Will the Gentleman yield?"

Speaker Currie: "He indicates he will. The timer is on."

Turner, John: "Representative, your explanation as to the Bill regarding the controlled substances and the restitution, certainly I agree with you on those provisions. My question, however, relates to what Mr. Black just talked about. As I understand it, your Bill will now require anyone between the ages of 6 and 16 years of age to be buckled in, is that correct?"

Scott: "Yes."

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

73rd Legislative Day

May 31, 1997

Turner, John: "And it also will give a police officer probable cause to stop a motor vehicle if they spot someone who they believe is under 16 years of age in a vehicle who is not buckled in?"

Scott: "Just the same way that right now, under the Child Safety Law, they can stop a vehicle if they think that there is someone that's under the age of 6 that isn't buckled in, yes."

Turner, John: "How is a police officer going to know when they see a car drive by whether or not the individual they see not strapped in, is 15 or 16 years of age?"

Scott: "They're not, Representative, but that's no different than stopping someone because you think they're violating curfew. We give police officers the ability to do that. It's no different than the probable cause that we have right now that allows police officers to stop cars because they think a child is under the age of 6. I mean, I don't know that it's anymore difficult to tell whether someone is 15 or 16 than it is to tell whether someone is 5 or 6."

Turner, John: "Well, it sounds like you don't like the fact that they can stop them for these other things, so in other words, we're just going to have one more reason why a police officer can pull over a vehicle."

Scott: "No, they can do it right now, Representative. The only thing we're changing is the age. They can do it right now."

Turner, John: "If they see a 15 year old in the car is not strapped in..."

Scott: "No, no, no..."

Turner, John: "...they can do it right now?"

Scott: "See, but, this has become a confusing point here. With the law right now, we get hung up in this definition

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

73rd Legislative Day

May 31, 1997

between primary and secondary enforcement of seat belts and for the driver or the front seat passenger, it's true that there's only secondary enforcement for that. They can't pull someone over for that. But for the Child Safety Restraint Law, a police officer can pull somebody over right now if he thinks that they're transporting someone who is under the age of 6 who's not properly restrained. The only thing we're changing in that is, we're changing the age from 6 to 16."

Turner, John: "Well, I don't know if that really answers my question. How is a police officer to know whether or not the individual who they believe is not strapped in is 15 or 16 years of age?"

Scott: "Well, I'll tell you. You were a state's attorney John, and I'm sure you prosecuted kids on curfew violations who were stopped by a police officer who looked at them, looked at his watch, looked at the young person and decided that they were someone who didn't look like they were old enough to be out at that time of night. It really isn't any different than that."

Turner, John: "Well, I prosecuted a lot of individuals and in fact, we got a lot of prosecutions because a police officer may pull someone over because their license plate light is out or the tail light's out, or... I don't know what happened to the Bill where if you're driving 64 miles per hour in the left lane, I don't know what happened, I don't know if that's going to become law or not, but if we're going 64 miles per hour, we can stop them now."

Scott: "I think it went 66..."

Turner, John: "...66 miles per hour we can stop them now, so, we're going to add in one more thing. If every kid under 16 years of age isn't buckled in, they can be stopped."

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

73rd Legislative Day

May 31, 1997

Well, what happens on those stops is, that once the stop is made, they can request permission to search. Do you agree with that?"

Scott: "Sure, but if permission is denied by the driver to search, and the police officer doesn't have any other probable cause to go further, that's where it ends."

Turner, John: "Yeah, and if permission is given, and many people don't understand they don't have to give permission for the police officer to make the search of the vehicle, if the search, in fact, shows some contraband or reveals some contraband, then, of course, it can lead to all kinds of multiple convictions."

Scott: "Well, if you think it's a great idea that we allow people to drive around in cars with kids and contraband of multiple kinds, maybe you should vote 'no' on this. I happen to think that's probably a good thing that we can get rid of contraband from cars that are carrying children."

Turner, John: "Well, let's not get personal about this. Of course I think it's a good idea for the police officers to take contraband off of the streets and out of the cars. I happen, however, to agree with what Representative Black said. At some point, we have to put a stop to this. At some point, we have to let people live in their houses, we have to let people drive in their vehicles, and the police officers and law enforcement, can't get involved in every single situation where somebody drives down the highway."

Scott: "But this isn't the person, John. We've already regulated that. We've already said the person has to wear the seat belt, that's the driver of the car. We're talking about the person who doesn't have a choice, the child. We're talking about somebody who is under the age of 16 who's

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

73rd Legislative Day

May 31, 1997

under the control of the person who is driving the car. They're not making the choice. We don't allow them to make choices in lots of areas. They're not making the choice here. Somebody is making it for them."

Turner, John: "We're also talking about the person who has five or six kids and doesn't have enough seat belts in the back seat or the front seat to strap in all their kids, and how can they take them all if they want to go to the Dairy Queen to get some ice cream? How can they do that without violating the law?"

Scott: "Well, John, they can do one of two things and if I can be allowed to answer his question, Madam Speaker. Thank you. They can do one of two things. As you heard in committee, Senator Cullerton who is testifying there, testified that they can get cars that will allow it. They can double up the seat belts and put two of the smaller children in one seat belt. The other thing that they can do, you know, we just passed a law here a couple of weeks ago, that says if a teenager is driving the car, if somebody under 21 is driving under the graduated license plan, this is already in effect. If they have young people in the car with them, they can only have as many people in that car as there are seat belts. So, I don't think it's too big of a stretch from something we just did in both Houses on the Governor's desk last week."

Speaker Currie: "Representative Turner, we'll recognize you but you have used up your five minutes, so if you could be brief. Representative Turner, I know you'll do the right thing. Please continue with your remarks."

Turner, John: "I'm sorry, you said what Madam Speaker?"

Speaker Currie: "I said that you had used up five minutes and we will happily grant you a few more, because we all want to



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

73rd Legislative Day

May 31, 1997

know your thoughts about this Bill, but I know that you will try to be concise."

Turner, John: "I appreciate that, Madam Speaker, and I've also noticed, as the day's gone on, we're not really that busy today, so we might as well just kill a little time and talk about this Bill I think in more detail. Well, Representative, in deference to others who may want to speak on this, and Speaker, I think you know that I'm opposed to the Bill. I'm not opposed to the concept of wearing seat belts, that's certainly a good idea. I'm not even opposed to having certain laws require the wearing of seat belts because I think that does promote safety and I think that it works to that extent. What I am opposed to is, getting so detailed in the Vehicle Code so that it almost makes it impossible to drive down the highway without violating some law. I also think that it's not always easy for parents to know whether the kids are buckled in, in the back or not. If they are in the back seat or even in the front seat, it's hard for them to always discern that. They may unbuckle the seat, they may therefore be violating the law. It's not clear. Maybe you can address this when I finish here, whether or not there are two or three children not buckled in, whether each one is in a violation and whether it could end up being a 75 or a 100 or a \$125 fine. I worry about that. I think each one of those would be convictions or could be convictions and could be charged. I think for that reason, even though the limit is set at \$25, that's too much. I am very concerned about the probable cause aspect of this. I don't think if you want to make this the law, that you should make it a condition that a person can be stopped if someone in the vehicle is under 16 and is not buckled up. I don't

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

73rd Legislative Day

May 31, 1997

think it's reasonable to believe that police officers are going to be able to discern whether or not an individual is 16 or 15 years of age when they decide to make the stop. And for all those reasons, even though you have a good intent here, I can't support your Bill and I would just like to reiterate what Mr. Black said, that this very same measure had come to this House Floor before when it was on its own and not standing upon two other provisions as it is now in this Conference Committee Report. And when it did come before the Floor before, it failed and I think that he indicated it only got about 44 votes. I encourage a 'no' vote."

Speaker Currie: "Further discussion? Representative Ronen. That's alright. Representative Erwin."

Erwin: "Thank you, Speaker. I just rise in strong support of House Bill 1254. I think it's important. I think Representative Scott has made a number of these points, but I'm looking right now at the statistics from 1989 to 1994 from the National Center for Health Statistics on fatal accidents in Illinois among children. Thirty-six percent of all fatal accidents, all fatal accidents for children, are in motor vehicles. It's not poisonings, it's not falls, it's not even playing with firecrackers, it's not playing with other instruments that can be deadly, and surely there are many, many categories. Falls, drownings, poisonings, suffocations, fires, firearms, 36% by far the largest category of fatal accidents among children are in cars. Small children are like a missile as they go through the windshield of automobiles. We know that police officers in our state do not use or abuse the Seat Belt and Child Restraint Law to the extent that they are harassing motorists. We know this. But what we do know is, that by

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

73rd Legislative Day

May 31, 1997

passage of the Child Restraints Law and passage of the Seat Belt Law, thousands of lives in this state have been saved. Let us use common sense. We have support by the insurance industry, every national safety council knows that this will save lives. Let's just use our heads about this and encourage kids to put on their seat belts and have adults responsible for the children that are in their vehicles. I strongly urge you to help save the lives of children who today might just not know that they ought to have their seat belt on in their car. Please vote 'aye'."

Speaker Currie: "Further discussion? Representative Cowlshaw."

Cowlshaw: "Thank you very much, Madam Speaker. Will the Sponsor yield?"

Scott: "Yes."

Speaker Currie: "He indicates he will."

Cowlshaw: "Thank you, Sir. I'd like to ask a question that has to do with members of my own family. Our son, John, and his wife, Jane, have four children."

Scott: "Okay."

Cowlshaw: "Four. The oldest of them is 11. They have a small passenger car that they use when Jane needs to go run an errand, go to the store, grocery store, whatever."

Scott: "Right."

Cowlshaw: "Part of the back seat is already taken up with an infant seat because one of these children is young enough to require an infant seat. Now, I don't know if you have children of your own or how many, but I will tell you that trying to drive a car and keep track of four children, one of whom is an infant and the other three of whom are very active, is quite an undertaking for anyone. Are you telling me that if one of those children takes off his or her seat belt, my daughter-in-law, Jane, might be fined \$25

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

73rd Legislative Day

May 31, 1997

because she has four children and can't keep track of all four of them at the same time she's trying to drive a car?"

Scott: "Well, there's a couple of responses to that. First of all, I don't have any children. Now the well and esteemed..."

Cowlshaw: "Ah ha!"

Scott: "The esteemed Gentleman to my right, though, has five, who is working on this particular Bill so, between us we..."

Cowlshaw: "Do you want to divide that up between you..."

Scott: "Well, we average 2 1/2 between us then, right."

Cowlshaw: "Okay, alright."

Scott: "In that particular case, first of all, I don't know how many infants you said that there were..."

Cowlshaw: "One."

Scott: "...under the age of four. So, you've got one seat that is already taken up so you got three remaining children. They can do one of two things; they can either buckle up in front with the parent, or they can share in the back, two of them on one particular seat belt. They're small enough of such an age where they can probably make that work. Admittedly, it gets a little dicier if you've got four 16 year olds that you're trying to do that, but then perhaps the small family car may not be the right choice of vehicle in that particular case. I don't know."

Cowlshaw: "Thank you very much for answering that question. My daughter, Jane, I'm sure will... daughter-in-law will be greatly reassured since she has four children that you're very thoughtful about how easy it's gonna be for her to try to drive the car around with the four children. To the Bill."

Speaker Currie: "To the Bill."

Cowlshaw: "There are two excellent portions of this Bill, which

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

73rd Legislative Day

May 31, 1997

I do not believe any responsible Legislator would want to be recorded, voting 'no' on, and, certainly, I would not, however, this thing is preposterous. Consequently, although I very rarely ever vote 'present', in this case, I think that is the appropriate vote because there are some very good things in this Bill. But simply because of this very unreasonable provision, which my daughter-in-law does not like, I am going to vote 'present'."

Speaker Currie: "Clerk for an announcement."

Clerk Rossi: "The Rules Committee will meet at 6:30 in the Speaker's Conference Room. Rules Committee, 6:30, Speaker's Conference Room."

Speaker Currie: "Further discussion? Representative Black, I know you're not rising for a second time to speak on this Bill."

Black: "Yes, thank you very much, Madam Speaker. On a Point of Personal Privilege. I owe Representative Scott and Senator Cullerton an apology. I can't take my words back, but I had... and I had forgotten, I've had a great week. I'd forgotten that I had told them that I wouldn't speak on the Bill. I did so out of some frustration. I apologize to both of them. As I said, I can't take the words back and I still intend to vote 'no', but I do apologize for my inadvertent failure to keep my word. That is something I pride myself on and I do apologize."

Speaker Santiago: "Representative Santiago in the Chair. Representative Scott to close. And on that question, Representative Deering. On that question, Representative Durkin."

Durkin: "Will the Sponsor yield?"

Speaker Santiago: "Yes, he indicates he will."

Durkin: "Doug, I just want to ask the same questions I did back

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

73rd Legislative Day

May 31, 1997

in committee because I did have concerns whether or not a wheelchair would constitute a restraint system? Is it the intent of this Bill that a wheelchair would be defined as a child restraint system?"

Scott: "And in committee, we answered that, that we weren't quite sure of that. There was a Bill that was attempting to clarify that some years back that didn't pass. The difficulty is, I would think for a person that is in a wheelchair, you'd want to be in a position where the chair would be in a position to be restrained or the person would be restrained in the chair because you'd have the same problem that you would have if a person was in the seat unbuckled, if they weren't. So, I would assume that the same... that either the chair itself or the person in the chair would have to have some kind of restraint. The law just says 'proper restraint system' is all the law says."

Durkin: "So I guess we could argue..."

Scott: "Or buckle."

Durkin: "Showing argument that the wheelchair could be a child restraint system, because I think I just..."

Scott: "Sure."

Durkin: "...brought up the concerns about the... I have a child who is handicapped and I put him in the back of a van..."

Scott: "Sure."

Durkin: "...the fact there's no seat belt, but the fact is, that could be arguably that is a child restraint system..."

Scott: "Absolutely."

Durkin: "...which would be a defense for this individual from being assessed with a fine, correct?"

Scott: "Yes. Absolutely."

Durkin: "Okay, let me ask a question about the methamphetamine. A real quick one."

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

73rd Legislative Day

May 31, 1997

Scott: "Yes."

Durkin: "If you look at page 7 of the Conference Committee Report, I'm just kind of curious what we mean by this. Line 23, it says, 'possesses any immediate precursor of methamphetamine or any other chemical compound that could be used to manufacture the methamphetamine or any salt or any optical isomer of methamphetamine with the intent to manufacture any substance containing methamphetamine.' That sounded very confusing and I think I repeated a lot of things, but what exactly are you trying to do with that provision? I think it's line 23 through... to 28."

Scott: "Keep the chemical compounds... This is under the section of attempting to manufacture and so what you've got here is somebody who hasn't actually put it together, but has all of the pieces there, all of the chemical components that are necessary to do it."

Durkin: "Do you think we might have a proof problem establishing the intent without an admission under these types of circumstances?"

Scott: "Well, that's always a problem whenever you have an intent to manufacture under this or any other controlled substance statute. If a person has all the ingredients and the equipment to make it, you know, you've got to obviously try to establish in the jury's mind that next step, that this is what they meant to do. It's not really any different here than it would be for other controlled substance."

Durkin: "Great, thank you very much. I have no further questions."

Speaker Santiago: "The Gentleman from Winnebago, Representative Scott to close."

Scott: "Thank you, Mr. Speaker and Members of the House. As... we've talked about, there are three provisions to this

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

73rd Legislative Day

May 31, 1997

Bill. I'll deal with the two that are less controversial first. Obviously the methamphetamines is something that's coming here. We've all heard the horror stories about people that are on this particular drug that commit heinous crimes and what we're attempting to do here is stop the manufacturer. Let's go after the plants where this poison is being made in our society and try to rid that. The last provision, is a provision about restitution that I don't think anyone also has a problem with. Basically, says restitution shall be paid in the quickest period of time. Now with respect to the seat belts, and I appreciate very much the arguments of people that say we should get out of the car, and I appreciate the arguments of people who say that, 'Well, because of the type of car that I drive, I'm not going to be able to load all my kids in the car and drive down to the grocery store or drive to the Dairy Queen or whatever.' But, you know, there's a flip side to that and I heard some groaning when I said I didn't have any kids, but I don't think you have to have kids to appreciate that children aren't making the decision about whether or not to buckle themselves in. Most of the time, especially with smaller children, the parents are doing that. And I think that we've got an interest in making sure, just as we did when we passed the law, that said that children under 6 should be buckled in, that there isn't really any long stretch of the imagination to say that, that should also apply to children as they get a little bit older. The National Safety Council has said that in Illinois, of the 63 children who were fatally injured in car crashes that were ages 5 to 15, 81% were completely unbuckled. Now you can't use that and say, it would be wrong to use that statistic, and say all those children would have been saved



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

73rd Legislative Day

May 31, 1997

had they been buckled in or had a law like this been in effect. But it's not a very large stretch to say that a lot of them would have been saved, or a lot of them could have been saved by that. I'll just call your attention, I know most of you have this, but the Chicago Tribune in an editorial last week, talked about this particular loophole as being inexcusable. And saying that when the kids whose parents haven't taken the trouble to secure the children, the children, really in most cases, especially the smaller children, can or won't do anything about that. We think that this is something that will protect a great many children in this state. We pass laws all the time that talk about protecting children. This seems to be a fairly simple one, and for the potential danger of a \$25 fine for people who don't comply with this, it seems like a pretty small price to pay to drive up the seat belt usage and drive down the numbers of fatalities for children. The other two parts of this Bill are noncontroversial and very much needed and I would say that the first portion is very much needed as well, and I would ask for your support."

Speaker Santiago: "The question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 1254?' All those in favor signify by voting 'aye'. This is final action. All those opposed signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the roll. On this question, there are 51 'yes'; 20 'no'; 46 voting 'present', and 1 not voting. The House fails to adopt Conference Committee Report #1 to House Bill 1254 and Representative Scott requests that a Second Conference Committee be appointed. Mr. Clerk, House Bill 1641. House Bill 1641, Representative Stroger."

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

73rd Legislative Day

May 31, 1997

Stroger: "Thank you, Mr. Speaker. The First Conference Committee Report to House Bill 1641, would amend the Water Reclamation District Act by permit... the original Bill permitted the Board of Trustees to transfer appropriations between departments after March 1st instead of after the first half of the fiscal year. And also amended the Counties Code by permitting the sheriff to appoint two members to the Cook County Sheriff's Merit Board. And also allowed... renamed the executive director to director, a position which the Cook County Sheriff was authorized to appoint."

Speaker Santiago: "The Gentleman has moved..."

Stroger: "No, no, no, not yet. It also makes some changes to the Pension Code. It changes the City of Chicago early retirement plan. Amends the Chicago Municipal and Labor Articles. The parents' annuity for the parents of City of Chicago Police. The Cook County Pension Fund Investments. The purchase of Cook County Service Credit. The transfer of service credit from State Employees' Retirement System to Cook County Pension System. The special education district of Lake County to join the Illinois Municipal Retirement Fund. Employees of Illinois Development and Finance Authority to join the State Employees' Retirement System. The purchase of pension credit by district office employees of General Assembly Members. Extends the early retirement without discount program. The state universities' retirement system until the year 2002. And changes some state university retirement system administrative provisions. The Board of Examiner's employees to join state universities retirement system. University police officers and firefighters pensions to be based on last day's salary. Annual salary increases of

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

73rd Legislative Day

May 31, 1997

more than 20% shall be disregarded, and computation of state universities' retirement pension. The Athletic Association employees can buy state university retirement system time. State officers may serve on the Teachers Retirement System Board. And deathbed remarriages of certain downstate teachers."

Speaker Santiago: "The Gentleman has moved for the adoption of Conference Committee Report #1. On that question, is there any discussion? The Gentleman from Kendall, Representative Cross."

Cross: "Excuse me, Mr. Speaker. Inquiry of the Chair."

Speaker Santiago: "State your inquiry."

Cross: "Did this Bill go to committee? Other than the Rules Committee. Could you... maybe we're misreading our computer, but it looks like this enormous Bill just popped out on the Floor today without going through committee. Maybe we're wrong."

Speaker Santiago: "This Bill passed the Executive Committee on March 20, 1997."

Cross: "Further Inquiry of the Chair. In its present form that we're about to debate on, is that the format in which it passed out of committee?"

Speaker Santiago: "The LIS System indicates that it does not indicate in what form the Bill is..."

Cross: "Pardon me."

Speaker Santiago: "The LIS System does not indicate the form in which the Bill is..."

Cross: "Mr. Speaker, with all due respect, could the Clerk advise us... it sure appears like this is a brand new Bill in substance, and it's the first time we've seen it. Could the Sponsor pull it out? Maybe we could look at it tomorrow or Monday."

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

73rd Legislative Day

May 31, 1997

Speaker Santiago: "He indicates that he wants the Bill acted upon right now."

Cross: "Could we just... then can we get a verification that this is the first time we've seen this language? Is that accurate? Representative. Apparently the Clerk doesn't know... does anyone know if this is new or it's original language? I can't get an answer."

Speaker Santiago: "Representative Stroger."

Stroger: "I believe this is the same language that was in before."

Cross: "So there's absolutely nothing new from the March committee hearing? Is that accurate Representative?"

Speaker Santiago: "Representative Stroger."

Stroger: "Are you asking me if this Pension Bill has been seen before?"

Cross: "Yes. Where and when and by whom? I mean, it might have been seen by the Majority Leader, it might have been seen by the Speaker, but have any of us seen it?"

Stroger: "About 95% of this... the provisions and the Pension Code had been considered by the House before and have been hung up in the Senate. No, they've gone to the Senate and been hung up there. And all of them have been approved by the Pension Laws Commission."

Speaker Santiago: "Representative Cross."

Cross: "Has any of it been defeated before Representative?"

Stroger: "Not that I know... Hold on, hold on. This Bill provides no cost to the state and other Bills in which these provisions were in, had cost. So we took all the costs out and put them in this, so there would be no opposition."

Cross: "Todd, I don't know, there may be wonderful things in here and I'm not suggesting yet that there are, or are not, but

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

73rd Legislative Day

May 31, 1997

our concern is, that we are seeing it for the first time at 6:40 on Saturday night, a day or two before we leave here. And we're just trying to make sure there's been a fair hearing. Can you explain again one more time, what all is in here so we know then. I guess we're not going to go to committee on it. And then I'm going to yield my time to Representative Hoeft."

Stroger: "Okay. The Bill makes changes to the City of Chicago Early Retirement Plan. Has been agreed to by the city. Employees who qualify for the early retirement incentive shall be entitled to five additional years of age and five additional years of service credit at the time of retirement. And it also makes... amendments to the Chicago Municipal and Labor Articles which are the same as... these changes make for an early retirement without discount to employees. Parents annuity for Chicago police officers. A change in the Cook County Pension Fund Investments. Allows them to invest in foreign securities. And modernizes accounting practices... valued at market value, instead of book value."

Cross: "Okay. Thank you. I think I'm probably eligible for my pension now."

Stroger: "I haven't gotten very far."

Cross: "Thank you, Representative."

Speaker Santiago: "The Gentleman from Kane, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker, and will the Sponsor let me help?"

Stroger: "Yes, he will."

Hoeft: "Okay. Folks, this is 15 different Bills. Fifteen different Bills that we went through. Like most of the omnibus Bills that we get at the end, there's good and bad

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

73rd Legislative Day

May 31, 1997

with this. A couple of these we voted down before. Most of these are technical in nature. There are some of these that do have fiscal impact with the state. There's one of these that was agreed upon by Cook County and will any affect Cook County. It has a \$700 million unfunded liability to it, but it's been negotiated. Most of this stuff is fairly technical in nature, that's why I did not want to have Todd to have to go through it because it is difficult. Again, my review of this shows 12 of the 15 of these Bills are good productive public policy, and three of them that I would have problems with. But that's the struggle we have when you put 15 of these together. I think the basic question everyone has is, why didn't this go to committee and why we didn't have the rights to have a longer look at this? I intend to vote 'yes' for this because I think the majority of these are productive. That is my question to you, Sir."

Speaker Santiago: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The previous speaker pointed out that there's provisions in here from 15 other Bills. You need to take a good look at this and make sure that you're aware. There is a lot of provisions in here which have failed. There's Special Education District at Lake County from Senate Bill 677, which failed in the House on Third Reading. There's a Cook County Pension Fund, the expansion of authority in Senate Bill 667 which failed in the House on Third Reading. There's a book market value Bill aspect of 667 which failed on Third Reading in the House. Though there are some things in here that again, it's so hard to try and figure out everything that's in here, that makes it dangerous. If it's not being willing to have us see the light of day, I

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

73rd Legislative Day

May 31, 1997

don't think we should vote for this. I think we should vote 'no' on it or 'present' and send it back. There is a provision in here that costs an increase of accrued liability of \$709 million and that is related to the Chicago Municipal and Chicago Laborers' Early Retirement Incentive. Yes, this does not directly affect the five state pension systems. Isn't that correct Mr... Representative Hoeft? Could you just nod your head? There is nothing in here that affects state pensions, these are all individual pensions, is that right? There's state pension information in here too, huh? There's an Illinois Development Finance Authority participation in SERS which again was part of 667, which failed in the House on Third Reading, also. Ladies and Gentlemen, I'm sure there's good things in here. I'm just trying to point out to you that since it was not... it did not go through the process that it ought to have, I think we should send a message to the Leaders and say that this is unacceptable. That those people who may be affected, ought to have time to look this over and so, my recommendation to you would be to vote 'no' or 'present' until they can spend some time to really define and do a real good analysis of what's in this Bill."

Speaker Santiago: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Representative, I'm intrigued by what is in Section 8.21, Exempt Mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the state is required for the implementation of any mandate created by this Amendatory Act of 1997. That usually means we're going to increase the cost to local government and we're saying, 'Nah, nah, na nah, nah, we don't care.' Can you tell me what cost is being increased for local government?"

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

73rd Legislative Day

May 31, 1997

Stroger: "Representative, any cost will be to the City of Chicago and the County of Cook, and these are costs that they have agreed to."

Skinner: "Are there any increases in taxes without a referendum in this Bill? The short answer is, yes."

Stroger: "Are you answering that for me or do you want me to answer that?"

Skinner: "Is that the answer?"

Stroger: "Do you want me to answer it?"

Skinner: "Yes."

Stroger: "One special education district in Lake County may be affected. And it's a request from Lake County."

Skinner: "But it will raise taxes without a referendum, correct?"

Stroger: "I answered that."

Skinner: "He said, yes. Thank you."

Speaker Santiago: "Is there any further discussion? The Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. I would request that on the last vote, I accidentally hit my 'no' switch just before the buttons were locked and I would appreciate having it recorded that my intent was to vote 'yes'. Thank you."

Speaker Santiago: "It will be noted. The Gentleman from Washington, Representative Deering."

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

Speaker Santiago: "He indicates he will."

Deering: "Representative, is there any bonding or anything in this Bill?"

Stroger: "There is an increase from 10 to \$20 million of SURS Bonding Authority."

Deering: "I know some Metropolitan Water Reclamation Bills we had throughout the process that had extended the sunset on bonding. Is there anything of that language in this Bill?"



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

73rd Legislative Day

May 31, 1997

Stroger: "No."

Deering: "Okay. What about the increase in benefits for state employees, the 2.2. Is any of that legislation in this Bill?"

Stroger: "No."

Deering: "Thank you."

Speaker Santiago: "Any further discussion? The Gentleman from Cook, Representative Murphy."

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen. I stand in strong support of Senate Bill 493. This Bill has been heard over and over again and the Pension and Laws Commission and the Committee Personnel and Pensions. There are a few things in this Bill that came out of House Bill 667 that was the very best in that particular Bill. This Bill, though, has been around since about March. We've been talking about it. It was held up in the Senate. We had nothing to do with that. So, I would request an 'aye' vote on this Bill. Thanks."

Speaker Santiago: "Any further questions? The Gentleman from Cook, Representative Giles."

Giles: "Thank you, Mr. Speaker. I Move the Previous Question."

Speaker Santiago: "You're the last speaker. Representative Stroger to close."

Stroger: "This Bill has no cost to the state. It's agreed upon with the city and the county and I move for its adoption."

Speaker Santiago: "The question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 1641? This is final action. All those in favor please signify by voting 'aye'; all those opposed signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 87 'yes'; 30 'no'; 0

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

73rd Legislative Day

May 31, 1997

'present', 1 not voting. The House does adopt Conference Committee Report 1 to House Bill 1641, and this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Persico, for what reason do you rise?"

Persico: "Thank you, Mr. Speaker. I'm move to discharge from committee, Conference Committee Report #1 to House Bill 1887."

Speaker Santiago: "Is there any objection? There being none, all those in favor signify by saying 'aye'; all those opposed. The 'ayes' have it. Representative Persico. For purposes of a Motion. Eighteen eighty-seven."

Persico: "Yes. Mr. Speaker and Ladies and Gentlemen of the House. I refuse to accept Conference Committee Report #1 for House Bill 1887 and ask for a Second Conference Report."

Speaker Santiago: "The Gentleman has moved to refuse to accept the First Conference Committee Report on House Bill 1887. All those in favor signify by saying 'aye'; all those against. The 'ayes' have it, and the Gentleman requests a Second Conference Committee be appointed."

Persico: "Thank you, Mr..."

Speaker Santiago: "Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Conference Committee Reports were referred, action taken on May 31, 1997, reported the same back recommend: 'be adopted' Conference Committee Report #1 to House Bill 229; Conference Committee Report #1 to House Bill 1374; Conference Committee Report #1 to Senate Bill 473; Conference Committee Report #1 to Senate Bill 596; Conference Committee Report #2 to Senate Bill 730."

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

73rd Legislative Day

May 31, 1997

Speaker Santiago: "The Gentleman from Kankakee, Representative Novak, for what reason do you rise?"

Novak: "Thank you, Mr. Speaker. I rise for a Motion. I move to waive the appropriate posting requirements on House Resolution #161, so it can be heard for immediate consideration on the House Floor. Excuse me, excuse me, let me restate that. I move that we suspend the appropriate rules so we can have it discharged from committee pertaining to House Resolution 161."

Speaker Santiago: "Representative Novak, can get you please take this out of the record for a moment? Out of the record. The Gentleman from Vermilion, Representative Black. House Bill 229. Senate Bill 317. Senate Bill 317. Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Conference Committee Report #1 to Senate Bill 317, has seven particular parts to it. The first establishes a termination date for a Department of Public Aid and DASA program to deal with new recipients of welfare, asking them to go through a pilot project for alcohol or substance abuse treatment. Simply sets a termination date. Second provision, is an initiative of the Illinois Chiropractics Society. It ensures that Mediplan Plus enrollees will have access to chiropractors and osteopaths just as a normal person getting medicaid would. The third provision, prohibits managed care health... managed health care entities participating in the Mediplan Plus program from engaging in door to door and certain other marketing activities. The Department of Public Aid will have to approve those marketing plans. The fourth provision, is a initiative of several pharmaceutical companies. It ensures that HMO's which serve non-Mediplan Plus clients, will be

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

73rd Legislative Day

May 31, 1997

required to offer the same formulary of drugs that is offered to the Mediplan Plus clients. The fifth provision, is an initiative of Attorney General Jim Ryan. This makes it unlawful to defraud the state or mandated health plans in connection with the delivery of or payment for health care benefits. To directly or indirectly give or offer anything of value to health care officials. To falsify or conceal material facts in connection with the provision of health care or engage in any unfair deceptive marketing practices. It does set up criminal penalties. The sixth provision, is coming from Senate Bill 1035. This deals with an initiative of the Illinois Psychiatric Society. The Mental Health Code currently contains very detailed procedures for the involuntary admission of psychotropic medication. This particular Amendment will add to that admission of the electro-convulsive therapy under the same conditions as for psychotropic medication. The seventh and final provision, comes from House Bill 1184. It amends the Sexual Exploitation and Psychotherapy Act. Right now, a psychotherapist may lose their license if they are engaged in sexual activities or sexual exploitation of their patients. They can still, however, continue to practice as a therapist, not as a psychotherapist and this would extend the provisions of the current Act to those people. I would move its adoption."

Speaker Santiago: "The Gentleman has moved for the adoption of Conference Committee Report #1 to Senate Bill 317. And on that question, the Gentleman from Cook, Representative Parke."

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

Speaker Santiago: "He indicates he will."

Parke: "Representative, is the underlying Bill still there? Your

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

73rd Legislative Day

May 31, 1997

underlying that require clients of the Department of Public Aid and the Department of Human Services to... that this program would terminate January 1, 2000? Is that underlying Bill still there?"

Winters: "That is correct, it is."

Parke: "Next, it says in the first report, it still creates another pilot project... oh no, that's it. Is anybody opposed to the initiative of the Illinois Chiropractic Society? Do you know if that aspect is okay with anybody? Is there any opposition?"

Winters: "That has been agreed to by all parties."

Parke: "Next, it talks about... the next Section prohibits managed care health... managed health care entities to participate in the Mediplan Plus Program from engaging to door to door and certain other marketing activities. Is this just for that one managed care program?"

Winters: "Yes, yes, just for the Mediplan Plus."

Parke: "Is that acceptable to that managed care company?"

Winters: "Yes, it is."

Parke: "Do you know if anybody's opposed to that aspect of your Conference Committee?"

Winters: "I'm unaware of any opposition to that."

Parke: "Have the pharmaceutical companies in your next provision, Amendment 5 to 320, have the pharmaceutical companies in Illinois, are they in support of that next Section?"

Winters: "They certainly are. It's their own initiative."

Parke: "The Attorney General Jim Ryan's provision in this, do you know of any opposition to that part?"

Winters: "There's none that I'm aware of."

Parke: "I see you're increasing the penalties for certain Acts. Is that good public policy? Is anybody opposing that?"

Winters: "We want to prevent fraud in the Mediplan Plus, or

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

73rd Legislative Day

May 31, 1997

bribery of officials, and we felt that stiffer penalties were warranted."

Parke: "Okay. The Senate Bill 1035 that is now incorporated is part of the Psychiatric Society. Is the Medical Society on board for that and the Mental Health and Disabilities, are all of them on board on this?"

Winters: "Yes, they put in slips in committee in support."

Parke: "Is this expanding the authority of Psychiatric Society? Are they taking on more responsibility than they've had previously?"

Winters: "No, they're not."

Parke: "And in the final House Bill 1148..."

Winters: "1184, I believe."

Parke: "You're correct. I am corrected. That is... does that expand any penalties?"

Winters: "I believe it deals more with making sure that people who are licensed and have their license removed can then not just put out a shingle as a therapist, which is not a licensed activity. So we're trying to make sure that if somebody is exploiting a patient as a psychotherapist they lose their license. They can't just go into business as a therapist."

Parke: "So that's sort of public protection to make sure that whoever is practicing this kind of a service is truly licensed?"

Winters: "That's exactly correct. We want to make sure that they're not exploiting their patients."

Parke: "Thank you. As the Conference Committee has been... came out of committee, was there any objections by anybody on this?"

Winters: "Not one. Not one slip or vote against."

Parke: "Seems like it's a good Conference Committee. Thank you

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

73rd Legislative Day

May 31, 1997

for the time."

Speaker Brunsvold: "Representative Brunsvold in the Chair. The Lady from Cook, Representative Schakowsky."

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

Speaker Brunsvold: "Sponsor yields."

Schakowsky: "On the issue of electro-convulsive therapy, Representative, we are basically rewriting the law here, as I understand it. Well, go ahead. You say not?"

Winters: "Not really. What we're doing is right now people who are given a surrogate power over one of their kinfolk or they may be an attorney, right now they are able to deal with electroconvulsive...Excuse me. Right now they are able to act on the behalf of their... of their ward for psychotropic medication. And what this does, is expand those same powers to allow them to deal with electro-convulsive therapy which is evidently used in the same types of cases. It's an alternative method of treatment."

Schakowsky: "Are there provisions for informed consent in this legislation?"

Winters: "There certainly are."

Schakowsky: "And was this portion supported by groups like Equip for Equality or the Mental Health Association in Illinois and groups like that?"

Winters: "Yes, the Mental Health Association is, along with the Psychiatric Society, the State Medical Society, DMHDD, the Chicago Bar and the Mandel Legal Clinic of Chicago."

Schakowsky: "The Mandel Legal Clinic is also supportive of this?"

Winters: "Yes."

Schakowsky: "Okay. What are the implications of the pharmacy formulary portions here?"

Winters: "What that does is there is a certain list of

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

73rd Legislative Day

May 31, 1997

medications called a formulary that are allowed for the Mediplan Plus, has a formulary, and this expands that to HMO's that are serving non-Mediplan Plus, to make sure that they are not restricted any more than those who are being served by Mediplan Plus."

Schakowsky: "So we're making sure that it is less restrictive rather than more?"

Winters: "Right. We're making sure that the additional patients who are not served by Mediplan Plus have the same access to a list that has been developed over many different diseases and other medical treatments. Anything that is required to be there for Mediplan Plus will also be available to those that are not served by Mediplan Plus."

Schakowsky: "My final question is, may I be a Cosponsor of your legislation with you?"

Winters: "Certainly."

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

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

Speaker Brunsvold: "Sponsor yields."

Black: "Representative, this Bill has already had 20 minutes more debate than it's worth, but I just want to ask you two questions. There are two House Bills in here that passed the House unanimously and were never released from Senate Rules. And so now the House Bills that passed here unanimously come back in a Conference Committee. Now, can you shed any light on why that happened?"

Winters: "No."

Black: "Well, I guess that's..."

Winters: "Not really."

Black: "...about as good of an answer as anything as what's going on in the Senate. Thank you."



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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "Further discussion? The Gentleman from Winnebago to close, Mr. Winters."

Winters: "I think this is a very comprehensive Bill that has a lot of excellent provisions in it and I'd urge its adoption."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 317?' This is final action. All in favor vote 'aye'; all opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 118 voting 'yes'; 0 voting 'no'; and 0 voting 'present.' And the House does adopt the First Conference Committee Report on Senate Bill 317. And this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules to which the following actions were... Motions were referred, action taken on May 31, 1997, reported the same back recommend 'be adopted' Motions to concur, Senate Amendment 3 to House Bill 204; referred to Second Reading, Senate Bill 1031."

Speaker Brunsvold: "On Supplemental Calendar #3 appears Senate Bill 806. Mr. Santiago."

Santiago: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Conference Committee Report #1 to Senate Bill 806 amends the Unemployment Insurance Act to implement certain provisions of the welfare reform that are required of the Department of Employment Security. It also includes provisions recommended by Lieutenant Governor Kustra's task force that created the Directory of New Hires. The report adds two provisions: Number one, the first is sought by

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

73rd Legislative Day

May 31, 1997

the American Payroll Association and would clarify that in instances where a worker was rehired by an employer after a layoff, that employer could simply re-report the worker as a new hire. The second provision is language sought by the Department of Employment Security and will clarify that employers may fax new hire reports to the department. The remaining provisions of the Bill were not an issue and therefore remain ineffective. I move for adoption of Conference Committee Report #1 and there's no opposition to this Conference Committee."

Speaker Brunsvold: "The Gentleman's asked for the adoption of the First Conference Committee. On that, the Gentleman from Vermilion, Mr. Black."

Black: "Yeah, thank you very much, Mr. Speaker. I have an Inquiry of the Chair."

Speaker Brunsvold: "State your request."

Black: "The Sponsor of the Conference Committee Report and not blowing any smoke, I have the utmost respect for him, so let me just ask the Chair. No one on our side of the aisle was given a copy of the Conference Committee, we were not asked to sign the Conference Committee. It appears that it's a fine document, but could you explain to us why we were treated in that fashion?"

Speaker Brunsvold: "I don't understand, Mr. Black. There are a number of individuals on your side of the aisle that are... that have the opportunity to sign that report."

Black: "We were never... we were never given the opportunity to sign it or not sign it. We haven't even seen it."

Speaker Brunsvold: "Is it on your lap top?"

Black: "Yeah, it's on the lap top. But, I mean, the fact... the fact remains is that you circulated a Conference Committee that according to staff they didn't see and none of our

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

73rd Legislative Day

May 31, 1997

Members were offered an opportunity to sign it or not sign it. I don't think that's the way you want to do business. It isn't, in all due respect, it is not the way you have been doing business."

Santiago: "Mr. Speaker."

Speaker Brunsvold: "Mr. Santiago, could you answer Mr. Black's question?"

Santiago: "I was not aware that you did not see the report. If that's the case, I'm going to hold the Bill for a couple of minutes until you..."

Black: "We would appreciate that. Let staff and the Members see it. I don't think we have any problem with the Bill, but we really have a problem with the process on this one."

Santiago: "I would be more than happy to..."

Black: "Thank you."

Santiago: "...take a copy of the report to you so that you can..."

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

Speaker Brunsvold: "Let the Chair commend the two Gentlemen for working out the problem, Mr. Black and Mr. Santiago. Thank you. Mr. Skinner. On Supplemental Calendar #5 appears Senate Bill 596. Mr. Scott."

Scott: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I promise there are no seat belts on this particular piece of legislation. Senate Bill 596, the Conference Committee Report contains a number of different provisions. I'm going to run through them fairly quickly. I know... I should state up front, I know of no opposition to any of these provisions. Many of them are things that we've already previously voted on and passed with huge margins. Number one is an Open Meetings Act, which would have... is identical to House Bill... was identical to

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

73rd Legislative Day

May 31, 1997

House Bill 795 which we passed 116 to 0. But it's been narrowed since then. Originally it started out as a tourism boards and civic or convention center boards would be under the definition of public body. Now we're using this to apply to one particular one in St. Clair County, I believe it is. It has had a tremendous difficulty in the last few weeks with some meetings and some decisions that they've made in private, so we're going to apply the Open Meetings Act to that particular group. There's a second provision, identical to House Bill 794, which passed out of the House 116 to 0, which deals with the dissolving of a public building commission which hasn't issued any bonds and has no indebtedness. Number three is a competitive bidding requirement, amending a Section of the Counties' Code, which requires counties to advertise for... the Section right now requires counties to advertise for bids for purchases in excess of \$10,000. This would eliminate that with respect to data purchasing equipment, software services and telecommunications interconnect equipment, software and services. There's a provision on here which is identical to House Amendment... part of House Amendment #1 to Senate Bill 596. The original portions of Senate... or House Amendment #1 to Senate Bill 596 are on here, dealing with the county administrative adjudication of ordinance violations and portions dealing with vacant residential real estate. There is a provision allowing for dangerous and unsafe buildings which was previously on House... Senate Bill 106. We put it on as an Amendment. We receded from that. We've made a couple changes to it to address the concerns that were on that particular piece. The secondhand and junk store regulation for counties, this was at the request of Peoria County, is on there with a

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

73rd Legislative Day

May 31, 1997

couple of changes. It took out the references to dismantle direct motor vehicles. That was at the request of the Secretary of State's Office. No longer authorizes counties to tax the businesses. It allows them to license, but not to tax. Changes the Township Code. Authorizes townships to contract with health maintenance organizations to provide primary health care. This was agreed to by the HMO Association and is trailer language to Senate Bill 307, which passed both Houses this Session. There is an authorization for long-term intergovernmental agreements which is really a clarification of existing law, asked for by the Village of Barrington. Allows salaries for water commissioners to go up to not more than \$2,000 a year. Currently, they can receive only \$1,000. And the last item regards overpayments to local governments. Allows for the authorization for language to be refunded, which is paid, that has been too much under the Public Aid Code. This has also passed both Houses on different Bills. I'd ask for the support of Conference Committee Report #1 to Senate Bill 596."

Speaker Brunsvold: "On the Motion the Gentleman from Vermilion, Mr. Black."

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

Scott: "Yes."

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, in the underlying Bill there was some regulatory language on secondhand stores. Is that still in the Bill?"

Scott: "That's there. The changes that have been made to it are two. Number one, we don't allow them, the counties, to tax those businesses anymore. That was in the original Bill."

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

73rd Legislative Day

May 31, 1997

It's not in the Conference Committee Report. The second provision which was taken out, was a provision that would allow the regulation including auto parts and other things. We've taken that out because that's the exclusive domain of the Secretary of State's Office under a different part of the statutes, so we've made that reference."

Black: "Okay. I notice you're changing the Illinois Open Meetings Act and I'm certainly no expert. I usually defer to Representative Kubik on changes to the Illinois Open Meetings Act. It just seems to me that this may be a... the language that's in here is so narrowly drafted by putting a population limit to a tourism board that, that would appear to me to be special interest legislation that may well be challenged."

Scott: "Well, I don't think so and I especially don't think so because I think they're... It may be challenged and of course that can always happen, but I don't think it'd be successful, especially... I think there's a special public interest involved in here that Mr. Holbrook can also speak to, but we've got the genesis for this, and the reason Representative Holbrook brought the original Bill that this has been narrowed down to, was specifically for a problem in one particular location that has already experienced some difficulties with some of the decisions that they've made. So, I think the public policy provisions that are good for that would probably override and I might agree with you. I might think it should be broader than that. In fact, all of us voted for it to be broader than that the first time. But I think in the interest of trying to get this passed and correct the problem we know exists, I think this is probably a good compromise."

Black: "That underlying House Bill that Representative Holbrook

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

73rd Legislative Day

May 31, 1997

had, I don't remember the vote. I don't even know if it came to a vote. But I wondered if the Illinois Press Association had opposed that measure."

Scott: "Which one was that?"

Black: "I think it was House Bill 795 that would have exempted tourism boards, tourism committees from the Open Meetings Act."

Scott: "No, exactly the opposite, Representative Black. It brought them into the Open Meetings Act and the Press Association was fully supportive of that."

Black: "Okay."

Scott: "They're not currently under the Open Meetings Act even though they receive a lot of public money. They're really not a unit of local government. They're really not a public body for purposes of the Open Meetings Act. That's why you need this change today."

Black: "Okay, I see it."

Scott: "I put one in."

Black: "Thank you. So the only one then that would be covered under the Open Meetings Act, if this Conference Committee is approved, would be the one in St. Clair County."

Scott: "Right. The one that's experienced some difficulties."

Black: "All right. The water commissioner's salary increase is permissive in the Bill."

Scott: "Yes."

Black: "And I'm just not familiar with that title. Is that a township office or certain cities, municipalities, have a water commissioner? I'm just not familiar with that title."

Scott: "It's in the Municipal Code, Representative."

Black: "Okay. And that is purely permissive?"

Scott: "Yes."

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

73rd Legislative Day

May 31, 1997

Black: "All right. Thank you very much, Representative."

Speaker Brunsvold: "Further discussion? Seeing none, the Gentleman from Winnebago to close. Mr. Scott."

Scott: "Thank you, Mr. Speaker, Members of the House. Again, a lot of provisions, most of which we've seen somewhere else before and none of which I know that has any opposition and I would ask for your support."

Speaker Brunsvold: "Question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 596?' This is final action. All in favor vote 'aye'; opposed vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 91 voting 'yes'; 25 voting 'no'; 0 voting 'present.' And the House does adopt the First Conference Committee Report to Senate Bill 596. And this Bill, having received a Constitutional Majority, is hereby declared passed. Return to Supplemental Calendar #3 and Senate Bill 806. Mr. Santiago."

Santiago: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. We had a little problem with this Bill tonight. We have cleared the problems and we're ready to go. This Conference Committee Report adds two provisions. The first was sought by the American Payroll Association and will clarify that in instances where a worker was rehired by the employer after a layoff, that employer could simply re-report the worker as a new hire. The second provision addition is language sought by the Department of Employment Security and will clarify that employers may fax new hire reports to the department. The remaining provisions of the Bill were not at issue and therefore remain unaffected. I move for adoption of Senate Bill... or Conference Committee



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

73rd Legislative Day

May 31, 1997

Report #1 to Senate Bill 806."

Speaker Brunsvold: "The Gentleman has moved for the adoption of the Conference Committee. On that, Mr. Black."

Black: "Thank you very much, Mr. Speaker. I just wish to thank Representative Santiago. It's not often on the last day of Session that you can get somebody to take something out of the record, work out a misunderstanding. We appreciate it. We stand in support."

Speaker Brunsvold: "Thank you, Mr. Black. Further discussion? Question is 'Shall... question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 806?' This is final action. All in favor vote 'aye'; 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 118 voting 'yes'; 0 voting 'no'; and 0 voting 'present' and the House does adopt the First Conference Committee Report on Senate Bill 806. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Clerk Rossi: "Supplemental Calendar #6 is being distributed."

Speaker Brunsvold: "Senate Bill 465, Mr. Clerk. Supplemental Calendar #6. Mr. Meyer. Representative Jim Meyer. Out of the record. On Supplemental Calendar #6 appears House Bill 1699. Mr. Jones. John Jones."

Jones, J.: "Thank you, Mr. Speaker. I would just make a Motion that we refuse to confer with Conference Committee Report #1."

Speaker Brunsvold: "The Gentleman has moved to refuse Conference Committee #1. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does refuse to accept the Conference Committee Report #1. The Gentleman has asked that a Second Conference Committee be appointed."

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

73rd Legislative Day

May 31, 1997

Jones, J.: "Yes, Mr. Speaker. Thank you."

Speaker Brunsvold: "On Supplemental Calendar #5 appears Senate Bill 730. Mr. Wait. Representative Wait on Second Conference Committee Report."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yes, this is Senate Bill 730 that we heard earlier today. As you recall this was one that Representative Black had some problems with. We have ironed that out. In fact, we took that issue out that there was some problems with. So now we're only dealing with the tourism signs. We're dealing with the UPS issue so they won't be taxed on forms that they buy themselves and, finally, on clarifying the document fees on an installment loan. Be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has moved for the adoption of the Second Conference Committee Report and on that the Gentleman from Vermilion, Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker and Members of the House. I rise in support of the Gentleman's Motion. The particularly onerous Section of the Bill, trying to clear up a definition of a tow truck for a vehicle salvage operator in my district, that horrible language that the Senate just could not stomach, that's been removed. So, I'm glad that I can stand up and help Representative Turner and Representative Wait go ahead and move this and accept the Conference Committee Report and we'll work on the auto recycler language at a later date."

Speaker Brunsvold: "On the question, the Gentleman from Effingham, Mr. Hartke."

Hartke: "Will the Sponsor yield?"

Speaker Brunsvold: "Sponsor yields."

Hartke: "Mr. Wait, did I understand you to say that all the

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

73rd Legislative Day

May 31, 1997

signed... signing information about counties and townships and directional signs are still in the Conference Committee Report #2?"

Wait: "Yes, it is."

Hartke: "I stand in support of this legislation. I think it's probably not as good as it was before when it had Representative Black's tow truck definition in, but I'm going to support your Bill. Thank you very much."

Speaker Brunsvold: "Further discussion? The Lady from DuPage, Representative Biggert."

Biggert: "Thank you. Mr. Speaker, Point of Personal Privilege. I'd like to..."

Speaker Brunsvold: "Proceed."

Biggert: "...recognize that a former State Representative Flo Ciarlo is here walking around hugging people."

Speaker Brunsvold: "Welcome back, Flo. On the question, the Gentleman from Cook, Mr. Art Turner. Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I do rise in support of Senate Bill 730, but I would also like to make certain - parliamentary inquiry. I'm informed that the Bill is not in the computer at this point. I just want to make certain that all Members are clear."

Speaker Brunsvold: "Mr. Clerk, is it on our electronic marvel?"

Turner, A.: "I think that the explanation given by the Sponsor, Representative Wait, certainly is an accurate one. I do support all of the content that's in the legislation as Representative Black moved. He took out an excellent piece regarding the tow truck operation and I certainly look forward to supporting him in the future on that. But I do want Members to know that the Bill may not, in fact, be on the computer at this time, but with their indulgence, I

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

73rd Legislative Day

May 31, 1997

think that we should be able to move forward with the legislation today and I would urge an 'aye' vote on the adoption of Conference Committee #2."

Speaker Brunsvold: "Thank you, Mr. Turner. The Clerk indicates that it is on the laptops. The Members may have to download to pick up the..."

Turner, A.: "Okay."

Speaker Brunsvold: "...report."

Turner, A.: "Well, the only change is the change that Representative Black spoke of and I think with that in mind, Members can vote for it."

Speaker Brunsvold: "Further discussion? Mr. Turner, the Chair is in error. #1 is on there, #2 is not on there. Mr. Wait, we'd like to take the Bill out of the record till it appears on the lap tops."

Wait: "That'll be fine. Thank you."

Speaker Brunsvold: "Thank you, Mr. Wait. On Supplemental Calendar #4 appears Senate Bill 469. Mr. Skinner."

Skinner: "Mr. Speaker, I'm tempted to suggest that we return to the days of yesteryear. This is exactly the same language that we passed last time. The Senate did not accept the Amendment that AFSCME drew up. This is a Bill that has to do with 9-1-1 operators not being allowed to strike if it's in an intergovernmental compact. It passed unanimously last time. It's endorsed by the AFL-CIO and AFSCME at this point and I would ask for your support again. Perhaps this time the Senate will figure out that it's a good Bill."

Speaker Brunsvold: "Mr. Skinner has asked for the adoption of the Conference Committee Report. Is there any discussion? Seeing none, the question is, 'Shall the House adopt the First Conference Committee Report on Senate Bill 469?' This is final action. All in favor vote 'aye'; opposed

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

73rd Legislative Day

May 31, 1997

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 118 voting 'yes'; 0 voting 'no'; and 0 voting 'present' and the House does adopt the First Conference Committee Report on Senate Bill 469. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental #6 is House Bill 204. Mr. Churchill. Out of the record."

Clerk Bolin: "Introduction of House Resolutions. House Resolution 201, offered by Representative Eileen Lyons; House Resolution 200, offered by Representative Bergman; House Resolution 202, offered by Representative Currie; and Senate Joint Resolution #34, offered by Representative Monique Davis. Committee Reports. Representative Currie, Chairman from the Committee on Rules to which the following measures were referred, action taken on May 31st, 1997, reported the same back with the following recommendations: Recommended 'be adopted', Motions to concur with Senate Amendments 1, 3 and 4 to House Bill 110; Motion to concur with Senate Amendment #1 to House Bill 1707, 'be adopted' Floor Amendment #3 to Senate Bill 860."

Speaker Brunsvold: "On Supplemental #5 appears Senate Bill 730. Mr. Wait."

Wait: "Yes, thank you Ladies and Gentlemen of the House, Mr. Speaker. Yes, hopefully the third time is the charm. This is the same Bill we've been discussing. I guess it's finally downloaded. This deals with the tourism sign. Allows them strictly permissive. Also allows for the UPS clear up so they don't pay twice in taxes on the documents, and also clarifies documentation fee. Be happy to answer any questions."

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "Seeing no discussion, the question is, 'Shall the House adopt the Second Conference Committee Report to Senate Bill 730?' 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. On that question, there are 114 voting 'yes'; 3 voting 'no'; 0 voting 'present' and the House does adopt the Second Conference Committee Report to Senate Bill 730; and this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #6 appears House Bill... Senate Bill 465. Mr. Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to refuse to accept the First Conference Committee Report and I request that a Second Conference Committee be appointed."

Speaker Brunsvold: "The Gentleman has moved to refuse to accept the First Conference Committee Report. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the House does refuse to accept the First Conference Committee Report and the Gentleman has asked for a Second Conference Committee. Mr. Clerk, Rules."

Clerk Bolin: "Representative Currie, Chairman from the Committee on Rules to which the following measures were referred, action taken on May 31st, 1997, reported the same back with the following recommendations: Recommended 'be adopted, Motion to concur with Senate Amendments 1 and 2 to House Bill 282."

Speaker Brunsvold: "On Supplemental Calendar #5 appears House Bill 229. Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I move to adopt the First Conference Committee Report on House Bill



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

73rd Legislative Day

May 31, 1997

voted who wish? Mr. Clerk, take the record. And on that question, there are 62 voting 'yes'; 55 voting 'no'; 0 voting 'present' and this Bill... and the House does adopt the First Conference Committee Report on House Bill 229; and this Bill, having received a Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Mr. Acevedo. What reason do you rise?"

Acevedo: "Mr. Speaker, on the last Bill my button was pressed 'yes'. I'd like to put on record a vote 'no'."

Speaker Brunsvold: "Thank you. It'll be so recorded. On Supplemental Calendar #5 appears House Bill 1374. The Gentleman from Cook, Mr. Capparelli."

Capparelli: "Thank you, Mr. Speaker. 1374 was originally my Bill. I turned it over to Skippy Saviano and I refer to him to explain the Bill."

Speaker Brunsvold: "The Gentleman yields to the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Conference Committee Report #1 to House Bill 1374 is... has a few different provisions in it. Number one, it allows quick-take for the Village of Elmwood Park for a period of three years for the northwest corner of North Avenue and Harlem and the southwest corner of Harlem Avenue and Armitage. All of this is commercial properties. We also have in here is the transfer of property for the Village of Oak Brook, which was suggested by the DuPage Mayors and Managers Conference. What that provision provides is that the Village of Oak Brook is interested in preventing a property owner from disconnecting from the municipality for an unusual land use. And I would make a Motion to adopt the First Conference Committee Report to House Bill 1374."

Speaker Brunsvold: "The Gentleman has asked for the adoption and



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

73rd Legislative Day

May 31, 1997

on that the Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to respectfully point out to you that the Illinois Realtors' Association is adamantly opposed to this Conference Committee. This disconnection is not necessary. This Bill was defeated in the Senate Local Governments Elections Committee and also on March 4th, the Senate Bill 687 was defeated in the House Local Government Committee. Currently, for there are six standards that must be met on disconnection. The territory must contain 20 or more acres. The territory must be located on the border of the municipal. If disconnected, it does not result in the isolation of any part of the municipality quorum of the remainder of the municipality. If disconnection, the owner must prove to the court that the growth prospects and the planning zoning ordinances, if any, and the municipality will not be unreasonable and disruptive. The owner must show that no substantial disruption will result in existing municipal service facilities and, finally, the sixth requirement that is already in place. The owner must show that the municipality will not be unduly harmed through the loss of tax revenue. Ladies and Gentleman, this is not necessary. This aspect that the realtors oppose is strongly opposed by them and they would ask that you respectfully defeat Conference Committee in House Bill 1374."

Speaker Brunsvold: "Further discussion?"

Saviano: "Mr. Speaker."

Speaker Brunsvold: "Mr. Saviano."

Saviano: "Yes, it's interesting that the Illinois Realtors are adamantly against this because they never contacted me on the language. This language was inserted by Senator Walsh."

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

73rd Legislative Day

May 31, 1997

It's in his district and also Representative Durkin. There's another provision in here which was put in for Representative O'Brien and I would defer to her to explain the provisions of that language."

Speaker Brunsvold: "Mr. Saviano has deferred to Representative O'Brien to explain a portion of the Conference Committee Report."

O'Brien: "A portion of the House Committee Report is exactly the same as Amendment #1 to Senate Bill 106, which we previously passed out of here, which would allow the County of Grundy to enter into a TIF agreement with Alliance Pipeline for the creation of an economic development package that would create... would be a hundred million dollar investment. The language is very tightly written so it applies only to Grundy County. There's a sunset provision - if they don't enter into this agreement, that in 20 months would fail and all the taxing bodies, the school districts, everyone is in agreement to this."

Speaker Brunsvold: "Further discussion? Mr. Saviano to close."

Saviano: "Also, Mr. Speaker, we have a provision in here for Representative Hassert which would assist the Joliet Junior College area and I would ask that the House adopt the First Conference Committee Report to House Bill 1374."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee to House Bill 1374?' 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? Record yourself. 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 54 voting 'yes'; 59 voting 'no'; 5 voting 'present' and the House does not

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

73rd Legislative Day

May 31, 1997

adopt the First Conference Committee Report on House Bill 1374. Mr. Saviano. Mr. Saviano desires a Second Conference Committee be appointed. Senate Bill 473. Mr. Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 473, the Conference Committee Report, I would seek approval of it. It would add six judges throughout the State of Illinois. There is a judge in the fifth circuit in Vermilion County, one in the seventeenth circuit at large and that's Winnebago and Boone County. The eighteenth circuit at large which is DuPage. The nineteenth circuit who is a resident and comes from Lake County. Cook County in the third sub-circuit and the Cook County Juvenile Court. And I would ask approval of this Conference Committee Report."

Speaker Brunsvold: "The Gentleman has asked for the adoption of the Conference Committee Report. Is there any discussion? The Gentleman from Logan, Mr. John Turner."

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

Speaker Brunsvold: "The Sponsor yields."

Turner, J.: "How many judges are we talking about, Representative?"

Scott: "Six, John."

Turner, J.: "I don't have any documents nor is my computer on right now. Are you talking about circuit judges?"

Scott: "Yes. In one case it's a... the only difference from that is in Cook there's a sub-circuit judge in one of the sub-circuits and then there's a juvenile court judge. The other four... fifth, which is a resident of Vermilion County, the nineteenth a resident of Lake and two circuits at large, the seventeenth which is Winnebago and Boone and the eighteenth which is DuPage."

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

73rd Legislative Day

May 31, 1997

Turner, J.: "I assume that those circuits must need judges because of the workload, but why did we pick those particular circuits, why are we adding judges to them?"

Scott: "Well, we start as, you know, with these kinds of Bills. You've seen them before. We've saw them before. Started off with one judge. It started off with the seventeenth judicial circuit which is the circuit that I represent part of. Representatives Wait and Winters also represent part of that. That was specifically because of the workload. Representatives Black and Churchill came to me with similar requests that were very reasonable in terms of the workload that was required and then similar requests were made after it left this Chamber with those three judges on it. We also added another one here for Cook County Juvenile, which is very important because not only is the workload high, but we're also making changes to the Juvenile Court Act which might necessitate another judge. The other two were added in the Conference Committee Report between the negotiation between the House and the Senate."

Turner, J.: "Is it too late to get a judge for the eleventh circuit on this Bill?"

Scott: "I think so at this stage, but I'd be glad to help you out if the numbers bear it up at a later time."

Turner, J.: "Well, speaking of numbers, how much do the circuit judges get paid?"

Scott: "I don't know that figure exactly, John. I'm sure somebody around here does, but I don't know that exactly."

Turner, J.: "Do you know if it's uniform for Cook County versus downstate?"

Scott: "Pardon me."

Turner, J.: "Do you know if they're paid the same in Cook County as they are in downstate counties? And by downstate I'm

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

73rd Legislative Day

May 31, 1997

saying anything below Cook County."

Scott: "I think they are... I think they are, but I'm not sure about that."

Turner, J.: "And you don't have any idea what the sal... you can't even give me a guesstimate whether it'd be 50,000, 150, or 550? Any idea?"

Scott: "More than the first and less than the second and that's shared. There's a county portion that they have to pick up and then the rest is picked up by the state. The total cost that we saw originally, I believe it adds, and again, these are round numbers and I don't want to say it for sure, but I believe judges are somewhat a little bit less than a \$100,000 per judge."

Turner, J.: "I don't know either. I was thinking circuit courts or judges made between 105 and \$110,000."

Scott: "That could be right."

Turner, J.: "You've suggested that the counties pick up some of that, but I believe that the portion picked up by the county is something like 3,000, \$5,000. Isn't that about all?"

Scott: "It's very small. The lion's share is picked up by the state, so I think you're looking at... The way we looked at it originally, John, when we had one judge on it and we got an impact note, it looked like it was heading right in the neighborhood of \$100,000. So you can multiply that by the number."

Turner, J.: "What's the fiscal impact to the state?"

Scott: "Well, I believe it'd be about \$600,000 if you multiply the per judge cost times six."

Turner, J.: "I'm having a hard time hearing. Did you say \$600,000 and that would be on an annual basis, correct?"

Scott: "Yes."

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

73rd Legislative Day

May 31, 1997

Turner, J.: "Now, Representative, did you have ambition to be a circuit judge or perhaps appointed to associate judge at some point in your career?"

Scott: "Absolutely not. You know what's interesting about this? The kind of guy I am, John? This is elected on... and the one in my circuit is elected on a two county basis, and when you add in Boone County, even if I had ambitions, there's not much chance that was going to happen for me anyway."

Turner, J.: "I think you'd look pretty good in a robe. How about the Gentleman to your immediate left there? Is his ambition to be a judge and if so, do either of you have a conflict in voting for this?"

Scott: "You mean Representative Scully?"

Turner, J.: "Actually I was referring to the Gentleman standing up, Representative Dart."

Scott: "I believe he said it depends on how the vote on the tax increase goes."

Turner, J.: "I see. On a more serious note and this is my last question. From what part of the budget does... do we pay the \$600,000 annually? Do you know that?"

Scott: "I think it comes from the Administrative Office of the Courts. The whole court system is under one particular budget. Does that take anything away then from probation?"

Scott: "No."

Turner, J.: "Because I think that's funded from the same part of the budget."

Scott: "No, I don't believe it does, and again, this is going to go downstairs and too, and if the Governor thinks there's a fiscal impact bigger than what we can afford, I'm sure we may be seeing this again."

Turner, J.: "And I'm sure next year if we find that other

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

73rd Legislative Day

May 31, 1997

circuits need additional judges and you get the requisite number of votes on this you'll be glad to support any other circuit that needs a judge?"

Scott: "Well, again, as I said John, if I see the numbers that say in terms of the workload and the caseload and, you know it kind of makes sense in a way. On a serious note, we passed a lot of laws and we force a lot of cases into court and we do a lot of things with mandatory sentencing which force more cases to go to trial, it makes sense somewhere down the road that you've got to add the court personnel to back that up."

Turner, J.: "Well, certainly if we keep expanding that Vehicle Code we'll need many, many judges and by the way, I think you'd look nice in a robe."

Scott: "I think most of those associates handle the \$25.00 fines, though."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise to support the Gentleman's Motion to adopt the First Conference Committee Report. I wish to thank him for working with people on both sides of the aisle. I don't think there's a judge in here in this Bill that isn't needed or necessary. Now the ultimate arbiter of that, as Representative Scott has said, will be on the second floor. But I know the judge in here in my circuit that needs to be a resident judge of my home county, we have 60 percent of the caseload and only three judges out of a total of 11. I mean, that's just not very efficient. It isn't very... it isn't conducive to reducing the backlog of cases. We have a prison in my county which clogs the court system with all kinds of ridiculous lawsuits, but

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

73rd Legislative Day

May 31, 1997

they still have to be taken care of. I don't think there's a superfluous judge in here, but again, if you're nervous about it, the final arbiter will be the Governor. I urge an 'aye' vote."

Speaker Brunsvold: "Further discussion? Seeing none the Gentleman from Winnebago to close, Mr. Scott."

Scott: "Thank you, Mr. Speaker. I think Representative Black said it very well, these judges are needed by a lot of what we do and the case loads are proving that up. These are areas that have shown a definite need for these particular judges. I know in our area we've got a tremendous increase in the caseload and this judge is very necessary and I would ask for your support."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 473?' 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. On that question, there are 112 voting 'yes'; 4 voting 'no'; 1 voting 'present' and the House does adopt the First Conference Committee Report to Senate Bill 473. And this Bill, having received a Constitutional Majority, is hereby declared passed. On Supplemental Calendar #7 on Concurrences appears House Bill 110. Mr. Poe. Mr. Poe."

Poe: "Mr. Speaker, I move to concur with all three Amendments."

Speaker Brunsvold: "Would you care to explain all three Amendments, Sir?"

Poe: "Yes, Sir. Mr. Speaker and Ladies and Gentlemen of the House, this is the Bill that's been agreed to by the Governor and AFSCME through negotiations and it's went through the Pension Laws Committee and it's also passed the



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

73rd Legislative Day

May 31, 1997

Senate 58 to 0. The Senate Amendment #1 deals with the state retirement for state employees and this affects the flat rate of 1.67 with the people that's on social security, and this covers 97 percent of the state employees. Three percent are under the old formula which would be a 2.2 and it deals with the sick days. And what that means is their accumulated sick days they have at this time, they get paid for will be done in January 1, 1998 and they will be able to continue to keep those days for their time of service. The insurance program has been changed in the main Bill. After eight years they will receive 40% of their insurance and they will receive 5% a year after that. Employees under the alternate pension and formula plan, which is state police, prison officers, will be on the last day of service. The new formula increase in the pension is about 55% of the average state worker who retires at the age of 65, 23 years of service, and an average annual salary of \$32,305. That benefit will go from \$670 per month to \$1034. One way that this Bill is going to be paid for is the state employees are going to forego a cost of living adjustment the first year in the contract. They will receive 3% of their COLA the second and third year. Also SERS has long time wanted a 30 years and out and this is going to be phased in over five years and at the end of five years there's a sunset so we can take a look at that. They will also be under the flat 2.2 for each year of service. The accumulated six (sic-sick) days will work the same way as state employees and also the insurance program will work the same way that we explained in the state employees. There's another - Amendment #3 just makes a technical in the certification in retired health insurance premiums. This is a technical change and #4 is some

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

73rd Legislative Day

May 31, 1997

administrative changes. Mr. Speaker, I'll answer any questions."

Speaker Brunsvold: "The Gentleman has moved for concurrence in Senate Amendments 1, 3 and 4. And on that, is there any discussion? The Chair is turning on the timer. The Gentleman from Vermilion, Mr. Black."

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

Speaker Brunsvold: "The Sponsor yields."

Black: "Representative, is this the agreed pension language between the... between AFSCME and the Governor and CMS?"

Poe: "Yes, Sir."

Black: "Is the... do you anticipate that the money will be there in the budget and with your contribution schedule that this will not put an undue burden on the pension system?"

Poe: "Yes, Sir, that's the intent."

Black: "Do you know of any opposition to the Bill?"

Poe: "No. Sir."

Black: "Thank you. Thank you, Mr. Speaker, Members of the House. To the Bill."

Speaker Brunsvold: "Proceed."

Black: "I would simply submit Representative Poe has tried to do this for at least the last two or three years. The State Employees' Retirement System Pension is a disgrace. It has not had any Amendments or in... or anything added to it in more than two decades. It's ridiculous. You can work for the State of Illinois for 25 years and draw a pension, if you're lucky, of about \$600 a month. It's long past time. It's overdue. It should have been done two years ago and it got loaded down like a Christmas tree. This is a good Bill. It's a negotiated Bill. It takes some of the onerous provisions on sick leave pay out and other things

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

73rd Legislative Day

May 31, 1997

of that nature that some of us in this Chamber have been concerned about for a number of years. I congratulate the Sponsor. I hope we vote 'aye'."

Speaker Brunsvold: "The Gentleman from Kane, Mr. Hoeft."

Hoeft: "I think this is a key vote for us to look at our workers in the state and say thank you. We have one of the very worst pension systems for our workers. This is the opportunity for us all to put 118 votes up there and say, 'Thank you for your contribution. You deserve better and now we've finally been able to give it to you.' This is a good Bill, and I would suggest strongly that we all endorse it with our votes. Let's go 'green'."

Speaker Brunsvold: "The Gentleman from Jefferson, Representative Jones."

Jones, J.: "Thank you, Mr. Speaker. I just rise in strong support of this Bill. As Representative Black and Representative Hoeft have said, Representative Poe is to be commended on the job he's been doing for the last three years on the state pension programs. It's long overdue and as Representative Hoeft said, there ought to be 118 'yes' votes on this and I would just strongly urge an 'aye' vote for the people that have given so much to this state."

Speaker Brunsvold: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. I rise in strong support of this Bill. First of all, I would like to thank the Governor's office and I would like to thank the..."

Speaker Brunsvold: "Excuse me, Representative Klingler. Mr. Poe."

Poe: "Yes, Mr. Speaker, I'd like to take this out of the record for about 20 minutes. Your legal staff hasn't had a time to look at it and then we'll bring it right back."

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "Mr. Poe, yes, we will do that, and Representative Klingler we'll come back to you on the first one on debate when we come back. Take the Bill out of the record. On Supplemental #7 appears House Bill 282. Mr. Woolard."

Woolard: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd like to concur in Senate Amendments 1 and 2 to House Bill 282. Both of these Bills passed through the House, one was sponsored by Representative Moffitt, the other by Representative Bost. Their text, both tax credits. Tax credits. What we're talking about is taking the renewable source that we have, soybeans and corn in the state and making biodegradable products and giving them an incentive to utilize in this state. I think this can be a great economic incentive and can be something... can be a very positive economic benefit to the state. The second one is a similar issue dealing with pollution control devices and this was passed by Representative Bost. Both of these Bills received in excess of 111 votes on the House Floor. I would encourage each and every one of you to support us on this issue."

Speaker Brunsvold: "The Gentleman has asked for the concurrence in Senate Amendments #1 and 2. Is there any discussion? Seeing none, the question is, 'Shall the House concur in Senate Amendments 1 and 2 to House Bill 282?' 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 116 voting 'yes'; 0 voting 'no'; and 0 voting 'present' and the House does concur in Senate Amendments #1 and 2 to House Bill 282. And this Bill, having received a Constitutional

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

73rd Legislative Day

May 31, 1997

Majority, is hereby declared passed."

Clerk Rossi: "Committee Reports. Representative Currie, Chairman from the Committee on Rules, to which the following Conference Committee Reports were referred, action taken on May 31, 1997, reported the same back, recommend 'be adopted' Conference Committee Report #1 to House Bill 353; Conference Committee Report #1 to House Bill 2161 and Conference Committee Report #2 to Senate Bill 789."

Speaker Brunsvold: "The Gentleman from Washington, Representative Deering, for a Motion."

Deering: "Thank you, Mr. Speaker. Having voted on the prevailing side of House Bill 1374, the Conference Committee Report, I move to reconsider the vote."

Speaker Brunsvold: "The Gentleman has moved to reconsider the vote on House Bill 1374. All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the vote shall be reconsidered on House Bill 1374. Represen... The Lady from Cook, Representative Silva, for what reason do you rise?"

Silva: "I was away from my seat on Bill 382 and my intent was to vote 'yes'."

Speaker Brunsvold: "It will be so recorded, Representative. The House has reconsidered the vote on 1374. Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I think there was some misunderstandings on the last vote and I would like to reconsider the vote. I know my colleague there is going to say the realtors are adamantly opposed to the provision in there for Oak Brook. I now have Senator Walsh here to do some reinforcement work for me. But, truly, we have not heard from them. I know it says in the analysis they're against it. This is a very, very important project in the Village of Oak Brook. We have other provisions in here very important to various Members

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

73rd Legislative Day

May 31, 1997

of this Chamber and I would ask that we concur, reconsider and adopt the Conference Committee #1 to House Bill 1374."

Speaker Brunsvold: "And on that question, is there any discussion? The Gentleman from Cook, Mr. Durkin."

Durkin: "Thank you, Mr. Speaker. I represent Oak Brook and I concur with Representative Saviano, this is a very important project for him. But I believe there have been some misconceptions about this Bill because this is not something which will allow the municipality to unilaterally make. Eventually it has to be approved by the Circuit Court. So, if it's a question of government and a municipality coming in and acting in a egregious manner, it's not so. I mean, there action is not final. So, I believe, that the bite that some people think is coming out of this Bill is just not there. I would really appreciate your support in this Bill."

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

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. There's no misunderstanding on this Bill. This Bill is not necessary. If they want... that there is underlying things in this, take this Conference Committee back, take out this provision that the realtors are so strongly against and let the Bill go. You'll solve that problem. It's very easy. Don't think that you're bound to it. They can do that. An addition on this Bill is not necessary. The disconnection has lots of reasons why, under the current law, is acceptable. Now, if they want to work out some kind of compromise with the realtors, let them meet with them, let them solve it. This ought not to be something that we are just trying to shove down their throat. That's what they're doing, they're shoving it down

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

73rd Legislative Day

May 31, 1997

the throat of the realtors. This is wrong, this ought not to be done. Ladies and Gentlemen, I would ask you to stay with the vote and vote 'no' on this. Let them draw another Conference Committee and come up with a better solution to this plan, not blatant politics."

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

Black: "Thank you very much, Mr. Speaker. I have an Inquiry of the Chair."

Speaker Brunsvold: "State your request."

Black: "Pursuant to Rule 65 of the House Rules, the Rules are silent on whether a Motion to reconsider, that requires a majority to pass. It obviously states it requires a majority to be reconsidered. Now you moved rather quickly. I think practice dictates that you should have had a Roll Call on that. A voice vote does not clearly say that a majority - I mean, it's up to the Chair, I understand that and the language is silent, but I really think, pursuant to Rule 65, that, that Motion to reconsider should have been a Roll Call and it would have required a majority just as it would have to pass the Bill, to move a Motion to reconsider. I'll accept the ruling of the Chair because the language is silent, but I believe it's generally been the practice that we have a Roll Call on a Motion to reconsider."

Speaker Brunsvold: "Thank you, Mr. Black. Mr. Parke, you have did... to have spoken in debate. Mr. Parke."

Parke: "Inquiry. When you asked 'yes' or 'no' I was the only Member in the Chamber that said 'no'. Nobody said 'yes'. So, quite frankly, if you go to the voice call, I was the only one that said 'no'. Oh, please, please. I was the only one that said 'no'."

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

73rd Legislative Day

May 31, 1997

Speaker Brunsvold: "Thank you, Mr. Parke. The Gentleman from Madison, Mr. Stephens."

Stephens: "Well, that's just not true. I said 'no'. So two of us, and if it hasn't been requested already, I would... should this Bill get the requisite number of votes, I would request a verification. And for all the reasons that we voted it down before, we should vote it down again."

Speaker Brunsvold: "Verification has been requested on the Bill. Mr. Saviano to close."

Saviano: "Thank you, Mr. Speaker. I appreciate the Chamber's indulgence on the Motion to reconsider and also on the second Roll Call. This is important to the Members who have things in their districts that need to be done and I would appreciate a favorable vote. Thank you."

Speaker Brunsvold: "The question is, 'Shall the House adopt the First Conference Committee Report to House Bill 1374?' All... This is final action. All in favor say 'aye'... vote 'aye'; all opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On that question, there's 71 voting 'yes'; 45 voting; 'no' and Mr. Stephens has requested a verification. Mr. Stephens."

Stephens: "I just wanted to see how Representative Parke voted. Let me see. I guess I'll not persist in my request."

Speaker Brunsvold: "Thank you, Mr. Stephens. There are 71 voting 'yes', 45 voting 'no' and 0 voting 'present' and the House... Mr.. Lang."

Lang: "Thank you, Mr. Speaker. Let the record reflect that I would have voted 'aye' if I wasn't up the center aisle."

Speaker Brunsvold: "Thank you, Mr. Lang. There are 71 voting 'yes', 45 voting 'no', 0 voting 'present' and the House does adopt the First Conference Committee Report for House



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

73rd Legislative Day

May 31, 1997

Bill 1374. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Cross, for what reason do you rise?"

Cross: "Thank you, Mr. Speaker. If the record would reflect that on House Bill 1374 I would have voted 'yes'. I was out looking for the new Education Bill. Couldn't find it. But I would have voted 'yes' if I'd been in here."

Speaker Brunsvold: "Thank you, Mr. Cross. On Supplemental Calendar #6 appears House Bill 204. Mr. Churchill. Out of the record."

Clerk Rossi: "Supplemental Calendar #8 is being distributed."

Speaker Brunsvold: "Mr. Granberg in the Chair."

Speaker Granberg: "Supplemental Calendar #8. House Bill 353, Representative Lindner."

Lindner: "Thank you, Mr. Speaker."

Speaker Granberg: "Proceed."

Lindner: "House Bill 353 originally started out for my little township of Big Rock to allow them to be able to vote on whether they want to be incorporated or not and that it's drafted specifically for that. There's several other things for other Members on this Bill. One for Representative Tenhouse, which is... defines public safety in the Counties Code - not limited to firefighting, police, medical, ambulance or other emergency services. There's also something requested by the House and Senate Democrats to allow a separate township attorney to represent the Highway Commissioner. There's also something for Representative Clayton to amend the Municipal Code concerning sewage systems and adjacent municipalities access to other jurisdictions. There's also something for the City of Lockport requested by Representative Hassert to clarify that there may be intergovernmental agreements

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

73rd Legislative Day

May 31, 1997

between municipality and sanitary sewer districts. And then, finally, there's something for Representative Noland. Poor Representative Noland doesn't have enough people in his county of Piatt County and they need to be able to appoint people to the Board of Commissioners of the Forest Preserve instead of elect them. That's all."

Speaker Granberg: "The Lady moves for the adoption of House... Conference Committee to House Bill 353. On that is there any discussion? There being no one seeking recognition, all in favor of the adoption of the Conference Committee Report shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Kosel, 'aye'. Have all voted who wish? Mr. Clerk, take the record. On this question, 118 voting 'yes'; 0 voting 'no'; and 0 voting 'present'. The House adopts the First Conference Committee Report to House Bill 353. The Gentleman from Cook, Mr. Morrow."

Morrow: "Thank you, Mr. Speaker. With the hour closing nearer and nearer to midnight and we've got a couple of major issues that we need to deal with, I think it's time that we get a move on. I know that no one's going home tonight. At least I hope they won't be trying to make that long ride home. But we've been doing this for five months now and I think it's time to get the Members out of here. So if you could find out where the Budget Bill is and the Welfare Reform Bill and let's... let's set us free for the summer."

Speaker Granberg: "Mr. Morrow, I agree. The Gentleman from Kendall, Mr. Cross."

Cross: "Well, two things, Mr. Speaker. One, I'd like to yield my time to Representative Morrow again and I know he's out looking for some Bills. Charles, if you'd like to use these binoculars, my friend, please come and get them."

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

73rd Legislative Day

May 31, 1997

Morrow: "No, I don't want to use the binoculars, I just want the Bills to be brought up on the board and let's vote 'yeah' or 'nay' and get the hell out of here."

Cross: "Yeah, we agree."

Speaker Granberg: "Mr. Clerk, House Bill 860. Senate Bill 860. Read the Bill, Mr. Clerk."

Clerk Bolin: "Senate Bill 860. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Representative Art Turner, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Senate Bill 860, Amendment #3, simply... well, it's a duplication of House Bill 494 that we sent out of here with a Roll Call vote of 115 to 0. But what it does is it's a, what I call a state employee's Bill and what it does is it guarantees that state employees will get a 30 day notice before any layoff; and it also provides for a worker assistance and worker relocation in the event that a layoff is to take place. And I move for the adoption of Amendment #3 to Senate Bill 860."

Speaker Granberg: "The Gentleman moves for the adoption on the Amendment. Is there any discussion? There being no discussion all in favor shall say 'aye'; all opposed shall say 'nay'. The 'ayes' have it. The Amendment's adopted. Mr. Clerk, further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Granberg: "Third Reading. Read the Bill. Mr. Turner."

Turner, A.: "Mr. Speaker, I was wondering if we could delete Amendment... take it back to Second Reading before we move it and table Amendment #1? Amendment #3 becomes the Bill or became the Bill, or will become the Bill, and this way

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

73rd Legislative Day

May 31, 1997

we only send one Amendment over to the Senate? You know, they're working real hard over there."

Speaker Granberg: "Mr. Clerk..."

Turner, A.: "I don't want to lose them or confuse them."

Speaker Granberg: "I think you already did."

Turner, A.: "If we could drop Amendment 1."

Speaker Granberg: "I think you already did, Mr. Turner. Mr. Clerk, what was the Amendment that was just adopted to the Bill? What was the number of that Amendment?"

Clerk Bolin: "Amendment #1 was adopted in committee and Floor Amendment #3 was just adopted to the Bill."

Speaker Granberg: "Floor Amendment #3 become the Bill? Mr. Turner, was that your intention?"

Turner, A.: "Right. Floor Amendment #3, I just explained and I just move for the adoption of Amendment #3."

Speaker Granberg: "Mr. Turner, we already adopted the Amendments."

Turner, A.: "Okay. Mr. Speaker, first of all, I'd like to bring the Bill back to Second Reading."

Speaker Granberg: "Mr. Clerk, return the Bill to Second."

Turner, A.: "Mr. Speaker, now I'd make a Motion that we table Amendment #1."

Speaker Granberg: "The Gentleman moves to table Amendment #1. On that question, is there any discussion? The Gentleman from Madison, Mr. Stephens."

Stephens: "Well, Mr. Speaker, just to clarify. The... I am in support of the Gentleman's Motion, but there are questions on our side of the aisle that are springing up as we speak about how can you do this... how can he do this to your Bill? There's been no paperwork filed. I am in agreement. Any Motions that the Gentleman makes moving the Bill back or forth, I stand in support of and am in agreement to the

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

73rd Legislative Day

May 31, 1997

language that he wishes to add to Senate Bill 860."

Speaker Granberg: "Thank you, Mr. Stephens. Mr. Turner now moves..."

Turner, A.: "To table Amendment #1."

Speaker Granberg: "With the consideration of Mr. Stephens to table Amendment #1. On that, is there any discussion? There being none, the Gentleman moves for the tabling of Amendment #1. All in favor shall say 'aye'; all opposed shall say 'nay'. The 'ayes' have it. The Amendment's tabled. Further Amendments. Third Reading. Read the Bill."

Clerk Bolin: "Senate Bill 860, a Bill for an Act to amend the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker. I'll yield the floor to the Representative from Cook, Representative Turner."

Speaker Granberg: "The Gentleman from Cook, Mr. Turner."

Turner, A.: "For the fifth time this Session, Mr. Speaker, again this Bill is what I call a Bill for state employees. What it does is it provides that any... before any employee is layed off, that he will be given a 30 day notice. It also provides that worker relocation and transitional assistance regarding job training would be made available to those layed off employees. This is an Amendment that was drafted by CMS and the Department of Human Rights. The administration suggested that we put it on Senate Bill 860 and I move for the adoption of House Bill... no, Senate Bill 860."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, is there any discussion? No one

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

73rd Legislative Day

May 31, 1997

seeking recognition, all in favor... The Gentleman from Vermilion, Representative Black."

Black: "Thank you, Mr. Speaker. Did you have your hand over the lights?"

Speaker Granberg: "I had my hand trying to protect my face from someone with a water pistol."

Black: "I'm shocked and appalled that anyone would do that to the Speaker."

Speaker Granberg: "You're a pretty good shot."

Black: "Thank you. I thought so. Would you... would the Sponsor of this fine Amendment yield?"

Speaker Granberg: "Absolutely."

Black: "Representative Turner, is the Amendment in response to... ah, I don't even want to ask you that. Is there any opposition to the Amendment?"

Turner, A.: "Not in this Chamber, I hope. No, there's no... no one..."

Black: "Surely you does... what not insinuating..."

Turner, A.: "There's no opposition to this, no."

Black: "...that there would be any opposition across the rotunda?"

Turner, A.: "Representative, as you know regarding tow trucks and other things of interest, you never know. But at this point it's my understanding that all misinterpretations of this legislation have been worked out."

Black: "Okay."

Turner, A.: "And we're all on board. CMS is on board, Human Rights is on board, the Governor's Office is on board and we're trying to do what we can to take care of those layed off state employees and hopefully there won't be any."

Black: "Is CMS on board?"

Turner, A.: "CMS is on board. In fact, this is CMS's Amendment."

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

73rd Legislative Day

May 31, 1997

Black: "Okay. Is Representative Stephens okay with your Amendment?"

Turner, A.: "Representative Stephens has been very supportive of this Amendment and..."

Black: "Well, he's a very supportive fellow."

Turner, A.: "...I want to thank the fine man."

Black: "In fact, your Amendment becomes the Bill. Is that correct?"

Turner, A.: "Absolutely correct."

Black: "Well, it probably should be a Stephens - Turner Bill, then."

Turner, A.: "That's not a bad combination, especially on this legislation here."

Black: "All right. Okay."

Turner, A.: "That's like second base and third base, we've got the infield covered."

Black: "Kind of like the Cub's middle infield, right?"

Turner, A.: "Well, the Cubs..."

Black: "All right."

Turner, A.: "Cub/Card combination."

Black: "Representative, I appreciate you answering the questions. It appears you have everything worked out and I congratulate you on that, because I really didn't think you could get this one worked out, but you did. So..."

Turner, A.: "Representative, I'll show you this T-shirt later tonight. It's been a tough go, let me tell you."

Black: "Okay."

Turner, A.: "Okay."

Black: "Well, I congratulate you on getting it worked out and I stand ready to vote 'present' on the Bill. No, I mean 'yes'."

Speaker Granberg: "Nothing further? The Gentleman moves for the

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

73rd Legislative Day

May 31, 1997

passage of House Bill... Senate Bill 860. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question 118 voting 'aye', 0 voting 'nay', 0 voting 'present'. Senate Bill 860, having received the Constitutional Majority, is hereby declared passed. On Supplemental #8 appears House Bill 2161. Mr. Scott, the Gentleman from Winnebago."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask for support on Conference Committee Report #1 to House Bill 2161. This contains a number of provisions that I don't believe are controversial at all. House Bill 2161, when it left the House chamber, had a simple provision on it that would require that when sanitary districts are going to forcibly annex somebody, that they provide them notice. That is still on this Bill through the Conference Committee Report. The Senate added two different Amendments to the Bill. Number... Senate Amendment #1 would add language to the Sanitary District Acts of both 1917 and 1936, saying that if a sanitary district acquires real property by condemnation, it may not sell or lease any portion of that property. In other words, if they get it through a court process of condemnation, they've got to hang onto it. Senate Amendment #2 generally authorizes boards of trustees of sanitary districts to contract to reimburse persons who paid for a sewer to be built if that sewer benefits properties owned by persons other than those persons who paid for it to be built. Again, this is just a reimbursement clause. Actually a good clause protecting consumers and landowners who happen to be near projects



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

73rd Legislative Day

May 31, 1997

that are built by sanitary districts. There is additional language which has been added to this which is really clean up language suggested by the Home Builder's Association of Illinois. It's originally Senate Bills 919 and 920. What they do is clean up language that from a Bill that passed during the last Session of the General Assembly which provides for bonding requirement options for units of local government who require a builder/developer to provide financial insurance for the completion of subdivision work. This would allow an irrevocable letter of credit from a financial institution or a different surety which is deemed acceptable by the county or municipality as a third security option. And there's another technical clean up language to that that applies to public construction bonds which basically does the same thing as the last provision that I described. And, again, I don't believe there's... don't believe there's any opposition to this Bill that I've heard of and I would appreciate your support."

Speaker Granberg: "The Gentleman from Winnebago moves for the adoption of Conference Committee Report #1 to House Bill 2161. On that, is there any discussion? The Gentleman from Vermilion, Mr. Black."

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

Speaker Granberg: "Yes."

Scott: "Yes."

Black: "Doug, I have one question and that... and I really don't understand this, so if you could explain it to me."

Scott: "Okay."

Black: "There is a section in Senate Amendment #2 that says, I assume it means the sanitary district, can levy a tax on those who choose to hook up to a sewer system built with

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

73rd Legislative Day

May 31, 1997

private funds, and I really don't understand that at all. I mean, if a subdivision constructed its own sewage system, why is the sanitary district seeking language that provides for a tax on those who would then choose to hook up to that?"

Scott: "To them, if they take that particular system over and it becomes part of their system, then they're allowed to reimburse the developers for the cost that they had in building it. This happens quite frequently, where a private developer will build the particular..."

Black: "Oh, okay. Okay, yeah."

Scott: "...portions of the system and then it'll become part of the sanitary district itself. This just allows..."

Black: "Alright. What I wasn't seeing is that only if the sanitary district takes over the entire sewer line."

Scott: "Yeah, otherwise they're not.. they don't have any jurisdiction over it."

Black: "Alright. Not just go in and tell the home owner, guess what, we're going to levy a tax on a private sewer hook up."

Scott: "Right."

Black: "So, if they take over the system, then sure, okay."

Scott: "If it's a private system... if it's a private system, it doesn't have anything to do with them. It's only if they take it over..."

Black: "Okay."

Scott: "...this then becomes their..."

Black: "Then they would be treated the same as every other resident on the sanitary system..."

Scott: "Right, because if the sanitary district built it, they're going to charge the customer..."

Black: "Okay, sure."

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

73rd Legislative Day

May 31, 1997

Scott: "...for the cost of building the system."

Black: "Okay, I see now. Thank you."

Speaker Granberg: "Anything further? The Gentleman from Kendall,  
Mr. Cross."

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

Scott: "Yes."

Cross: "Representative, are the portions that you... I assume they're still in here where they, in the event the sanitary district condemns property, they cannot... they can't get rid of it. Is that still in here?"

Scott: "Yes, it is. And, that's been agreed to by the waste water agency association."

Cross: "I'll... I guess I'm being a little selfish here, protective of my area but I, I'm thinking of situation where the sanitary district purchased some land and I don't believe condemned it and they, for a treatment center, they found out down the road or it appears that maybe they're not going to want to use that property for the treatment center. I was referring to an area in our area where the sanitary district acquired some property and, as I said, I don't believe it was condemned, but they acquired the property and then realized after quite a bit of opposition that maybe that wasn't the best place to put a treatment center. Does that land remain... become useless after that?"

Scott: "No, in fact, under this, because it was acquired through an 'arms length' purchase and wasn't part of the condemnation, then this Bill wouldn't apply to them. There were some people in the Senate who, the Senate put this Amendment on, this was their Amendment #1, there were some people in the Senate who wanted that language to be broader to comply with any kind of acquisition that a sanitary

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

73rd Legislative Day

May 31, 1997

district might have. But, this is only for the condemnation. Only for the proceedings that go all the way through the court process where land is forcibly taken from somebody, not having to do with 'arms length' purchases."

Cross: "Yeah, I understand the difference, Doug, and I don't mean to be cute but, for whatever reason. Let's say the condemnation..."

Speaker Granberg: "Mr. Cross, we don't have to worry about that."

Cross: "What?"

Scott: "Being cute."

Cross: "Alright."

Scott: "That was the Speaker, that wasn't me, Tom."

Cross: "Alright, I'll ask for a verification then and if this gets the requisite number of votes... Doug, what if... what if, for whatever reason, the sanitary district says halfway through the condemnation proceedings, after they've acquired 'X' number or 'X' amount of land that this isn't the best place for us to build our treatment center and we decide we're going to back out of the program? Why can't they sell the land back to the people they condemned the property of?"

Scott: "Well, I guess the feeling here is, and I think what it's trying to avoid, Tom, and again, this is something that came on from the Senate, but I think the situation they're trying to avoid is, any public body, and in this case we happen to be talking about the sanitary districts, but the same philosophy would apply to any unit of Local Government, if you're going to acquire property through condemnation and you're going to go through the court process, you shouldn't be able to turn right around and sell it again back to a developer or somebody else who's going to do something else. You should keep it for the

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

73rd Legislative Day

May 31, 1997

public purpose, which is the stated purpose of the ordinance of why you're going to acquire property through condemnation. And the only... and the only thing I can say also in response to that is that, first of all, condemnations happen very, very seldom with sanitary districts and I think the reason why they're willing to sign off on this language is because this is something that doesn't go on very often."

Speaker Granberg: "Mr. Scott. Mr. Scott... Mr. Stephens, for what reason do you rise, Sir?"

Stephens: "On a point of personal privilege. Something was spilled back here. We need a janitor right away. Miss Cray... Bill Black went by, spilled a big cup of something all over. It's terrible. We need security and a janitor back here, right away."

Speaker Granberg: "I'm sure Mr. Johnson will be very appreciative. Mr. Scott."

Scott: "I was just saying that in talking to my own local sanitary district, I asked them that very question when the Amendment came on, I said, 'What do you think?' And he said, 'Well, there's a couple of things. First of all, we acquire property through condemnation very, very seldom. Most of the things happen through arms length agreements. And the second thing is that if they do acquire by condemnation, it's done with an express purpose of a ordinance where they've got to have the public purpose set out, and they don't do those things lightly, they do that pursuant to a plan.'"

Cross: "Can you think of any other Governmental body, and maybe I just don't know but, that we would lock in, in a similar situation or are right now, are prohibited from using land in a different way once it's condemned for the original

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

73rd Legislative Day

May 31, 1997

purpose?"

Scott: "I think... I think they're, and I don't know this for sure, Tom, it's not true of municipalities and it's not true of counties. It may be true in some of the building commission language. There may be some provisions like that."

Cross: "It's not true with IDOT that I know of, is it?"

Scott: "No, no. But again, you know the, some of the... I may not agree with... I may not think it's perfect in that form. I may think it might be better if you said 10 years or 20 years you should have to keep it. But again, the purpose behind it is to keep these entities of government from, and I guess there have been some problems some places, which gave rise to this Amendment in the Senate, where the sanitary district has acquired the land and then turned right around and sold it off to somebody else. In other words, they weren't using condemnation for the purpose that it was designed for."

Cross: "I guess my concern, Doug, is your sanitary district elected or appointed?"

Scott: "They're appointed."

Cross: "Don't we... Aren't we taking away some authority and power to those people we trust to be on sanitary districts by saying..."

Scott: "Yep."

Cross: "... 'Look, we're going to trust your judgement. You've analyzed this situation.' For whatever reason, you may make a change, and maybe for the better, and now we're going to force them to keep some land and maybe, make the wrong decision because of what we're passing here."

Scott: "Well..."

Cross: "And, I understand the situation, the potential situation

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

73rd Legislative Day

May 31, 1997

you're describing and I can see the problems, but I think we're locking the hands of sanitary districts, or any form of Government if we did this by saying you've got to do this or you have to do that and we're taking away their authority."

Scott: "Well, there's two things. One is, if they were against it, I'd probably agree with you, but they're not against this particular provision so they obviously don't think it's that onerous or they would be actively fighting this particular provision. And the other part of it is, you know, condemnation we treat pretty specially around here for a lot of reasons and we should because it's in essence, a forcible taking of someone's land. And the only reason that we allow that to happen, is because there's a public purpose or a greater public good that we think deserves that land to be able to be taken. So here, what we're saying is that if that's the case and we're going to take someone's private property, that it should be used for the purposes that we took it for in the first place."

Cross: "Well, once again, I go back, and I guess I'm concerned about setting this public policy. The sanitary district acknowledges the problem they have or for whatever reason they think they've made a mistake, they can't even sell it back to the owner of the property they've condemned and I think... I really do think... and I don't know that I disagree with what you're trying to do, you know, for our own situations in our respective districts, but from a public policy standpoint, I think we may be putting ourselves in a real box. I'm going to take a stronger look... or a look at the Bill and I don't want to monopolize time, I'm sure there's some other good Bills coming up tonight but, I just have some serious concerns.

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

73rd Legislative Day

May 31, 1997

Thank you. Thank you."

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

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

Scott: "Yes."

Speaker Granberg: "Indicates he will."

Novak: "Representative Scott, does this affect all current sanitary districts that have been created by, either by statute or by referendum?"

Scott: "Nineteen seventeen and nineteen thirty-six districts."

Novak: "Oh, just from 1917 to 1930's?"

Scott: "No, they're two different sanitary district Acts. Some created... virtually, all sanitary districts in the state, but not, I don't believe it affects the Metropolitan District in Chicago, but it affects everybody else."

Novak: "Okay well, a few years ago, I created a Eastern-Will County Sanitary District by statute and so, this would impact them, correct?"

Scott: "Yeah, because I believe, and I don't know this specifically, but I believe when you did that, you probably made reference back, created it under one of the..."

Novak: "The 1917 statute, I believe."

Scott: "Right."

Novak: "Okay, thank you."

Speaker Granberg: "Seeing no one seeking recognition, the Gentleman moves for the adoption of House Conference Committee Report #1, House Bill 2161. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 85 voting 'yes', 31 voting 'no' and none voting 'present'. First Conference Committee Report to House Bill 2161, having received the Constitutional



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

73rd Legislative Day

May 31, 1997

Majority, is hereby declared passed. Senate Bill 8 (sic-9), Mr. Clerk. Senate Bill 9. Is the Gentleman in the Chamber? Out of the record. House Bill 110, Mr. Poe."

Poe: "Yeah, Mr. Speaker, I introduced this Bill earlier. Just quickly, we made a Motion to concur with Amendments 1, 3, and 4. This Bill, is a Bill that's been negotiated over time. It's an agreement between the Governor and AFSME Union. It's been through the Pension Laws Commission and everybody is recommended, as I know, there's no proponents(sic-opponents) and at this time, would answer anymore questions that was... people was wanting to ask questions earlier."

Speaker Granberg: "The Gentleman from Kankakee, Mr. Novak on the motion."

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

Speaker Granberg: "Indicates he will. Proceed."

Novak: "Representative Poe, did I hear you correctly when you said there are no proponents? Or did you say there are no opponents?"

Poe: "I hope I said, opponents."

Novak: "I thought you said there are no proponents to this Bill."

Scott: "Oh, I hope not. No, there's 90,000 proponents out there, I know."

Novak: "Oh okay, I see some people in the audience here that have a vested interest in this Bill. I've got a couple of questions for... What is the hit on the state budget on this thing? You know, how long does it go for, over how many years?"

Poe: "Are you referring to the state universities or the state employees?"

Novak: "Well, let's talk about the State Employees since they make up the largest, I think, segment of this legislation."

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

73rd Legislative Day

May 31, 1997

Poe: "The first year, there's going to be a net savings to the State of Illinois of about 4 million dollars and then it ramps up."

Novak: "Mr. Poe..."

Poe: "Yes."

Novak: "I know a significant part of this Bill as far as financing these changes in the pension plan was through the negotiations between AFSME and the Governor's office, is that correct?"

Poe: "Yes, that's correct."

Novak: "Okay, and I understand, as well, is that in those negotiations the union... the AFSME representatives said, 'We would rather have improvements in our pension system in lieu of a 3% across the board increase.' Is that correct?"

Poe: "Yes. In a three year contract, the first year there would be... the 3% Cola would go toward their retirement."

Novak: "Okay, and how does... increases is the percentage by which the AFSME employees' pensions are improved? Can you give me a percentage? Does this improve their payout by 50% or 40% or..."

Poe: "Yes, Sir. Representative, the new formula gives about a 55% increase to the average state worker who retires at age 65 with 23 years of service and an annual income of \$32,305 dollars. Currently, they would receive about \$670 dollars a month, and that would go up to \$1034 dollars a month."

Novak: "Okay and that... Would this be phased in over a couple of years or..? Let's say the Governor signed the Bill tomorrow and it became effective July 1, when would this... when would this worker, that you just cited as an example, realize these improvements in his or her pension?"

Poe: "Yeah, those benefits would take effect July 1, 1998."

Novak: "July 1, so there's a year?"

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

73rd Legislative Day

May 31, 1997

Poe: "I'm sorry, January 1, 1998. Sorry."

Novak: "Okay, that's alright. January 1, 1998. Okay, another question about the accumulated sick time. We know that this has been a bone of contention with various parties. So, could you just tell everyone, once again, what does this do to the current policy for AFSME employees dealing with accumulated sick time?"

Poe: "Yeah, currently, accumulated sick leave when an employee retires, they are paid on half of the days they've accumulated. After January 1, 1998, a current state employee will be able to save those days that they have accumulated and will be paid for. From that day forward, those days won't be in the accumulation for being paid a lump sum."

Novak: "Well, will the sick time policy then be eliminated for state employees?"

Poe: "No, Sir. It'll go on the same as it has been..."

Novak: "Will they still accumulate a half a day or a full day a month, or however it is based upon their time?"

Poe: "Yes, Sir. Yes, Sir."

Novak: "Okay, thank you."

Speaker Granberg: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I want to congratulate the Sponsors of this legislation and all those who worked so hard to bring this about. And, as we go home to our districts and tell the state employees that live there, how much we did for them and how much we appreciate them, I think it's also very, very important that we acknowledge how we got here today. And, it seems to me that as important as all of us and you may have been, it's also important to acknowledge that

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

73rd Legislative Day

May 31, 1997

the... that organized labor, that the state employees themselves who sat at the table with the collective bargaining process, sat as workers with the administration, working out all of the details, spending the hours that it took, crunching all the numbers, compromising when they needed to, pushing forward when they saw an opportunity, and it is they who should also be congratulated and should congratulate themselves for today, bringing forth a piece of legislation that is going to provide some dignity to state workers when they retire, going to provide a substantial increase in their benefits that they so sorely need and so well-deserved. So, I think that it's... that this Bill, we ought to be thanking AFSME and all of the members of organized labor who participated in bringing us here today. Thank you, very much."

Speaker Granberg: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I also, want to congratulate the representatives of AFSME and the representatives of the Governor's office for the long hours that they spent in negotiations on working out this Bill. I remember a couple of weeks ago, I talked to both sides and they were very discouraged. It seemed like things were starting to fall apart, that it wasn't going to happen and that really made me very discouraged and upset because I remember two years ago when it fell three votes short and how upset the people were in this area and throughout the state from the fact the Bill came so close. And, I did not want to have one more Session pass and say, 'Well, we came close, but we couldn't do it.' I think we also must thank the individual state employees because I can tell you that they have been extremely persistent and not giving up and contacting, not

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

73rd Legislative Day

May 31, 1997

only their legislators, but legislators throughout the state and the Governor's Office about how important this Bill was to them. I'd like to emphasize that this Bill, even though it increases the average pension by 55%, still does not make us the top in the country. Instead, it takes us from 49th or 50th in the state for pension level to 26th in the nation. So, in fact, with all this work, we're at the average but I think this was a good compromise. It could provide a livable level for the employees who retire after so many years of service and I would certainly hope that everyone in this Chamber would support it. Thank you."

Speaker Granberg: "The Gentleman from Effingham, Representative Hartke."

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

Speaker Granberg: "Indicates he will."

Hartke: "Well, Representative Poe, in your earlier... one of the earlier Bills, there was mention of an increase for those state employees who had retired already. Does this Bill contain any kind of increase for the pensioners of the State?"

Poe: "I couldn't hear you, really. Are you talking about retirees?"

Hartke: "Yes."

Poe: "That wasn't negotiated in the Bill that AFSME and the Governor approved and it didn't go through the Pension Laws Commission so, no, this doesn't apply to them."

Hartke: "So, this is no part of the ... Those individuals who are retired from the State of Illinois will not get a cost of living increase on their pensions that they're now receiving?"

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

73rd Legislative Day

May 31, 1997

Poe: "Not at this time, Representative, but I'll be glad to work with you. I think that's something we need to work on in Veto Session or next spring."

Hartke: "Okay, thank you. Well, you know, it's... To the Bill. It's a good idea and I'm going to support this piece of legislation, however, I think we're leaving those individuals who have retired already and worked for a smaller salary probably years ago and they're living on a smaller pension. Like many of our senior citizens, without that cost of living increase, they're going to have a hard time making it and I think we better look at that in the future."

Speaker Granberg: "The Gentleman from Sangamon, Representative Poe to close. I'm sorry, Mr. Rutherford, the Gentleman from Livingston."

Rutherford: "Thank you, Mr. Speaker. I do appreciate it. I did get my light on a little late, but I do want to participate because there was a number of hearings that were held around, at least my geographic area, because I have such a large district by our organization, the AFSME Union. There was a number of members from both the correctional centers, the developmental centers and the Universities and I think it's important that the employees participated... I'm sorry, there must be crickets in the room. ...participated in sharing with their elected Representatives what their position is on this and I do stand commending Representative Poe and Representative Klingler and the others on this Bill, to be able to bring about a consensus between our organized labor unions within the state and the administration. So, I do stand in support of the legislation."

Speaker Granberg: "Thank you. The Gentleman from Sangamon,

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

73rd Legislative Day

May 31, 1997

Representative Poe, to close."

Poe: "Yes, Mr. Speaker, it's been since 1971 since the State of Illinois has acted on a Pension Bill and I think we have a great chance tonight. The employees are long over due. Again, I want to thank AFSCME and the Governor's Office for working diligently on this Bill and the Pension Laws Commission for approving it and the Senate for passing it over to us. I'd ask for a favorable vote."

Speaker Granberg: "Mr. Clerk, announcement?"

Clerk Rossi: "The House Rules Committee is meeting in the Speaker's Conference Room."

Speaker Granberg: "The Gentleman now moves that the House concur in Senate Amendment 1, 3, and 4 to House Bill 110. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Representative O'Brien votes 'aye'. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question... On this question, 118 voting 'yes'; 0 voting 'no'; none voting 'present'. The House concurs in Senate Amendment 1, 3, and 4 to House Bill 110, and House Bill 110 is declared passed. Senate Bill 789, Mr. Clerk."

Dart: "Thank you, Mr. Speaker, Members of the House. I move that we adopt the First Conference Committee Report to Senate Bill 789. What this would do is it would, we'd agreed to go along with the Bill as it originally was introduced which dealt with the time line for pain and restitution. That was provisions that went out of here, I think it 118 to nothing, and it adds provision which is long overdue which we've been working on for approximately four years, to attempt to bring children back into the State of Illinois, who are abused and neglected children who we presently ship all around the country. These are children

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

73rd Legislative Day

May 31, 1997

who have done nothing wrong themselves but due to things that have been done to them, they're now problematic children who need secure treatment facilities. This is a measure that is supported by virtually, I don't know of any opposition, actually, supported by all the major child care associations, the Department of Children Family Services, and we've been talking with the counties as of late, too, and the counties now are believing that they are in support of this, as well. As I mentioned, we don't know of any opposition at all. This is something that's long overdue. We have approximately 350 to 400 children out of state. This is an effort to bring our children back into this state where they can be better monitored and taken care of and I would move for the adoption of the First Conference Committee. I'd be happy to answer any questions."

Speaker Granberg: "The Gentleman moves for the adoption of House... of the Conference Committee Report to Senate Bill 789. On that issue, the Gentleman from Kendall, Mr. Cross."

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

Speaker Granberg: "Proceed."

Cross: "Representative, with respect to the 'look out' language, hypothetically speaking of course..."

Dart: "That's not in here."

Cross: "It's gone?"

Dart: "It's gone. This Bill only contains the restitution provisions and the child care provisions."

Cross: "So, if we were at an after Session party and someone yelled, 'Here come the police'..."

Dart: "You'd have to find another Bill to have that fun with."

Cross: "Hey, Bucky the Clown, or hey, Skip, look out. That's all out of here?"



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

73rd Legislative Day

May 31, 1997

Dart: "Yeah, maybe we can get a Conference Committee on that one, if you want."

Cross: "Hey, here comes Frank O'Neil. So, that doesn't apply?"

Dart: "If it is Frank, you might want to have a Bill like that."

Cross: "Good point."

Dart: "'Because we'd want some warning."

Cross: "I'm not aware with your Amendments of any opposition. DCFS is okay with your language?"

Dart: "Yeah, they helped us with the language, actually."

Cross: "You've done a good job all Session of bringing DCFS closer to you."

Dart: "One big, happy family."

Cross: "Is that Director Dart or..."

Dart: "No, I won't be taking that one. Though, after that tax vote, Tom, I might be looking for a job."

Cross: "You might have a better shot at it than some of us, but... In fact, I know you do. So, at this point, no one... no opposition, Tom?"

Dart: "No. None that I'm aware of."

Cross: "Alright. Well, Director, thank you for working together on this Bill and it sure looks like a good Bill and good luck in your new endeavors. I vote 'yes'."

Dart: "Thank you."

Speaker Granberg: "The Gentle... The Lady from Cook, Representative Davis."

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

Speaker Granberg: "Proceed."

Davis, M.: "Okay. Representative, I think before we were in opposition because the public defender was opposed to your legislation. Is the public defender still opposed or..."

Dart: "No, they were opposed to Amendment #2 and I think it was 3, I'm not even sure. But, the provisions that they were

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

73rd Legislative Day

May 31, 1997

opposed to are long gone. They're not contained in this Bill. They don't have any... I know of no opposition to the rest of the Bill because it really does not impact them that I'm aware of."

Davis, M.: "Could you tell us exactly what it does, because it isn't on our computers and we don't have a copy?"

Dart: "Sure. Sure. Sure. What it does is... what the Bill originally did in its original form is in the Bill still, which deals with restitution, paying back that on a timely basis. As I said, that went out, I believe, 118 to nothing. Nobody had any problems with that. The 'look out' provisions, which the public defenders office talked about, are not in this Bill anymore and the other provisions deal with secured facilities for abused, neglected children. Presently, we're shipping all of those children out of state. In an effort to bring them back in, we had to make changes in the law here which would allow the department to have these kids in secured facilities here. And the prime reason is (a) it would save us money as far as transporting, but more importantly, when you're dealing with these type of children, as far as having their parents, the ability to visit them and stuff, it's next to impossible to do when these kids are in Texas, Arizona, Wisconsin..."

Davis, M.: "But, where are they going to put them when they bring them back? Where will they be?"

Dart: "Different child care agencies and I have been in conversations with who were supportive of this, say that they say that they are capable and will, in fact, be able to put together the places for these kids. They don't see any problem with that at all."

Davis, M.: "Alright. I appreciate your explanation,

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

73rd Legislative Day

May 31, 1997

Representative. Thank you, very much."

Dart: "Sure. Thank you."

Speaker Granberg: "The Gentleman moves for the adoption of House..."

Dart: "Hey, Kurt."

Speaker Granberg: "Mr. Dart."

Dart: "Thank you. I just wanted to... for purpose of legislative intent, as I mentioned, this deals with DCFS wards and make it clear that this is for... secure facilities, not meant in any way to substitute for the alternative, the States Metropolitan Children and all Adolescent Service Center operated by the Department of Mental Health. That facility serves young people who have serious psychiatric problems that are normally responsive to intensive therapeutic intervention. There's a need for that. This is something completely different and I just wanted to put that on record, as well, and I'd appreciate support."

Speaker Granberg: "Rep... He was going to close, Representative Lindner. Do you have a question? Proceed, proceed."

Lindner: "No. Yeah, thank you, Mr. Speaker. I just wanted to rise in support of everything that Representative Dart has said. I had a Bill two years ago that required DCFS to do a study of this and decide if we needed state secure care facilities and I'm glad that this is finally getting done and I commend the Gentleman for his work on this."

Dart: "Thank you."

Speaker Granberg: "Thank you. The Gentleman moves for the adoption of the First Conference Committee Report to Senate Bill 789. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr.

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

73rd Legislative Day

May 31, 1997

Clerk, take the record. On this question, 118 voting 'aye'; 0 voting 'nay'; 0 voting 'present'. The First Conference Committee Report having received the Constitutional Majority, is hereby declared adopted, and Senate Bill 789 is hereby declared passed. Representative Churchill moves that the House refuse to recede from House Amendments 1 and 2, to Senate Bill 797, and the House requests a Conference Committee Report. All in favor shall vote... say 'aye'; all opposed shall say 'nay'. The 'ayes' have it. House refuses to recede from House Amendments 1 and 2, and a Conference Committee shall be appointed. Committee Reports."

Clerk Rossi: "Representative Currie, chairman from the Committee on Rules, to which the following items were referred, action taken on May 31, 1997, reported the same back, 'recommend be adopted,' Conference Committee Report #1 to House Bill 581, Conference Committee Report #2 to House Bill 1887, and Floor Amendments 2 and 3 to Senate Bill 747."

Speaker Granberg: "Mr. Clerk, Senate Bill 9."

Clerk Rossi: "Senate Bill 9. A Bill for an Act in relation to harassing and obscene communications. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Burke. Excuse me, Mr. Burke. The Gentleman from Cook, Mr. McKeon. For what reason do you rise, Sir?"

McKeon: "Mr. Speaker, I'd like to speak to the Bill at the first opportunity, but I had my name removed from this Bill as a Cosponsor. Please, remove it from the board."

Speaker Granberg: "Thank you, Sir. Mr. Burke."

Burke: "Thank you, Speaker. I believe that the Body understands the nature of Senate Bill 9, or maybe I should say the

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

73rd Legislative Day

May 31, 1997

original nature. This Bill has gone through a metamorphosis. As per Amendment #3 to the Bill, I will explain the section that I was concerned with that began my involvement with the Attorney General's Office. Again, for the Members' information, this Bill would amend the Obscene Telephone Act changing its name now to include the use of electronic devices for communication of harassing or threatening messages. And, basically, in our age of modern technology, this is something that indeed, our society should have to protect our people from this type of harassment, particularly in the event of a domestic violence situation. And I will be available for any questions."

Speaker Granberg: "The Gentleman moves for the passage of Senate Bill 9. On that issue, the Gentleman from Cook, Representative McKeon."

McKeon: "Mr. Speaker, Ladies and Gentlemen of the House, I move to table the Motion for passage on Senate Bill 9, request a Roll Call, and a parliamentary ruling. Mr. Speaker, the Motion is to Table the Motion, request a parliamentary ruling."

Speaker Granberg: "Mr. McKeon, we'll take questions on the Bill and we'll get back to you on your Motion."

McKeon: "Mr. Speaker, the Motion is on the floor. I expect you to return it."

Speaker Granberg: "Thank you, Sir. I understand. The Gentleman from Cook, Mr. Fritchey."

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

Speaker Granberg: "He indicates he will. Proceed."

Fritchey: "I just want to say, for the record, I have nothing but the utmost respect for the Sponsor of the Bill, as a friend and as the Sponsor of this legislation. I made my comments

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

73rd Legislative Day

May 31, 1997

and my position very clear on what was Floor Amendment 3 to this Bill. While I would very much be eager to vote in favor of the underlying Bill, I intend on voting 'no' because of Floor Amendment 3 and would urge others to do so, as well. Thank you."

Speaker Granberg: "The Lady from Lake, Representative Moore."

Moore, A.: "Mr. Speaker, the Motion to table was on the Floor, taking precedence over any other debate that might be occurring. It is not a debatable Motion and should be ruled upon by the Chair, and acted on by the Body."

Speaker Granberg: "Thank you, Representative. The Lady from Cook, Representative Schakowsky."

Schakowsky: "I have a parliamentary inquiry. There was a Motion made to table and I'd like a ruling on that Motion."

Speaker Granberg: "We will get to you directly, Representative Schakowsky. Certainly, we will answer that question."

Schakowsky: "Okay."

Speaker Granberg: "Representative Schakowsky."

Schakowsky: "Then to the Bill. You know, it's really too bad that Amendment #3 is on this Bill, because the underlying Bill does address a very important problem that I think many of us would like to support. But what we have here, is really a very dangerous broadening, an inappropriate broadening of the definition of obscene. We talked about that before. We've talked about it if it deals with an interest in nudity. I mean, come on, Ladies and Gentlemen, this is not something that we should be making as a criteria for deciding what is prurient interest. This is, I would imagine, it's clearly unconstitutional but worse than that, we are setting a ridiculous precedent in this House by talking about things that should not be in obscenity legislation. We want to be able to define

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

73rd Legislative Day

May 31, 1997

obscenity, we want to have the three pronged standard to decide what it is, but we destroy one of those standards if we add something ridiculous to it that almost any kind of literature, or any kind of magazine, a Sears catalog could qualify as something obscene if it raised somebody's interest in nudity, an erotic interest in nudity. So I would really urge you to reject this legislation. It makes a mockery of the whole question of protecting our children, of the issue... the important issue of obscenity, and is really ridiculous. I urge an 'aye' vote, a 'no' vote. Sorry, 'no' vote."

Speaker Granberg: "The Gentleman from Vermilion, Representative Black."

Black: "Mr. Speaker, a parliamentary inquiry."

Speaker Granberg: "State your inquiry, Sir."

Black: "Yes, I... Evidently, there's been a Motion to table and I'm not comfortable moving forward. That's not a debatable Motion. It's not an amendable Motion, and I don't think anybody wants to vote on anything until we know what the vote is on. If the vote is going to be on the Motion to table, the Chair needs to let us know. And I really am not comfortable with debating a Bill if, in fact, the Bill... I don't know what the Motion was. Was it to table the Bill or table the Amendment?"

Speaker Granberg: "I think it was a Motion to table the Motion. Mr. McKeon, could you restate your Motion, Sir?"

McKeon: "My Motion is to table the Motion to approve Senate Bill 9. I request a Roll Call Vote and a ruling from the Parliamentarian."

Black: "Mr. Chairman, regardless of how I might vote on the Bill, I rise to support the Gentleman pursuant to Rule 60. I think you must act on his Motion to table. I think he has

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

73rd Legislative Day

May 31, 1997

made it in a timely fashion. It would appear to me to be in order, and I think for any Member who would make such a Motion, we, at least I, stand in support of the Gentleman's Motion. I think you need to proceed with the Motion to table."

Speaker Granberg: "Thank you, Mr. Black. Mr. Black, the Chair is... McKeon, the Chair is prepared to rule. The Motion is out of order based on Robert's Rules of Order, that it is not appropriate at this time because the intention, according to Robert... We'll let the Parliamentarian explain the ruling, Mr. McKeon. He wants to earn his money. I was going to, but he has to justify his salary."

Parliamentarian Kasper: "Representative McKeon, House Rule 60 (b) does not indicate in which instances a Motion to lay on the table is in order and which instances it is not. Pursuant to our House Rules we, therefore, are reliant upon Robert's Rules of Order. Robert's Rules of Order, Section 17 provide that, quote, 'The Motion to lay on the table is out of order if the evident intent is to kill or avoid dealing with the measure,' close quote. It is the Chair's interpretation that, that is the intention of your Motion, therefore the Motion is out of order."

Speaker Granberg: "Mr. McKeon."

McKeon: "Thank you, Mr. Speaker. To the Bill."

Speaker Granberg: "Proceed, Sir."

McKeon: "This Bill, with Amendments 1 and 2, is a very good Bill. It was discussed, debated, not only in Judiciary II, but here on the Floor. Amendment 3 raises profound and serious Constitutional issues. The manner in which Amendment 3 has been handled in this House raises serious and profound procedural issues in this House, in how another Member of this House, or Bills in this House can be handled in a



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

73rd Legislative Day

May 31, 1997

roughshod, sultry manner. The manner in which this Bill has been handled is obscene and offensive in and of itself. I urge a 'no' vote on this Bill. It is unconstitutional. You have taken an oath to support the Constitution of the State of Illinois and the United States, and this Bill is egregiously, obscenely unconstitutional. Vote 'no'."

Speaker Granberg: "The Lady from Cook, Representative Mulligan."

Mulligan: "Mr. Speaker, I'd like to make a Motion to overrule the last ruling. I'd like to overrule the Chair on that last..."

Speaker Granberg: "Representative Mulligan, that Motion was made by Mr. McKeon. He did not object to the ruling. Your Motion now is out of order. So, if you'd like to proceed."

Mulligan: "But, I'd like to make the Motion that he made again, and I'd like to hear the ruling again. I Motion to table this Bill."

Speaker Granberg: "That Motion was already made. That was addressed by the..."

Mulligan: "Then I move to divide the question."

Speaker Granberg: "Representative Kubik, the Gentleman from Cook."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill, not because of anything that's really in it, but more because of the way that this Bill was handled. I think Mr. McKeon makes some excellent points. What we have here is a major change in Constitutional Law. This could be unconstitutional. As the Gentleman points out, it never went to committee. It was never reviewed by a committee. We didn't have people come in and testify as to the ramifications of this Bill. We shipped this Bill to the Floor. I might add, at the time that we debated the Amendment, it was not on our

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

73rd Legislative Day

May 31, 1997

computers and many of us didn't have a copy of the Amendment. This Bill is going to have some very serious repercussions, and so, my... I don't know if I'm for or against this Bill, because I haven't been able to look at this Bill carefully and study the issues around it. The Sponsor, Mr. Phelps, of the Amendment, made some very, very good points; however, the opposition did, as well. But the point I'm trying to make is that this Bill was handled in the wrong manner, and an important issue like this to be thrown out on to the Floor without any committee action, without any committee debate, without any testimony is just outrageous. We ought to vote 'present' on this Bill, not because of any of the provisions in it, simply because we really don't know what this Bill is going to do. We really don't know what this Bill, the impact that this Bill is going to have. So, I would urge a 'no' or 'present' vote on Senate Bill 9."

Speaker Granberg: "Thank you. The Gentleman from Cook, Representative McKeon."

McKeon: "Thank you, Mr. Speaker. Thanks to the previous speaker. This is absolutely a question about how this House is run and managed. It is a question about how our substantive Bills are debated and deliberated in this Body. We should not be forced to vote on an extremely important issues with profound Constitutional questions that require careful and deliberative debate and review prior to bringing a Bill to this Floor. I join with my colleague, Representative Kubik. If you can't vote 'no' for this Bill, vote 'present'. Send a message to the Leadership that we will not be run roughshod over in parliamentary maneuvering and Rule Committee antics to get a Bill to the Floor. This is no way to conduct the business of this House. Vote

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

73rd Legislative Day

May 31, 1997

'present'. Vote 'no'."

Speaker Granberg: "The Gentleman from Cook, Mr. Burke."

Burke: "Speaker, take this Bill out of the record."

Speaker Granberg: "Mr. Clerk, take the Bill out of the record.

Senate Bill 1031, Mr. Clerk. Supplemental Calendar #6."

Clerk Rossi: "Senate Bill 1031. The Bill has been read a second time, previously. Amendment #1 was adopted in Committee.

No Motions have been filed, no Floor Amendments."

Speaker Granberg: "The Gentleman from Logan, Mr. Turner."

Turner, J.: "Thank you, Mr. Speaker. The Bill essentially adopts several of the recommendations made by the Weights and Measure Task Force and specifically relating to the use of portable scales. The Bill would allow for a 2000 pound variance for weighing vehicles on portable scales. It requires State, County, Municipal employees who operate the scales to be trained by the Illinois Law Enforcement Training Standards Board and finally, it eliminates the requirement of dual permits on roadways where there is shared jurisdiction. I'd be glad to answer any questions."

Speaker Granberg: "Mr. Clerk. Mr. Clerk."

Clerk Rossi: "Senate Bill 1031. A Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Granberg: "Thank you. The Gentleman from Logan moves for the passage of Senate Bill 1031. On that question, no one seeking recognition? Mr. Turner, do you wish to close?"

Turner, J.: "I ask for an 'aye' vote."

Speaker Granberg: "Thank you. All in favor of the Gentleman's Motions, shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 104 voting 'yes'; 13 voting 'no'; 0 voting 'present'. Senate Bill 1031, having

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

73rd Legislative Day

May 31, 1997

received the Constitutional Majority, is hereby declared passed. Senate Bill 1887... Excuse me, the Gentleman from St. Clair, Mr. Holbrook, for what reason do you rise? Senate Bill 1887. On House Calendar, Supplemental #9, House Bill 1887. The Gentleman from Dupage, Mr. Persico."

Persico: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move... it should be adopt... Conference Committee Report #2, though, not #1."

Speaker Granberg: "The Gentleman moves for the adoption of First Con... Second Conference Committee Report to House Bill 1887. On that question, is there any discussion? No one seeking recognition, all in favor of the adoption shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 112 voting 'yes'; 2...3 voting 'no'; 1 voting 'present'. House Bill 1887, having received the Constitutional Majority, the Conference Committee Report is adopted and the Bill is declared passed. The Gentleman from Rock Island, Mr. Boland. For what reason do you rise? House Bill 581. Mr. Leitch? David, do you wish to call that Bill?"

Leitch: "Yeah."

Speaker Granberg: "Proceed, Sir."

Leitch: "Thank you very much, Mr. Speaker. This is a series of issues which I'm not aware of any opposition to, which many of which were already passed in the chamber and got lost in the Senate. The first part of it, amends the senior citizen assessment freeze home set exemption. It clarifies that downstate assessors can do what is done in Cook County and would issue a certificate of errors in the case that there have been problems with seniors filing their

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

73rd Legislative Day

May 31, 1997

exemptions. The second part was a Bill that I had earlier, which got lost in the Senate, but it addresses the vegetated filter strips to help prevent erosion in farmland and it's part of the plan to save the Illinois River and it's very good and was unanimously approved here. The third part of it, provides that... was formerly House Bill 20. Representative Black and Novak had that, also. Passed out of here unanimously, which provides that in all counties, except Cook, homestead property shall retain it's homestead exemption for the year in which it is sold and permits the chief county assessment officer to require the new owner of the homestead property to apply for the homestead exemption in the following assessment year. The fourth thing in here, is the Senior Citizens' Real Estate Tax Deferral Act which expands this to disabled individuals. The fifth thing amends the retailers' occupation tax for horticultural poly houses and hoop houses and clarifies that, that should be considered farm machinery. That was House Bill 521, which passed here 115 to nothing. Amendment 6, is formerly Representative Deering's Bill which passed the House here 116 to nothing. The seventh part is another unanimous Bill which amends the Retailers Occupation Act to exempt from tangible... taxation tangible personal property sold to a common courier and the final one, exempts the deadline for the Jobs Impact Committee to submit a report regarding the use and effectiveness of tax credits and tax prep and dependent care from June 30 of '97, to June 30 of '98, and I would ask for its approval."

Speaker Granberg: "The Gentleman moves for the adoption of the First Conference Committee Report. On that question, the Gentleman from Cook, Mr. Parke."

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

73rd Legislative Day

May 31, 1997

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

Speaker Granberg: "Proceed, Sir."

Parke: "Representative, is the Department of Revenue still opposed to certain segments of your Bill?"

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

Parke: "Is the Department of Revenue still opposed to parts of this Conference Committee?"

Leitch: "Not that I'm aware of. Are they? Yes, they are. They are opposed to #4, which I read, which expands the Senior Citizens' Real Estate Tax Deferral Program to disabled individuals and they are also, I thought they had turned neutral, but apparently they are now opposed to the provision for the nursery men which clarifies that poly houses and hoop houses, which are used for growing plants, are in the farm machinery exemptory."

Parke: "Isn't this going to cost the State of Illinois \$700 thousand?"

Leitch: "Probably."

Parke: "Also, isn't the Illinois Municipal League opposed?"

Leitch: "To which part, Terry?"

Parke: "To the Local Government Distribution Fund. Isn't there concern they have about that aspect of it?"

Leitch: "Yes, they were originally opposed to the hoop house provision."

Parke: "This is supported by a large segment of the business community, though, isn't it?"

Leitch: "Yes, it is and, I might add that, the last two parts of this Bill are requested by the Department of Revenue. They want those two."

Parke: "So, there's... for the information of the Body, there is some tax involved in here, that it is favorable to business and that, overall, there are some opposition to it, but

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

73rd Legislative Day

May 31, 1997

it's got a lot of stuff in it that is positive and that people want. So, I guess, the Body will have to consider which is better for them and decide on their own, but I think it's a very large Conference Committee and people ought to know that there's pros and cons to it."

Leitch: "Yes, I would emphasize that there are no tax increases. There are some tax benefits and that this is a Bill which I do not believe is controversial, but I put it together to accommodate the Members in the chamber who have requested that this be done and it's simply a courtesy to them to put this together."

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

Novak: "Yes, Mr. Speaker, will the Sponsor yield?"

Speaker Granberg: "Proceed."

Novak: "Representative Leitch, I know..."

Leitch: "Your Bill is in... Your great Bill is in here, Phil."

Novak: "No, I understand that. Thank you very much but, Representative, I know there was a lot of noise going on and I couldn't hear you too well. Is there anything in here about electric utility deregulation?"

Leitch: "Only as they relate to hoop houses. No, no, that's a joke."

Novak: "Okay."

Leitch: "No, Sir, there is not."

Novak: "Okay. Well listen, let's talk a little bit about this DHL business that you're trying to get. You're attempting to lure or entice this corporation into Peoria, is that it?"

Leitch: "Yes, but that is no longer in this Bill."

Novak: "Oh, it is no longer in the Bill?"

Leitch: "No, we already have sent another Bill to the Governor's

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

73rd Legislative Day

May 31, 1997

desk and the contents of this Bill, which were originally the same thing, have been stripped in order to accommodate Members, such as yourself, who have had very good pieces of legislation that got hung up in the Senate."

Novak: "Are there any provisions in this Bill dealing with the enterprise zone tax abatements or tax incentives?"

Leitch: "No, I would have just loved to have slipped my TIF Bill... my TIF reform Bill into this but sadly, the Senate has already stomped that to death for yet another year and we'll have to try again next year."

Novak: "Okay, thank you."

Speaker Granberg: "Thank you. The Gentleman from Kendall, Mr. Cross."

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

Speaker Granberg: "The Gentleman from Peoria, Mr. Leitch, moves that the House adopt the First Conference Committee Report to House Bill 581. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 101 voting 'yes'; 16 voting 'no'; 0 voting 'present'. The House adopts the First Conference Committee Report to House Bill 581. The Bill is declared passed. House Bill... Senate Bill 747, page three of the Calendar."

Clerk Bolin: "Senate Bill 747. The Bill's been read a second time, previously. Floor Amendment #2, offered by Representative Schoenberg, has been approved for consideration."

Speaker Granberg: "The Gentleman from Cook, Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Before I proceed, I'd like to ask the Clerk if he could add the following Cosponsors to the board."



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

73rd Legislative Day

May 31, 1997

Representatives Gash, Lou Jones, Mary Flowers and Tom Dart, and if we had a sixth slot, the Speaker, Mr. Granberg would be on this, as well. Amendment #2 to Senate Bill 747 addresses some outstanding issues which we have discussed at great lengths, both in Committee and on this House Floor with relation to certificates of participation which are financing mechanisms for a lease purchase agreements for real property and personal property, as well as issues relating to state leases. As many of you are aware, there is currently litigation pending in the Cook County Courts and it's our sincere hope that with resolution of this legislation and other agreed upon things... other agreed upon items with the administration, that we can bring final resolution to this issue once and for all. Floor Amendment #2 addresses two items. The first is certificates of participation. These financing mechanisms, the first half of the Amendment sets the parameters for these financing mechanisms, provides an accountability standard which includes the Auditor General and extends down to the individual chair and spokespeople of the Appropriations Committees. It also enables the Bureau of the Budget to treat certificates like general obligation bonds with respect to refinancing them. As part of the agreement that's been reached with the administration, when this Bill does become law, the administration has agreed to refinance 1992 issuances of certificates of participation, which will provide immediate savings for the taxpayers of Illinois of just under \$1 million and potentially more in the near future. The second half of the Bill relates to state lease reforms which are agreed upon with the administration, with CMS. I'm pleased that we finally have come to some closure on this issue and I'm happy to answer any questions that

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

73rd Legislative Day

May 31, 1997

you might have."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #2. On that question, the Gentleman from Kendall, Mr. Cross."

Cross: "Mr. Speaker, perhaps it might be better and save some time, to yield to Representative Biggins. Bob, if that's appropriate."

Speaker Granberg: "The Gentleman from Dupage, Mr. Biggins."

Biggins: "Thank you, Mr. Speaker, and thank you, Representative Cross. The Sponsor... Would the Sponsor yield to a few questions, please?"

Speaker Granberg: "Proceed."

Biggins: "Sponsor, friend, would you tell me what the position is of the Office of the Governor on this Bill?"

Schoenberg: "Thank you for asking that question. This is essential for all of the Members to know. The Office of the Governor has been extremely forthcoming and accommodating and has worked very hard along with Central Management Services and those individuals which I named earlier. I'm proud and pleased to say, the Governor's Office supports the Bill wholeheartedly."

Biggins: "And, is the Central Management Services Department on board?"

Schoenberg: "Yes, they are."

Biggins: "Okay then, I rise in support of this Bill and Representative Schoenberg and I have worked very closely and very hard for this Bill over the last several months and we're glad that he's finally resolved it within the offices of the Governor and the Central Management Services. So, I would urge everyone to vote 'aye'."

Speaker Granberg: "The Gentleman from Cook, Mr. Giles."

Giles: "Thank you, Mr. Speaker. On my computer here, I'm seeming

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

73rd Legislative Day

May 31, 1997

to have some difficulty. I don't see Amendment #2 nor Amendment #1 on my computer. I would just like to know if anybody else sees the Amendment on their computers?"

Speaker Granberg: "The Clerk informs me that it is on the computer, Representative Giles."

Giles: "Mr. Speaker, I have downloaded on my computer. I still don't see it."

Speaker Granberg: "We'll have someone..."

Giles: "It's not on there."

Speaker Granberg: "We'll have someone proceed to your desk. The Gentleman from Kendall, Mr. Cross."

Cross: "Mr. Speaker, apparently on this side of the aisle, our computers are lacking the Amendment, as well, would it... Oh, we have it now? Apparently, some on this side don't have it, would it be possible for the Sponsor to hold this Bill, maybe until tomorrow or Monday and then maybe we could even go to committee on this Bill, do something different? I'm sure we can support the Bill if we do it maybe tomorrow or Monday, Representative."

Schoenberg: "Mr. Cross, I believe all you have to do is download the Amendment on your computer. I can tell you also, Mr. Cross, that the Governor's office is very anxiously awaiting the anticipated passage of this so that the Senate can indeed concur with the Amendments and these larger issues can be put to rest once and for all."

Cross: "The Governor's office would like us all to vote 'yes' on this Bill?"

Schoenberg: "Yes."

Cross: "Oh, okay. Thank you. We didn't know that. Appreciate the help."

Speaker Granberg: "The Gentleman from McHenry, Mr. Skinner."

Skinner: "I wonder if the Sponsor could tell me if I really heard

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

73rd Legislative Day

May 31, 1997

what he said correctly? He's supporting CMS's selling participation certificates or something like that?"

Schoenberg: "Mr. Skinner, as you well know, initially, we felt that there was... that there were not sufficient safeguards for the use of certificates of participation in the areas of real property. In fact, as you also know, that ultimately resulted in the individuals which I named earlier, my colleagues, joining me in litigation on the Constitutionality of this issue. The language which we see before us, does indeed permit the use of certificates of participation but, under considerably narrower parameters. Provides a standard of accountability, which has not existed further and third and finally, enables the Bureau of the Budget, when the financial climate is favorable, to refinance certificates of participation very much the way we enable the Bureau of the Budget to refinance general obligation bonds. As part of the commitment on the entire issue, the administration has pledged to refinance a 1992 issuance, which would immediately see a savings for us of slightly under \$900 thousand and the potential for us to save millions more down the road should the situation be more favorable."

Skinner: "So, the answer is, yes."

Schoenberg: "Yes."

Skinner: "What's going to happen during the next Session when you're not chairman of an Appropriations Committee? You won't be able to get these little pieces of paper that the administration's going to send to the Appropriations Committee chairman?"

Schoenberg: "The notifications... the notifications do go to the respective leaders. I felt that it was very important that the Majority and Minority Members heading up committees not

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

73rd Legislative Day

May 31, 1997

be solely reliant upon their leadership in notifying them so, this is a way to make sure that everybody's in the loop."

Skinner: "So, you trust Bob Biggins to give you the paper if he gets it?"

Schoenberg: "I'm questioning your premise that I won't be chairman of this committee, Sir, but in that unlikely event, I trust Bob Biggins as I trust the administration to sign this Bill."

Skinner: "Is there a maximum amount that you're giving them or do they just have a total blank check?"

Schoenberg: "No, the current statute does indeed set a threshold for certificates of participation on real property."

Skinner: "Well, could you give us a figure..."

Schoenberg: "And, we don't alter that. That current threshold I believe, Sir, is \$125 million."

Skinner: "A hundred and twenty five million dollars?"

Schoenberg: "That's correct."

Skinner: "Now, if I remember your crusade as it started, you were arguing that these should be bonds that would be approved by the General Assembly. You seem to have retreated somewhat?"

Schoenberg: "In the course of negotiations with the administration, it's been our position that what we wish to do was provide greater accountability and limit the use of these instruments considerably, and, more importantly, because certificates of participation, because they are lease purchase arrangements, are inherently more expensive because they are not backed by the full faith in credit estate and thus, have to be insured that when the circum... that we enable the Bureau of the Budget to refinance them during times when interest rates are more favorable, such

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

73rd Legislative Day

May 31, 1997

as today."

Skinner: "Well, Representative, I would have followed you and Ted Lechowicz to the wall on this issue, but if you think this compromise is good enough, I'll be happy to support it."

Schoenberg: "Mr. Skinner, I just also want to tell you that as part of our agreement, the Senate has agreed to extend the deadline on House Bill 1481, which was the procurement Bill that we passed out of the House and we're not that far apart on language that will ultimately result in us considering a comprehensive procurement reform measure in the fall Veto Session."

Speaker Granberg: "Anything further? The Gentleman moves that Floor Amendment #2 be adopted to the Bill. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 116 voting 'yes'; 0 voting 'no'; 1 voting 'present'. Floor Amendment #2 is adopted to the Bill. Read the Bill. Further Amendments?"

Clerk Rossi: "Floor Amendment #3, offered by Representative Schoenberg."

Speaker Granberg: "The Gentleman from Cook, Mr. Schoenberg."

Schoenberg: "Mr. Speaker, Ladies and Gentleman of the House, this technical amendment and drafting, a word was omitted. The word 'also' was omitted with respect to putting these things on the internet and I move for adoption, Floor Amendment #3."

Speaker Granberg: "The Gentleman moves for the adoption of Floor Amendment #3. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Bost... On this question, 116 voting 'yes'; 0 voting

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

73rd Legislative Day

May 31, 1997

'no'...117 voting 'yes'; 0 voting 'no'; 1 voting 'present'.

Floor Amendment #3 is adopted. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 747. A Bill for an Act amending the State Finance Act. Third Reading of this Senate Bill."

Speaker Granberg: "The Gentleman from Cook, Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You've already heard the contents of the Bill. I'm happy to answer any questions but I'd encourage you, I believe we've answered most of the questions and I'd urge you to vote for the Bill and send it to the Senate so they can bring closure to this issue tonight."

Speaker Granberg: "The Gentleman from Cook moves for the passage of Senate Bill 747. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Saviano. Have all voted who wish? Mr. Clerk, take the record. On this question, 116 voting 'yes'; 0 voting 'no'; 1 voting 'present'. Senate Bill 747, having received the Constitutional Majority, is hereby declared passed. Senate Bill 9. The Gentleman from... The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, before I make a Motion to take action, I'd like to say a few words. Many of us come to this Body because of trying to help constituents with problems, helping our district for economic reasons and many of those issues are near and dear to our heart and we ask colleagues to help us with those, and I think those are more priority and more practical reasons, but when it comes to philosophical principled issues, what you feel down in your gut and your heart, I hope that transcends for the most part, part as an activity. You know what? I don't even want a Bill of this

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

73rd Legislative Day

May 31, 1997

principle, a situation the way I feel about this issue and how it's affecting Illinois. Many of you have your heads in the sand on this and I'm telling you, we're going to have a generation that reaps the benefits that's pitiful if we do not get a hold on our society. However, if someone thinks that I would want to come through some parliamentary maneuvering to try to take this issue and cram it down your throats, you've got to believe it or you don't. Issues that matter to us don't go away and I'll be back again with this issue in maybe some other form. I thought this was a reasonable compromise opposed... as compared to House Bill 245. They got 58 votes here, earlier in the spring. And, yes, I respect any Member of the General Assembly that stands up and voices their opinion on how they feel about themselves on issues and the life style that they might lead and I think I heard Representative McKeon voice that a couple three weeks ago, in his situation on his Bill. I respect that and I think I was quiet about that, but believe me, I don't even want to be part of a parliamentary maneuvering that you think I'm trying to force a principle issue, a strong belief in front of you. I move to withdraw the Amendment 3 from this Bill and thank Representative Burke for his courtesy."

Speaker Granberg: "Mr. Clerk, return the Bill to Second Reading. The Gentleman moves to table Amendment #3 to Senate Bill 9. On that question... Mr. McKeon."

McKeon: "Mr. Speaker, and would you request the Clerk to put my name back on the board?"

Speaker Granberg: "Acknowledged."

McKeon: "Mr. Clerk. ... Representative Phelps, but I find I must react to his commitment to principle in terms of my commitment to principle and I'm sure that the commitment to



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

73rd Legislative Day

May 31, 1997

principle of many of my colleagues. I appreciate the concern with which Representative Phelps is trying to address through this Amendment and I will be there with him and for him to work out an appropriate and Constitutional Bill or Amendment to deal with those issues because I share his concern, but I will not be used for a pawn, whether it was the intent of Representative Phelps, and I do not believe that is was, to maneuver an Amendment of this magnitude and this importance, dealing with fundamental Constitutional issues at the twelfth hour of this Assembly. And, we should all resent that kind of tactic, whoever is responsible for it and I have no reason to believe that Representative Phelps was. I will work with him on this issue. I will work with him to address these issues in his community and his principles, but I will not abandon the principles of the Constitution of this State, the first Amendment of this Nation and I urge you to support this Bill, Senate Bill 9 with Amendments 1 and 2. It is a good Bill. That's why I'm a Sponsor on this Bill and I urge an 'aye, yes'."

Speaker Granberg: "The Gentleman moves to table Floor Amendment #3. All in favor shall say 'aye'; all opposed shall say 'nay'. The 'ayes' have it. The Amendment is tabled. Third Reading. The Gentleman from Cook, Mr. Burke."

Burke: "Thank you, Speaker. I, too, hold my colleague, Representative Phelps in the highest regard and I appreciate the sincerity of his earlier remarks. This has been quite a wrangle and I must tell the Body that the Attorney General's office and I, in fact, have worked very hard on this legislation. We believe that is has been negotiated to the point where all parties who had a previous concern, including Members of this Body who sat in

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

73rd Legislative Day

May 31, 1997

the Judiciary Committee, that we have come to a Bill that is appropriate, that is important for this society, and as we have said in earlier discussion, we are confronted with a new age in communications. Electronics has risen to the point where people can indeed begin to invade our homes and our lives through means of electronic devices. The Attorney General and his consideration of this legislation has moved that we now include those devices and amend the obscene phone call Bill that already existed and I would certainly at this point in time, understanding that this Bill has been debated to the fullest extent, ask for the Body's favorable consideration."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. On that question, the Lady from Cook, Representative Schakowsky."

Schakowsky: "Mr. Speaker, I rise in support of Senate Bill 9. I just want to... I just want to thank Representative Phelps. You know, we've all had Bills that we care a lot about and his Amendment that he withdrew got 79 votes earlier and if that Bill with his Amendment had come to a vote, it would have passed and for him to acknowledge the concerns that were raised and because he did not want to be in a position to manipulate our rules in order... and I don't think he did... to even be accused or appear to, to take his Bill... his Amendment out of the record, I think is something extraordinary in this Body and I just want to acknowledge and thank him for that."

Speaker Granberg: "The Gentleman moves for the passage of the Bill. All in favor shall vote 'aye'; all opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 117 voting

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

73rd Legislative Day

May 31, 1997

'yes'; 0 voting 'no'; 0 voting 'present'. Senate Bill 9, having received the Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, for purpose of announcement. The General Service Appropriation Committee will be meeting at 10:25. The House will stand at ease until the hour of 10:45."

Clerk Rossi: "Rules Committee is meeting in the Speaker's Conference Room."

Speaker Madigan: "The House shall come to order. Speaker Madigan in the Chair. Mr. Clerk, do you have anything?"

Clerk Rossi: "No, Mr. Speaker."

Speaker Madigan: "The Chair recognizes Mr. Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. The Republicans would request a conference in Room 118."

Speaker Madigan: "Right. The conference is granted for the Republicans. The Democrats will remain on the Floor. The Budget Bill will be called at 11:30 so I regret to tell you, we must move with dispatch and we want to thank you in advance for your cooperation, but the Budget Bill will be called at 11:30. Thank you."

Clerk Rossi: "...Chairman from the Committee on Rules to which the following Joint Action Motions and Conference Committee Reports were referred. Action taken on May 31, 1997. Reported the same back, 'recommend be adopted'. Conference Committee Report #1 to House Bill 1197, Conference Committee Report #2 to Senate Bill 465, Conference Committee Report #1 to Senate Bill 1129."

Speaker Madigan: "The Clerk shall distribute a Supplemental Calendar."

Clerk Rossi: "Supplemental Calendars 10 and 11 are being distributed. The House Rules Committee will meet at 11:45 in the Speaker's Conference Room. The Rules Committee will

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

73rd Legislative Day

May 31, 1997

meet at 11:45 in the Speaker's Conference Room."

Speaker Madigan: "On Supplemental Calendar #11, there appears Senate Bill 1129. Mr. Clerk, has this Bill been read three times?"

Clerk Rossi: "Yes, the Bill has been read three times and is on the order of Conference Committee Reports."

Speaker Madigan: "Mr. Black, did you wish to address the Body?"

Black: "Mr. Speaker, I assume you're ready to go to business?"

Speaker Madigan: "Look on this side."

Black: "Yes, I assume you're ready to go to an order of business?"

Speaker Madigan: "We are, Sir."

Black: "Well, we'll be requesting a verification should this get the requisite number to pass."

Speaker Madigan: "Sure. Ladies and Gentlemen, we're prepared to move to consideration of the Budget Bill for the next fiscal year. It's Senate Bill 1129. The Bill has been read three times and on the question, the Chair recognizes Mr. Hannig. The Chair wishes to announce that we will take the vote before midnight. Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. For those of you who are going to say they haven't seen this document, let me just simply start by saying that 99.5% of what is in this budget document is what the Governor spoke to us about when he came to this chamber and made his budget address in March. We have met in a bipartisan fashion and worked with the Bureau of the Budget in an effort to make this budget a better document. And let me just briefly talk about some of the highlights that I feel make this budget a better budget than what the Governor introduced. It has \$330 million of new money for schools, the single largest increase in K through 12

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

73rd Legislative Day

May 31, 1997

without a tax increase. It has a new program for bringing the lowest school districts up for addressing poverty districts, poor districts, and would bring them to 38 70. It continues to hold harmless for those school districts which might otherwise lose under no changes. It provides for the Governor's proposal in technology. In the new Department of Human Services, we have monies for day care at \$103 million, a 37% increase. At the Department of Corrections, we were able to add 50 new guards over and above what the Governor had requested. We provided for 5.2 more million dollars for senior citizens than in the Governor's budget for the community care programs. And we were able to finance these, in part, by working with the Bureau of the Budget in an effort to make \$44 million in administrative cuts in this budget, so that is the changes that we have made to make the document that the Governor gave us several months ago a better document. It's time now for us to adopt that budget, and I move for passage of this Bill."

Speaker Madigan: "Mr. Hannig has completed his explanation. Any discussion? There being no discussion, the question is, 'Shall the Bill pass?' All those in favor signify by voting 'aye'; all those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? One person is not voting. The Clerk shall take the record. On this question, there are 116 'ayes', 2 people voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. And the Chair wishes to thank everybody for their cooperation. Thank you very much. Mr. Black."

Black: "Yes, Mr. Speaker, as I had requested a verification, I withdraw that."

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

73rd Legislative Day

May 31, 1997

Speaker Madigan: "Thank you, Sir. Mr. Clerk, for an announcement."

Clerk Rossi: "The Rules Committee is meeting immediately in the Speaker's Conference Room. The Rules Committee is meeting immediately in the Speaker's Conference Room. Supplemental Calendars 12 and 13 are being distributed. Committee Reports. Representative Currie, Chairman from the Committee on Rules, to which the following Conference Committee Reports were referred, action taken on May 31, 1997, reported the same back: recommend 'be adopted' Conference Committee Report #1 to House Bill 1171; Conference Committee Report #1 to Senate Bill 797; and Conference Committee Report #1 to Senate Bill 1101."

Speaker Madigan: "On Supplemental Calendar #12, there appears Senate Bill 1101. Mr. Clerk, has this Bill been read three times? Senate Bill 1101."

Clerk Rossi: "The Bill has been read three times and is on the Order of Conference Committee Reports."

Speaker Madigan: "Mr. Hannig."

Hannig: "Yes, thank you, Mr. Speaker and Members of the House. This is a... This is the substantive, companion Bill to the Budget Bill that we just passed. It was drafted by the Governor's Bureau of the Budget. It is needed in order to make all the spending proposals that we just adopted, work, and I move for the adoption."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Report. And on that question, the Chair recognizes Mr. Ryder."

Ryder: "Representative... Mr. Speaker, would he yield for questions, please?"

Speaker Madigan: "The Sponsor yields."

Ryder: "Representative, I apologize. I have not had an

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

73rd Legislative Day

May 31, 1997

opportunity to examine the Bill, so I wish to ask, if I may, can you give me some highlights of what this Bill contains?"

Hannig: "I'm sorry, Representative Ryder. What was your question?"

Ryder: "I'm sorry. I said I just need some highlights of what's in the Bill."

Hannig: "Well, as you know, this is prepared by the Bureau of the Budget in an effort to make the underlying Budget Bill that we just passed work."

Ryder: "Well then, let me ask you these questions..."

Hannig: "It had for example... It had for example the statutory continuation of the hold harmless language for schools. It had language for the new Department of Public Health... the Department of Human Services. I need my glasses, Representative, and they make their transition from the Department of Public Aid..."

Ryder: "Thank you. Does this..."

Hannig: "Yes, Representative."

Ryder: "I apologize. Does this establish a foundation level in the appropriation for elementary and secondary education in the State of Illinois?"

Hannig: "Yes, that is correct, Representative, and that's a very important point, and I appreciate your bringing it to my attention."

Ryder: "And, are there any other provisions, other than in education, that are part of this Bill?"

Hannig: "For example, this would provide that two additional items that had previously been off budget would now be on budget, which I think gives us this... gives this Body some additional oversight. It provides for language for the Liquor Control Commission. It does a number of things that

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

73rd Legislative Day

May 31, 1997

quite honestly aren't maybe the most exciting items that we like to talk about in this chamber, but it certainly makes the budget that we just passed - work."

Ryder: "Representative, is it fair to say that the budget that we just passed would not be able to work. We would not be able to spend the money for education: elementary, secondary, higher education for the other departments, unless we pass this Bill. Is that a fair statement?"

Hannig: "Yes, it would certainly hamstring the Bureau of the Budget and their efforts to do what we want them to do in the last Bill that we just passed."

Ryder: "Thank you for your explanation. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "One quick... Is a bonding authority for the higher elementary bonding programs in this Bill?"

Hannig: "No, there is none in this Bill, Representative."

Parke: "Is there planning to have another Bill for the bonding for the higher..."

Hannig: "There is a Bond Bill that Representative Rutherford, I think, will be presenting to us at a later time. That's on the Supplemental Calendar, House Bill 1171."

Parke: "A later time means tonight though."

Hannig: "It would be my hope that we could pass that. We certainly support Representative Rutherford and the Governor's efforts to pass a Bond Bill before we go home."

Parke: "Thank you."

Speaker Madigan: "Mr. Skinner."

Skinner: "Mr. Speaker, I've just downloaded my computer and I can't find this Amendment."

Speaker Madigan: "You're not the only one. You're not the only



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

73rd Legislative Day

May 31, 1997

one."

Skinner: "Is there an..."

Speaker Madigan: "So did you want to speak to the Bill? Several Members have indicated that they'd like to have your views on the merits of the Bill."

Skinner: "Well, if I knew what the contents were, I'd be happy to give them. Don't we have some rule that says there has to be a piece of paper someplace before we vote on it?"

Speaker Madigan: "Yes, we do."

Skinner: "For an hour? Is it that good a budget reconciliation Bill that we can get 71 votes on it?"

Speaker Madigan: "Mr. Moffitt. Mr. Moffitt."

Moffitt: "Thank you, Mr. Speaker. Inquiry of the Sponsor... If he'd yield?"

Speaker Madigan: "The Sponsor yields."

Moffitt: "Representative, referring to the budget and then the implementation, that was a pretty fast process there. Would you still take questions, since we're implementing the budget on direct impact, on funding for schools? We've received a lot of questions for cost of living, for community based agencies. Since we're implementing the budget, would you comment on dealing with those?"

Hannig: "Well, Representative, this is the substantive companion to the budget that the Bureau of the Budget has prepared in order to make it so that they can most easily implement the budget that we just passed. It deals with the Department of Public Aid and makes some changes there and deals with the Department of Human Services. It has, as I said, the Department of Corrections will have some additional funds that will be appropriated now. The State Police will have to appropriate their Asset Forfeiture Fund now, which is something that our House Committee came to that conclusion

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

73rd Legislative Day

May 31, 1997

and that became part of this proposal. So, it has the hold harmless language for our schools in this, and it authorizes a supplemental general state aid payment in this language. It has language so that we can provide for those on SSI who are disqualified from the program at the federal level, that they could be picked up at the state level. And that's by agreement with the Bureau. So that's the kind of things that we have in this proposal, Representative."

Moffitt: "You mentioned the hold harmless on schools. Is that correct?"

Hannig: "Yes, that is correct."

Moffitt: "What number of schools are winners and what numbers are losers in this? Could you just comment in general on that or give us a summary?"

Hannig: "Representative, I don't know the exact number, but I do know that we put about \$31.7 million into the budget to make sure that all school districts get at least as much as they did last year in general state aid."

Moffitt: "And then on the issue of the COLA's for community based organizations."

Hannig: "Representative, that is not in this Bill."

Moffitt: "Would you be willing to comment at this time on that though? I know we're under time constraints..."

Hannig: "It is not in this Bill and it's not in the Budget Bill."

Moffitt: "And were you not in favor of putting that in?"

Hannig: "Representative, the Bureau of the Budget worked very closely with a number of Members of both Houses in an effort to try to reach this consensus, and it is simply not in... it is not in the budget. And frankly on this Bill, it would not be in here anyway."

Moffitt: "Yeah, I realize that part, but I just... the three minutes that we were on the budget, it... the..."

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

73rd Legislative Day

May 31, 1997

Hannig: "As I said, Representative, 99.5% of what was in the budget that we passed was in there on day one when the Governor came and gave us his budget address. And if you were in any of the appropriation hearings or if you were listening or studying the budget as we went along, what you saw today was no stranger."

Moffitt: "Thank you, Representative."

Speaker Madigan: "Mr. Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to support Senate Bill 101 (sic - 1101). And I rise to support this Bill because in my committee dealing with public safety, when we brought the Director of State Police before our committee and we had a hearing on his drug funds, we found out that there was no legislative oversight on those funds. And I want to commend Representative Cal Skinner. I also want to commend my staff and I want to commend the Bureau of the Budget for coming up with some language that in the future, we will have oversight on all narcotic funds within the agency of the State Police."

Speaker Madigan: "Ladies and Gentlemen, we have been waiting for this item to be put into the system, and it's still not up in the system, so we're going to take it out of the record momentarily and go to Supplemental Calendar #10, Senate Bill 465, by Mr. Meyer. Senate Bill 465. Mr. Meyer."

Meyer: "Thank you, Mr. Speaker. Senate Bill 465, I move to adopt the Second Conference Committee Report. In explanation for that, what we've done, we've basically taken the Bill back to its original form, which passed out of the House with, I don't believe, any opposition. There's also a Conference Committee Report included in there that had passed out of the House already unanimously. It was included as a part

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

73rd Legislative Day

May 31, 1997

of this; and therefore, we left it in. It's been passed unanimously by both Houses, and believe is sent to the Governor, so there's no opposition to this Bill that I know of."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Report. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. This Bill will require 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'aye', 0 voting 'no'. This Bill, having received a... This Bill, having received a Super Constitutional Majority, is hereby declared passed. On the Order of Supplemental Calendar #6... Mr. Poe. Mr. Poe. Poe."

Poe: "Yeah, okay. Yeah, Mr. Speaker, I'd like to have been recorded as a 'yes' on that last vote."

Speaker Madigan: "Okay, let the record reflect that request. On the Order of Supplemental Calendar #6, on the Order of Concurrence, there appears House Bill 204. Mr. Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is the first of two Bills in the Welfare Reform Package. This is a Bill that Representative Krause has worked on extensively, and I would like to have her present it."

Speaker Madigan: "Mr. Churchill. Representative Krause."

Krause: "Thank you, Mr. Speaker. I would like to move to adopt and concur in the Conference Committee, and that is on Senate Amendment #3, which becomes the Bill. And this is to implement that part of the Federal Welfare Reform for the Temporary Assistance to Needy Families commonly called

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

73rd Legislative Day

May 31, 1997

TANF. As you recall, under the Federal Welfare Reform, there is both the TANF section and the child support. House Bill 204 relates to the TANF. Very briefly, the provisions here in implementing the Federal Welfare Reform, which must be implemented by July 1 of this year, covers several provisions. One, as it relates to the child care. This Amendment establishes a one-tier system and treats welfare population and working poor in the same manner. This legislation also relates to coverage for felons, all Class X and Class I felons are banned. The others, though, are for two years, unless they are enrolled in a drug control program. There is agreement as far as what's commonly called displacement language. In addition, the emergency rule-making is in effect until June 1, 1999, and thereafter, it is repealed. There is provisions as far as the domestic violence requiring the Department of Public Aid to screen for domestic violence. The eligibility requirements are specifically laid out in the Act, and only benefits can be reduced if their case loads are more than five percent. I would be pleased to answer any questions and ask for support to concur in the Senate Amendment."

Speaker Madigan: "Representative Schakowsky."

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

Speaker Madigan: "The Sponsor yields."

Schakowsky: "I just wanted to ask you about the displacement language. Is this language that the AFL-CIO has agreed to?"

Krause: "It is, yes, this is their language as they suggested and has been put into the Amendment."

Schakowsky: "Thank you very much."

Speaker Madigan: "Representative Schakowsky, have you finished? Okay. Mr. Pugh. Representative Pugh."

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

73rd Legislative Day

May 31, 1997

Pugh: "Thank you, thank you, Mr. Speaker. To the Bill. This piece of legislation is the blueprint of several months of wrangling and negotiations. This Bill is as good as it gets. This piece of legislation will allow the new Department of Human Services the discretion to develop a program that will fit into the federal guidelines. We are encouraging the department to continue with this blueprint to ensure that the people of the State of Illinois I serve and that they will be able to successfully move from welfare to work and achieve self..."

Speaker Madigan: "Please give your attention to Mr. Pugh. Mr. Pugh."

Pugh: "This legislation does not guarantee anybody anything, but it opens and offers opportunities for a system that has been failed throughout the years. As we all know, welfare, as it once was, will be no more. And we're placing this new personal responsibility and work opportunity Act in the hands of a capable administrator that we are assured will take care of the business. And I urge an 'aye' vote."

Speaker Madigan: "Representative Krause, to close. Excuse me, Representative Krause. Mr. Biggins. Mr. Biggins."

Biggins: "Yes, thank you, thank you very much, Mr. Speaker. I'd like to ask the Sponsor a question. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Biggins: "Representative, is there anything about cloning in this Bill?"

Krause: "Nothing at all."

Biggins: "Didn't you have a Bill about cloning earlier in this Session?"

Krause: "That is correct, but it never got to the House Floor."

Biggins: "It never got to the House Floor?"

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

73rd Legislative Day

May 31, 1997

Krause: "Yes."

Biggins: "Are you for that procedure or are you against it, if I may ask?"

Krause: "I was in support of the legislation."

Biggins: "Well, I would have been with you because when I first heard about cloning, I was so mad, I was nearly beside myself, so thank you very much."

Krause: "Thank you. He had to get that in, he just had to."

Speaker Madigan: "Representative Krause, to close."

Krause: "Thank you. I ask for support of the House and that you concur in Senate Amendment #3."

Speaker Madigan: "Those in favor of the adoption of the Amendment signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 112 people voting 'aye'; 5 people voting 'no'. This Amendment, having received a Super Constitutional Majority, is hereby adopted and the Bill is hereby declared passed. On the Order of Supplemental Calendar #7, there appears House Bill 1707, Mr. Winters. Mr. Winters."

Winters: "Mr. Speaker..."

Speaker Madigan: "Mr. Winters."

Winters: "The sponsorship has been transferred to Representative Churchill."

Speaker Madigan: "The Chair recognizes Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. I do believe the board is wrong. It's probably Churchill, Krause, Mulligan, Ryder, and then I believe that there are additional Cosponsors from your side of the aisle that are on there. This is the second part of welfare reform, and it's the part that Representative Mulligan has been working on, and she's the

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

73rd Legislative Day

May 31, 1997

expert. I'm going to have her explain the Bill to you. Mr. Speaker, Mr. Speaker, at some point, though, I do need to ask a question of legislative intent of Representative Mulligan, so if you would come back to me for that. I'd appreciate it."

Speaker Madigan: "Yes, Sir. Representative Mulligan. Mulligan."

Mulligan: "Thank you, Mr. Speaker. House Bill 1701 (sic - 1707), Senate Amendment #1, which becomes the Bill, this language reflects an agreement between the Department of Public Aid and the banking and insurance industry to implement the child support enforcement provisions required by federal welfare reform, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Banking and insurance groups initially opposed the Governor's proposal for data exchange, because they were not going to be compensated. But now, we're providing the information and confidentiality. This has been taken care of and it's been worked out. This Amendment incorporates various provisions: paternity establishment, expedited administrative procedures, liens and financial institution data matches, income withholding, void of fraudulent transfers, license revocations suspended, collection of social security numbers, enforcement of orders for health care coverage, work requirements for persons owing past due support, locator information from interstate network leads, administrative enforcement in interstate cases. It eliminates from the original proposal, universal state circuit clerks release of information, state case registry and state disbursement unit. The last two do not need to be in effect until October 1st, 1998, and we feel that that can be addressed in the Veto Session. The other two, it's hard to tell whether they will ever get in. The clerks



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

73rd Legislative Day

May 31, 1997

need to be negotiated with a little more for planning purposes. And I'd be ready to answer any questions."

Speaker Madigan: "The Chair recognizes Mr. Churchill."

Churchill: "Thank you, Mr. Speaker. For a legislative intent. Representative Mulligan, does the Department of Public Aid intend to retain information provided by financial institutions that does not involve a person owing past due child support?"

Speaker Madigan: "Mulligan."

Mulligan: "No, Representative, only information that is to be used for the enforcement of child support. In cases in the Department's Child Support Program will be retained by the department. All other information will be returned to the financial institutions. This procedure will be provided for by rule."

Speaker Madigan: "Alright, the Chair recognizes Mr. Pugh."

Pugh: "Thank you, Mr. Speaker. Will the Sponsor yield for a question? Representative Mulligan, does this provide for a portion, a larger portion of the child support dollars to be reimbursed to the recipient?"

Mulligan: "No, Repre... No, we're trying to increase collections per the Federal Government's mandate by this."

Pugh: "This is all... this is all this does... increase the collection process."

Mulligan: "Right."

Pugh: "And there's only this one Amendment... to the Bill?"

Mulligan: "Yes, it's the only Amendment."

Pugh: "Thank you. I... I have..."

Speaker Madigan: "Mr. Pugh, are you finished?"

Pugh: "Yes, Sir, I have no further questions."

Speaker Madigan: "Yeah, thank you. Mr. Rutherford."

Rutherford: "Thank you. Thank you, Mr. Speaker. For the purpose

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

73rd Legislative Day

May 31, 1997

of legislative intent, I'd like to ask if under this legislation, will the Department of Public Aid have the authority to place liens on personal property, such as vehicles?"

Mulligan: "Yes, Representative, they will."

Rutherford: "Alright, then in that case, does the department have the intent to exercise that authority?"

Mulligan: "No, the department has indicated that it does not intend to exercise that authority until all parties involved or interested in the placing of the liens against personal property agree on language to fairly and equitably exercise such authority. Under this legislation, the department will also have the authority, like creditors currently have, to pursue repossession of such property. This will be the method by which the department intends to seek the liquidation... to liquidate such property to satisfy payment of past due child support."

Rutherford: "Just, does Representative Churchill concur with all that legislative intent as well? He does. Thank you very much, Mr. Speaker."

Speaker Madigan: "Representative Mulligan, to close."

Mulligan: "Thank you, Mr. Speaker. Ladies and Gentlemen, we need to enforce this... pass this Amendment in order to comply with the federal regulations put forth to collect child support under the new Federal Welfare Act. I would ask for a favorable vote."

Speaker Madigan: "The Lady moves for the adoption. Excuse me, the Lady moves to concur in the Senate Amendment. Those in favor of the Motion to concur on the Amendment vote 'aye'; those opposed vote 'no'. This is final action. Have all voted who wish? This is a Motion to concur in the Senate Amendment. This is final action. Have all voted who wish?"

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

73rd Legislative Day

May 31, 1997

Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'aye', 0 voting 'no'. This Bill, having received a Three-Fifths Constitutional Majority, is hereby declared passed. Supplemental Calendar #12, Senate Bill 1101. Mr. Hannig. Mr. Hannig. Mr. Hannig, Senate Bill 1101. 1101. I believe this is the Budget Implementation Bill."

Hannig: "Yes, yes, thank you, Mr. Speaker and Members of the House. This is the Budget Implementation Act that I began to address earlier. It's a substantive companion to the Budget Bill that we already passed. There is nothing in there that is controversial. And I move for passage."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Report. The Chair recognizes Mr. Skinner."

Skinner: "Mr. Speaker, I wonder if the Gentleman could answer a couple of questions. With regard to the new fund that is set up with the Department of Corrections, my staff can find nothing appropriated to this new fund or from this new fund, that is. Does that mean no money may spent... may be spent from this new fund until there is a supplemental appropriation?"

Hannig: "Well, Representative, this Bill creates the authority... or requires that this fund in the future be on budget and it creates it. So the next year, we will look at it in our budget proposals in your committee."

Skinner: "Then it means that all collections from inmates' reimbursements of payments under Workers' Compensation, although goodness knows why an inmate would be getting workers' compensation, and commissions from inmate collect call telephone systems, all of that revenue will be put into this fund, and none of it may be spent until it is appropriated. Is that correct?"

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

73rd Legislative Day

May 31, 1997

Hannig: "That is correct, Representative. It will now be on budget for you and the Members of the committee to view and ask the director about."

Skinner: "You're talking just like Ted Lechowicz; I like the sound more and more. Payments to non-citizens on page 45. How much is this estimated to cost per year?"

Hannig: "There's \$10 million in the budget, Representative. And this is an agreement that the Bureau of the Budget signed onto and amended language just today."

Skinner: "Okay."

Hannig: "It would provide for those people who are on SSI that are in the country and who, because of the federal change, have to go through the redetermination process while they are being redetermined, and should they fail to be redetermined eligible for SSI, the State of Illinois and the Bureau has agreed that we will provide the benefits for them. It is a limited population and a declining population."

Skinner: "Are we holding those people who... Were their sponsors at all financially responsible?"

Hannig: "Only these people who are legally in the country as of the, I believe August 22nd date of last year when the federal law took effect, are in this population. They are generally senior citizens. And again, it's a declining population and a limited population."

Skinner: "Well, Representative, you haven't answered my question. Everyone who immigrates to the United States has to have a sponsor. That sponsor, it seems to me, should be held financially responsible."

Hannig: "Representative, these are people who have immigrated to the United States before last year. And frankly, I'm not quite sure about the federal laws that determine that. All

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

73rd Legislative Day

May 31, 1997

I can tell you is that under the new federal law that I'm aware of, they have to go through a redetermination process. And, the state has agreed that we will provide them with benefits, if the Federal Government doesn't, during the process of redetermination and should they be found ineligible by the Feds. It's about a \$10 million item. But that's in the budget."

Skinner: "It seems to me... It seems to me if somebody brought their parent into this country, that, that son or daughter should be responsible for his parent."

Hannig: "We're just trying to provide some help to a elderly, senior population of people who are finding that the change in the federal law could... yeah, could very well create a financial hardship for them. And again, it's a \$10 million item and it's a declining population. The Governor has agreed to fund it."

Skinner: "Representative, I hear your repetitive answer, but I don't hear a satisfactory answer, and that would... The satisfactory answer would be..."

Hannig: "We're not changing... We're not changing any conditions on sponsorship, Representative. I don't know what those conditions are, but this Bill does not address them at all."

Skinner: "Well, I see Secretary designate or confirm Peters in the room. I can assure Mr. Peters that we will be at... Mr. Peters. Howard. Paging Howard Peters. Next year, you're going to give away this money to immigrants, this \$10 million, and you're going to set the rules for this. And if there is a way that you can get responsible relatives or responsible sponsors to reimburse the department, I surely will be asking why you haven't done it. On page... Oh, on page 54, there seems to have been a

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

73rd Legislative Day

May 31, 1997

permanent entitlement created for children's hospitals by the elimination of the words, 'and before July 1st, 1997'. At whose initiative was this? And how much is it going to cost?"

Hannig: "I think that our staff... Our staff believes that this is just the rate freeze on hospitals."

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

Hannig: "Our staff believes that this is the rate freeze for hospitals, and it's just the language that continues that rate freeze. Now I could be mistaken, Representative. The language was developed by the Bureau of the Budget. Could you tell us what line that was at? We'll look at in the Bill."

Skinner: "Seventeen. Line 17..."

Hannig: "What page?"

Skinner: "...page 54. The Illinois Department shall reimburse children's hospitals. And it seems to me a reimbursement was going to end on July 1st, 1997, and now it doesn't appear it's ever going to end. Maybe it didn't make your analysis."

Hannig: "This says that we're going to reimburse those hospitals at the rates that were in effect on June of 1995. In effect, it's a rate freeze."

Skinner: "Thank you for clarifying that. And that's all. Thank you."

Speaker Madigan: "Representative Monique Davis."

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

Speaker Madigan: "The Sponsor yields."

Davis, M.: "Mr. Hannig, is there anything in here for AIDS prevention?"

Hannig: "Representative, this is not a... This is not the budget. This is a budget implementation. It's substantive language

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

73rd Legislative Day

May 31, 1997

that helps the budget that we already passed operate."

Davis, M.: "Mr. Hannig, is there anything in the language substantive in reference to the prevention of AIDS in the State of Illinois?"

Hannig: "There's nothing in this Bill that addresses that."

Davis, M.: "Is there anything in any of the other Bills?"

Hannig: "I think that there was funding for AIDS prevention, along with other things, in the Budget Bill that we passed, Representative, but... but this Bill... Yeah, there's at least 2 million in the Public Health budget that we passed, Representative, but this is the budget implementation. It's a substantive Bill, not a spending Bill."

Davis, M.: "Is there anything in this substantive language in reference to diabetes?"

Hannig: "Not in this substantive language."

Davis, M.: "Is there anything in this in reference to osteoporosis?"

Hannig: "Not in this substantive Bill. There are references to those items, I believe, in the budget, but not in this Bill."

Davis, M.: "Is there anything in here in reference to job training?"

Hannig: "Representative, there is money in the budget for job training, but there is no references to job training in this Bill."

Speaker Madigan: "Mr. Hannig, to close."

Hannig: "Yes, just again, this is a companion, substantive Bill to allow the language that we have in the spending Bill that we passed to work most easily. It's been brought to us by the Bureau of the Budget, and I recommend passage."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Report. Those in favor signify by voting 'aye';

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

73rd Legislative Day

May 31, 1997

those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 'ayes', 1 person voting 'no'. This Motion, having received a Three-Fifths Constitutional Majority, is adopted and the Bill is hereby declared passed. On Supplemental Calendar #14, there appears Senate Bill 797. Mr. Churchill."

Churchill: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 797 does three things. First of all, it repeals the Meigs Field Bill that was passed by a previous Legislature. Second thing it does is to create a Retrocession Act for O'Hare. And the third thing it does to create a Users Advisers Committee for Meigs Field. I'd be happy to answer any questions, if anybody has any."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, is there anything in here on a third airport or any kind of an initiative for a third airport?"

Churchill: "No."

Parke: "This only affects Meigs. And what is the purpose and the need for this Meigs Bill?"

Churchill: "We passed the Bill last year, in the last Legislative Session, which would have taken over Meigs Field. This repeals that Bill."

Parke: "I thought we already passed something to do that."

Churchill: "Yeah, we did. This is the Bill. It went to the Senate, it got amended, it came back. It's the same Bill."

Parke: "Thank you."

Speaker Madigan: "Mr. Churchill, to close."

Churchill: "Please vote 'aye'."

Speaker Madigan: "The Gentleman moves for the adoption of the



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

73rd Legislative Day

May 31, 1997

Conference Report. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 116 people voting 'aye', 2 people voting 'no'. This Conference Report, having received a Three-Fifths Constitutional Majority, is hereby declared passed. On Supplemental Calendar #13, there appears House Bill 1171. Mr. Rutherford. Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. I'm bringing to you House Bill 1171, which is the bond authorization for \$177 million, raising the bond... This whole program is really a maintenance program coming to bring the infrastructure support for our existing facilities. There are not a great deal of new projects in here, and I'd ask for your favorable support."

Speaker Madigan: "Mr. Skinner."

Skinner: "Well, Mr. Speaker, there's \$425 thousand in here that could be saved. It's a roof for the Department of Central Management Services maintenance garage on Ash Street. Now why do I say it can be saved? It's because the operation ought to be closed. When I was in remission from my political life and ensconced in the bureaucracy of Central Management Services, I did a study on how efficient our state employees were at repairing motor vehicles. In short, they aren't! The garage on Ash had a... It was a rare mechanic who could make book rate - book rate! A good mechanic ought to be able to make twice book rate. Every mechanical job has a number of minutes or hours that it takes to fix in a car. Our employees, their CMS employees, rarely could make seven and a half hours of book rate a year, excuse me, a day. I think this ought to be

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

73rd Legislative Day

May 31, 1997

privatized, and if you put a roof on it, it's going to be there forever."

Speaker Madigan: "Mr. Skinner, have you finished?"

Skinner: "I had an afterthought. Or maybe we could just improve the building and sell it."

Speaker Madigan: "Thank you, Mr. Skinner. Is there any further discussion? There being no further discussion, the Chair recognizes Mr. Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. This has been a cooperative effort between the Governor's Office cooperating with Representative Hannig and the Democratic side of the aisle to go for a maintenance program or a bond authorization. I appreciate a favorable Roll Call. Thank you."

Speaker Madigan: "Those in favor of the adoption of the Conference Report vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'aye', 1 person voting 'no'. The Conference Report, having received a Three-Fifths Constitutional Majority, is hereby declared passed. On Supplemental Calendar #10, there appears House Bill 1197. Representative Younge."

Younge: "Thank you, Mr. Speaker. House Bill 1197 is the Illinois Community College Board Bill, which authorizes the Community College Board to pay the outstanding debts for abolished state community college. Amendment... Senate Amendment #1 provides that the Imprest Fund and the Clearing... Grants Clearing Fund shall be put into the General Revenue Fund. I move for the adoption of the First Conference Committee Report."

Speaker Madigan: "The Lady moves for the adoption of the Conference Report. The Chair recognizes Mr. Parke."

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

73rd Legislative Day

May 31, 1997

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

Speaker Madigan: "The Sponsor yields."

Parke: "Representative, we've already passed this once, haven't we?"

Younge: "Yes."

Parke: "How come the Senate did whatever they did to it?"

Younge: "To clarify which accounts would go to the General Revenue Fund."

Parke: "Mr. Speaker, I cannot hear her answer."

Speaker Madigan: "Yes, could the Membership please give their attention to Representative Younge. Ladies and Gentlemen, could you give your attention to Representative Younge. Representative, could you repeat your answer?"

Younge: "Yes. The purpose of Senate Amendment #1 is to clarify which accounts go to the General Revenue Fund, the Imprest Fund, the Grants Fund. Those funds should go directly into the General Revenue Fund of the state."

Parke: "Is the... Is there taxpayer money? Could it be used for the payment?"

Younge: "The purpose of this..."

Parke: "And if so, how much?"

Younge: "There were certain funds left over in various accounts of state community college. Those funds are being transferred back, so that the bills, the outstanding bills of the demolished college, can be paid, Representative."

Parke: "Do we have any idea how much that will be?"

Younge: "I think it's somewhere in the neighborhood of a couple hundred thousand dollars. I'm not sure, really."

Parke: "A \$100 thousand?"

Younge: "Yeah."

Parke: "Thank you, Mr. Speaker."

Speaker Madigan: "The Lady moves for the adoption of the

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

73rd Legislative Day

May 31, 1997

Conference Report. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'aye', 0 voting 'no'. This Motion, having received a Three-Fifths Constitutional Majority, is adopted and the Conference... and the Bill is hereby declared passed. Ladies and Gentlemen, we have a special guest with us tonight. He is the guest of Representative Sara Feigenholtz. His name is David Cangelosi and he is a member of the Lyric Opera in Chicago. And he has some entertainment to provide for us at this time. So, David."

David Cangelosi: "We actually... I actually need everyone's help on this. It's a great way to close this evening, I think, if we're near the end. (Sings: Oh beautiful, for spacious skies, for amber waves of grain. For purple mountains majesty, above the fruited plain. America, America, God shed His grace on thee. And crowned Thy good with brotherhood from sea to shining sea.) God bless you."

Clerk Rossi: "The House Rules Committee is meeting immediately in the Speaker's Conference Room."

Speaker Madigan: "Representative Currie. Representative Currie. Mr. Clerk, read the Resolution."

Clerk Rossi: "House Joint Resolution 31, offered by Representative Currie. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 90TH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Sunday, June 1, 1997, it stands adjourned until Thursday, October 16, 1997, in Perfunctory Session. And when it adjourns on that day, it stands adjourned until Tuesday, October 28, 1997. And when

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

73rd Legislative Day

May 31, 1997

the Senate adjourns on Sunday, June 1, 1997, it stands adjourned until Thursday, October 16, 1997. And when it adjourns on that day, it stands adjourned until Tuesday, October 28, 1997."

Speaker Madigan: "Representative Currie."

Currie: "Move adoption of the House Joint Resolution 31."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. There are more matters to be considered. Don't go away, please. The Members of the Rules Committee should go to the Speaker's Conference Room immediately. The Members of the Rules Committee, please go to the Conference Room immediately. Ladies and Gentlemen, Ladies and Gentlemen, would you give your attention to Representative Daniels. Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, this is really the last day for one of the Members here that has announced her retirement to our disappointment. But we certainly want to wish Representative Ann Hughes the best of everything. For those of us in the Republican side, she has been truly in many cases an inspiration. A hard-working person, a small business woman here in Illinois, going back to help run the family business. She family farms says Bill Black. We've got to make sure that's brought out there, and, Ann, you know ever since I first met you, I've been admiring all the good work that you've done and your stability and your intellect and your governmental service that you brought to the General Assembly. Also, the many, many areas of background that you brought to the General Assembly when you first joined here in 1992. We're going to miss you, but you know once

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

73rd Legislative Day

May 31, 1997

you're a Member of this Body, you're always a Member of the Body. So we hope you'll remember to come back and visit us. Make sure you stay in touch with us. And, of course, you'll be a constituent of the General Assembly, so you can write your letters, too, and let us know what to do. But would you please all join me in wishing Ann Hughes the best of everything."

Speaker Madigan: "Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I'd just like to take this opportunity, the last one I'll have I think here at this microphone, to say thank you to each and everyone of you here for making my experience here one that has been tremendous in every way, very rewarding. This is a great place to work; a lot of good friendships have been made here. I hope they're not going to end tonight, but thank you all, not only the colleagues here on the floor, but the staff that are here, that have helped us do the job that we've come here to do. So I wish you all the very best as you continue the good work that is taking place here. And don't hesitate to call me if I can be of assistance. Thank you very much, every one of you."

Speaker Madigan: "Mr. Leitch."

Leitch: "Thank you, Mr. Speaker. I, too, would just like to add my word of farewell. Ann Hughes is one of the most gracious ladies that we will ever want to meet, let alone have the privilege of serving with. It's a very special loss for me because since I've been off the floor so much this Session, she has been voting my switch, and I won't have anyone to blame anymore for any record. But actually, we'll all miss her very, very much and again, it's a real honor to serve with you, Ann."

Speaker Madigan: "Representative Currie. Representative Currie."

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

73rd Legislative Day

May 31, 1997

Barbara Currie. Representative Currie, did you wish to..."

Currie: "Thank you, Speaker. Representative Kubik and I have filed House Resolution 202. We're not going to read the Resolution, but it is a Resolution we introduced in honor of a favorite staffer, favorite on both sides of the aisle, who is leaving this Assembly after many years of good, hard and extremely helpful work. And now that we've released Resolutions, now that we know that we can pay for them when we introduce them, you'll all have a chance to look at it. The staffer, of course, is Ron Levin, who has worked with our Revenue Committee forever, who plans to leave soon his job with this Assembly, who will be very much missed by those of us who deal in the revenue trade. We're delighted that he's going to stay in Springfield, so whenever we have a question, we plan to phone him and ask for a quick answer. He is the kind of person who has kept us all solid and sound. He not only knows what these mystical, confusing, detailed Bills filled with words like, 'algorithms' do, but he tells us which are the ones that are right. So, he's a great guy, a good pal. He has a wonderful sense of humor, and I know many join me in wishing him a happy retirement and thanking him for all of his help to us."

Speaker Madigan: "Mr. Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise on a Point of Personal Privilege. In the gallery behind the podium, there's a couple who I would like to congratulate for their wedding that is coming up this summer. She was on my staff until she got a better job. Lisa Clemmons and Sean Stott with the AFL-CIO, a wonderful couple and congratulations to your wedding this summer."

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

73rd Legislative Day

May 31, 1997

Speaker Madigan: "Mr. Clerk, Mr. Clerk."

Clerk Rossi: "Representative Currie, Chairman from the Committee on Rules, to which the following Conference Committee Report was referred, action taken on June 1st, 1997, reported the same back: recommend 'be adopted' Conference Committee Report #1 to House Bill 1450. Supplemental Calendar #15 is being distributed."

Speaker Madigan: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I would like to announce that the House Labor and Commerce Committee meeting scheduled for Monday is cancelled."

Speaker Madigan: "Representative Schakowsky, could you advise us as to the next meeting of COWL? Many of us are interested. Supplemental Calendar #15, House Bill 1450, Mr. Rutherford."

Rutherford: "Thank you, Mr. Speaker. The Conference Committee to 1450 puts it back in the original form in which we passed it from the House. They changed from the immediate effective date. This is for the Illinois Development Finance Authority for the bond authorization raised by \$2 million, of which 900 million is for Environmental Facility Finance and I'd appreciate a favorable Roll Call."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Report. There being no discussion, the question is, 'Shall this Report be adopted?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes', 0 voting 'no'. This Report, having received a Three-Fifths Constitutional Majority, is hereby declared adopted. Mr. Clerk. Mr. Clerk, there are... there's a list of



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

73rd Legislative Day

May 31, 1997

Resolutions, and if you could read the numbers on the Resolutions, Mr. Clerk. These are Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution #5, offered by Representative Pankau; House Resolution #7, offered by Representative Steve Davis; House Resolution #11, offered by Representative Granberg; House Resolution #14, offered by Representative Andrea Moore; House Resolution #15, offered by Representative Pankau; House Resolution #18, offered by Representative Daniels; House Resolution #19, offered by Representative Brosnahan; House Resolution #20, offered by Representative Lou Jones; House Resolution 23, offered by Representative Granberg; House Resolution 24, offered by Representative Tim Johnson; House Resolution 25, offered by Representative Mautino; House Resolution 27, offered by Representative Acevedo; House Resolution 28, offered by Representative Lopez; House Resolution 30, offered by Representative Dart; House Resolution 33, offered by Representative Schakowsky; House Resolution 34, offered by Representative Granberg; House Resolution 35, offered by Representative Granberg; House Resolution 36, offered by Granberg; House Resolution 37, offered by Granberg; House Resolution 38, offered by Granberg; House Resolution 39, offered by Representative Granberg; House Resolution 40, offered by Representative Zickus; House Resolution 41, offered by Representative Morrow; House Resolution 42, offered by Representative Hartke; House Resolution 43, offered by Representative Granberg; House Resolution 44, offered by Representative Erwin; House Resolution 45 and 46, offered by Representative Morrow; House Resolution 47, offered by Representative Gash; House Resolution 48, offered by Representative Feigenholtz; House Resolution 50, offered by Representative Bugielski; House

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

73rd Legislative Day

May 31, 1997

Resolution 52, offered by Representative Cowlshaw; House  
Resolution 54, offered by Representative Hannig; House  
Resolution 55, offered by Representative Flowers; House  
Resolution 56, offered by Representative Granberg; House  
Resolution 57, offered by Representative Brosnahan; House  
Resolution 58, offered by Representative Fritchey; House  
Resolution 63, offered by Representative Woolard; House  
Resolution 64, offered by Representative Giglio; House  
Resolution 66, offered by Representative Giles; House  
Resolution 68, offered by Speaker Madigan; House Resolution  
69, offered by Representative John Turner; House Resolution  
70, offered by Representative Flowers; House Resolution 71,  
offered by Representative Zickus; House Resolution 72,  
offered by Representative Zickus; House Resolution 73,  
offered by Representative Granberg; House Resolution 79,  
offered by Representative Morrow; House Resolution 80,  
offered by Representative McAuliffe; House Resolution 81,  
offered by Representative Capparelli; House Resolution 82,  
offered by Representative Giglio; House Resolution 84,  
offered by Representative Julie Curry; House Resolution 85,  
offered by Representative Younge; House Resolution 86,  
offered by Representative Julie Curry; House Resolution 87,  
offered by Representative Monique Davis; House Resolution  
88, offered by Representative Biggert; House Resolution 90,  
offered by Representative Giglio; House Resolution 92,  
offered by Representative Schakowsky; House Resolution 93,  
offered by Representative Currie; House Resolution 94,  
offered by Representative Mulligan; House Resolution 95,  
offered by Representative Slone; House Resolution 97,  
offered by Representative McAuliffe; House Resolution 99,  
offered by Representative Lou Jones; House Resolution 100,  
offered by Representative Tom Johnson; House Resolution

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

73rd Legislative Day

May 31, 1997

101, offered by Representative Tom Johnson; House Resolution 103, offered by Representative Wood; House Resolution 104, offered by Representative Giles; House Resolution 105, offered by Repre... Speaker Madigan; House Resolution 106, offered by Representative Morrow; House Resolution 107, offered by Representative Schoenberg; House Resolution 108, offered by Representative Persico; House Resolution 109, offered by Representative O'Brien; House Resolution 111, offered by Representative Granberg; House Resolutions 114 and 15 (115), offered by Representative Kosel; House Resolution 16 (116), offered by Representative Stephens; House Resolution 117, offered by Representative Ronen; House Resolution 118, offered by Representative Kosel; House Resolution 119, offered by Representative Giles; House Resolution 120, offered by Representative Ronen; House Resolution 122, offered by Representative Flowers; House Resolution 123, offered by Representative Giglio; House Resolution 124, offered by Representative Noland; House Resolution 126, offered by Representative Gash; House Resolutions 127 and 128, offered by Representative Brosnahan; House Resolution 130, offered by Representative Gash; House Resolution 131, offered by Representative Giglio; House Resolutions 132 and 133, offered by Representative Morrow; House Resolution 135, offered by Representative Lopez; House Resolution 136, offered by Representative Morrow; House Resolutions 137 and 138, offered by Representative Currie; House Resolution 139, offered by Representative Morrow; House Resolution 140, offered by Representative Dart; 141 by Representative Capparelli; 142 by Representative Parke; 143 by Art Turner; 144 by Representative Giglio; 145 by Representative Dart; 146 by Representative Dart; 147 by Representative Joe

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

73rd Legislative Day

May 31, 1997

Lyons; Repr... House Resolution 150 by Representative John Jones; House Resolution 151 by Representative Younge; House Resolution 152 by Representative Black; 153 by Cowlshaw; 154 by Schakowsky; 156 by Eileen Lyons; 157 and 158 by Representative Acevedo; House Resolution 160 by Dart; House Resolution 162, 163, 164 and 165 by Representative Granberg; House Resolution 167 by Representative McKeon; 168, 169 by McCarthy; 170 by Parke; 171, 172, 173, 177 by Representative Giglio; House Resolution 178 by Representative Phelps; 179 by Representative Daniels; 180 and 181 by Representative Novak; 182 by Representative McCarthy; 184 by Representative Schoenberg; 185 by Representative Morrow; 186 by Representative Younge; 188 by Representative Art Turner; 189 by Representative Erwin; 190 by Representative Giles; 191 by Representative Mautino; 192 by Representative McKeon; 193 by... and 194 by Representative Feigenholtz; 195 by Representative Dart; 196 by Giglio; 198 by Speaker Madigan; 199 by Representative McKeon; 200 by Representative Bergman; 201 by Representative Eileen Lyons; and 202 by Representative Barbara Currie; House Joint Resolution 9, offered by Representative Granberg; 10 by Representative Ryder; 11 by Speaker Madigan; 21 by Representative Capparelli; Senate Joint Resolutions 32 by Julie Curry and 34 by Monique Davis."

Speaker Madigan: "Representative Currie. Representative Currie, for a Motion."

Currie: "Thank you, Speaker. I move adoption of the Resolutions, House Joint and Senate."

Madigan: "Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it; the Motion is adopted. The Resolutions are adopted. The Chair recognizes Mr. Daniels."

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

73rd Legislative Day

May 31, 1997

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, it's this time of the Session, the end of the Session, that we have so many people to thank. First, I would like to thank you for the courtesies that you extended to our Governor. I would like to... Did you hear that, Mike? Hey, Mike, I was saying nice things to you."

Speaker Madigan: "Thank God."

Daniels: "I also, every year I've given a speech blasting you and I didn't do that this year."

Speaker Madigan: "Okay, very good. Thank you."

Daniels: "You're welcome. But, truly, I want to thank all Members of this House for their courtesies and their attention to detail. But also, as we all know, a very important part of all our operations are our staff. And I am pleased to have most of my staff right here behind us. And if I were to take each and everyone of those people on the staff, I could say wonderful things about all of them. But, Mr. Speaker, you know and every other Member of the House knows, whether it's on the Republican side or the Democrat side of the aisle there, are tremendous hours that are spent. You know whether it's on issues of deregulation or education or others, our staff is always there working hard, midnight oil is burning. And I want to thank them, led of course by our Chief of Staff, Mike Stokke, wherever he may be, and behind me, and our Director of Research and Appropriation, Mona Martin. And to thank them and all of you back here on the Republican side of the aisle, God bless you and thank you for all the outstanding work you do for all of us."

Speaker Madigan: "I would like to reiterate Mr. Daniels' remarks as they would pertain to the Democratic Staff: Mr. Mapes, Mr. Cullen, Mr. Brown, Mr. Kasper and all those who work

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

73rd Legislative Day

May 31, 1997

under their direction. We thank you very, very much. We thank the Democratic Members and the Republican Members. You may recall on our opening day, I told all of you that one of my goals for this Session was to move in a cooperative and bipartisan manner. I think that I've maintained that pledge throughout this Session. It was something I was very committed to, and I'm very pleased that we were able to move through the Session in really a very professional manner. There were differences on issues; there were some differences on personalities. But that's to be expected. But in general, why I think we did very, very well. And I want to thank every Member, and in particular, I want to thank Mr. Daniels, because as the Leader of the Minority Party, he cooperated with me throughout. And so to all of you, thank you very, very much for your cooperation and for the fine work you've done during this particular Session. And to all of you, have a most pleasant summer vacation. We'll see you on October the 28th. So have a very, very nice summer. Representative Currie moves that the House does stand adjourned until Tuesday, October 28th. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The House does stand adjourned."