

STATE OF ILLINOIS
91ST GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

123rd Legislative Day

April 14, 2000

Speaker Madigan: "The House shall come to order. Members shall be in their chairs. We shall be led in prayer today by Pastor Stan Summers of the Higher Vision Christian Center in Springfield. Pastor Summers is the guest of Representative Jack Franks. The guests in the gallery may wish to rise and join with us for the invocation and the Pledge of Allegiance."

Pastor Summers: "Good morning. Father, we come to You today thanking You for the many blessings that You've given us. We thank You Lord for the countless freedoms that we enjoy. Freedom to worship as we please, freedom to govern our own communities. Freedom to speak without worry of apprehension and freedom to make choices instead of someone else making the choices for us. Father, I lift up before You today the men and women that have been placed in positions of leadership and authority in our government. I pray that You would guide and direct their lives in such a way as to cause them to make decisions that would not only benefit the people that they serve, but also be decisions that are guided by You. I pray that You would surround each leader with men and women of integrity, that each input they receive would be seasoned with wisdom and thought. Lord, be with our court systems and our judges, our police departments and our municipalities. Let each judgement that is made be fair and just. Lord, be with our elected officials and their staffs. Give them wisdom even beyond their experience, as they go about the important task of leading and managing our government. Watch over our schools, Lord. Be with our teachers and with our students as they go through their days. Let our schools be filled with peace as well as learning. Help us Father, to be people of reconciliation, people who can look at one

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another through eyes of hope instead of eyes of doubt. Let us see our differences as assets and not liabilities, causing us to launch forward with renewed hopes and renewed dreams of better tomorrows. Finally Lord, let our minds and hearts dwell upon those things that are honorable and true and just. Let our thoughts be fixed upon those things that are excellent and admirable. Guide us each day as we plan our priorities in light of our faith, our family, our country and our careers. Let us look at each minute as a priceless gift, never to be wasted, but to be used to make a difference in changing our world for the good. Let us always honor others above ourselves, as we honor You. In Jesus name, I pray. Amen."

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

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

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

Currie: "Thank you, Speaker. Please let the record show that there are no reports of excused absences among House Democrats today."

Speaker Madigan: "Mr. Poe."

Poe: "Mr. Speaker, let the record show that all Republicans are present today."

Speaker Madigan: "Mr. Clerk, take the record. There being 118 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Bolin: "Introduction of Resolutions. House Resolution 780, offered by Representative Fowler; House Resolution 781,

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offered by Representative Granberg; House Resolution 784, offered by Representative Granberg; House Resolution 791, offered by Representative Julie Curry; House Resolution 794, offered by Representative Younge; House Resolution 799, offered by Representative Jim Meyer; House Resolution 800, offered by Representative Klingler; House Resolution 803, offered by Representative Scott. House Joint Resolution 68, offered by Representative Younge; and House Joint Resolution 69, offered by Representative Bill Mitchell. These Resolutions are referred to the House Rules Committee."

Speaker Madigan: "Mr. Hoffman."

Hoffman: "Yes, Ladies and Gentlemen of the House. Our newest Member has a birthday today. Harry Osterman's birthday is today, there's cake down front. Everybody wish Harry a happy birthday."

Speaker Madigan: "Mr. Biggins."

Biggins: "Mr. Speaker, good morning. I'd like to point out a problem in the back of the chamber that others may not have noticed. I know we're going to have some work done on the ceiling this year and that's very important safety measure. I'm having a problem with my back row. There's been an increased amount of glare this morning when I look toward the front of the chamber. It's coming from right around near my seats... one in front of me and now there's over to my right and I'm having trouble reading some of the signs and waving to the crowd in the gallery. I got some constituents in from my district, so I wondered if we can work this summer on part of the glare problem that is recently arisen here in the back of the chamber on the Republican side of the aisle."

Speaker Madigan: "Mr. Clerk."

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

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I also noticed the glare coming from over there. I'm a member of that glare caucus, also. I went over there to see Mr. Stevens and I told him that I would have gotten the same kind of haircut but in a couple of years I won't need to spend the money, I'll just wait."

Speaker Madigan: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. The Republicans would request an immediate caucus for approximately one hour."

Speaker Madigan: "The House shall stand at ease to permit a Republican Caucus for approximately one hour."

Speaker Hartke: "The House will be back in order. Representative Hartke in the Chair. Mr. Clerk, what is the status of Senate Bill 1503? Rules report first."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on April 14, 2000, reported the same back with the following recommendation/s: 'to the floor for consideration', Floor Amendment #3 to Senate Bill 1440, Floor Amendment #1 to Senate Bill 1503, Floor Amendment #2 to Senate Bill 1577 and Floor Amendment #12 to Senate Bill 1647. Floor Amendment #1 to House Resolution 699."

Speaker Hartke: "What is the status now, of Senate Bill 1503?"

Clerk Rossi: "Senate Bill 1503 is on the Order of Senate Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purpose of Amendment at the request of the

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Sponsor."

Clerk Rossi: "Floor Amendment #1, offered by Representative Bradley, has been approved for consideration."

Speaker Hartke: "Representative Bradley on Floor Amendment #1."

Bradley: "Floor Amendment #1 restricts the annual emission testing for interstate trucks to only in the nonattainment areas. And it also provides for the State Police to perform these roadside, unscheduled emission testing of all trucks over 16,000 pounds. A first time a violation of this would be a \$400 fine. The State Police are also required to report on this program yearly to the General Assembly. The fiscal impact on the State Police would be approximately \$180 thousand."

Speaker Hartke: "You heard the Gentleman's Amendment. Is there any discussion? The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Inquiry of the Chair and maybe the parliamentarian."

Speaker Hartke: "State your inquiry."

Cross: "Our understanding is this Bill has been on Third Reading through today until this time and yet you filed an Amendment while it's on Third Reading. It's my reading of the rules that you can only file an Amendment when it's on Second. I know we had some concern yesterday about the issue of this being a Shell Bill, and I'm concerned about the procedure here."

Speaker Hartke: "Mr. Cross, we'll take a hold till we get an answer for you."

Cross: "Thank you."

Speaker Hartke: "Mr. Cross, the parliamentarian has an answer for you."

Parliamentarian Uhe: "Representative Cross, on behalf of the

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Speaker in response to your inquiry. Your point is well taken. The Amendment was filed, according to the Clerk's records while the Bill was on Third Reading, therefore the Amendment is out of order."

Cross: "Thank you."

Speaker Hartke: "Leave that Bill on Second Reading and take it out of the record. On page 3, on the Regular Calendar, appears Senate Bill 1645. Representative Biggins. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1645, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Biggins."

Biggins: "Yeah, thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1645, very important protaxpayer, prohomeowner measure would make the institution, the lending institution... when they get an assessment notice, forward that notice to the taxpayer of record within 7 days upon receipt of such notice. This measure is suggested by Cook County Assessor Jim Houlihan, to encourage and enable the homeowners to find out about their proposed values as soon as possible with the cooperation of the lending institution. This will enable the homeowner to make a decision whether or not they wish to ask questions of the assessor or the county board and file a form at the county level to perhaps protest the proposed valuation. I'd be glad to answer any questions that you may have. I don't know of any opposition on this matter."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1645?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 1 person voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Lady from Will, Representative Kosel. For what reason do you seek recognition?"

Kosel: "For a point of personal privilege. The Lieutenant Governor, Corinne Wood has placed boxes of ice cream bars on her old desk here, if you would like to come down and get an ice cream bar, they're right in front where the Lieutenant Governor used to sit. And we thank her for those."

Speaker Hartke: "Thank you. The Chair recognizes the Lady from Cook, Representative Silva. For what reason do you seek recognition?"

Silva: "Thank you, Mr. Speaker. I want it to reflect in the record that Senate Joint Resolution 70, that was voted on yesterday... I was away from my seat and my intent was to vote 'aye'."

Speaker Hartke: "The Journal will so reflect your wishes."

Silva: "Thank you."

Speaker Hartke: "The Chair recognizes the Gentleman from Cook, Representative Delgado. For what reason do you seek recognition?"

Delgado: "Mr. Speaker, I, too, join on House Resolution 70, the inadvertence of the vote a 'yes' with a 'no' and a letter has been filed with the Clerk to reflect my wishes that that vote be changed."

Speaker Hartke: "The Journal will so reflect your wishes. On page 7 of the Calendar appears... on Concurrence, appears House Bill 2980. Representative Mautino. Representative

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Mautino on Senate Amendment #4. Representative Mautino."

Mautino: "Thank you, Speaker, Ladies and Gentlemen of the House. House Bill 2980 has... I move to concur in Senate Amendment #4. This is the Medical Savings Account Act. It sunsetted in January, so this was existing law. There's a couple of thousands of these accounts in Illinois. When it sunsetted we missed it. This will verbatim, reinstate it. And I appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion? Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur in Senate Amendment #4 to House Bill 2980?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #4 to House Bill 2980. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, any other Motions? On page 7, on the Order of Concurrence, appears House Bill 4022. Representative Bassi. Representative Bassi on Senate Amendment #1."

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

Speaker Hartke: "Representative Bassi. Could you take it out of the record for a few minutes?"

Bassi: "Yes."

Speaker Hartke: "Take that Bill out of the record. On page 8, on the Calendar, on Conference Committee Reports, appears House Bill 12... or 1812. Representative Zickus."

Zickus: "Thank you, Mr. Speaker and Members of the House. This

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Conference Committee Report requires that school boards provide public access computers with software that seeks to prevent minors from gaining access to explicit sexual materials or obtain Internet connectivity from an Internet service provider that provides filter services to limit access to explicit sexual materials. Basically, it is requiring the school boards to put filters on the student access computers. This Bill does not apply to public libraries. It does not apply to the computers in the school that are not accessible by the children."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from... Excuse me. Yes, the Gentleman from Cook, Representative Schoenberg."

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

Speaker Hartke: "The Sponsor will yield."

Schoenberg: "Representative, how are school districts to pay for the filtering that would be mandate... through the computer filters that would be mandated under this Bill?"

Zickus: "Representative, there are a number of Internet service providers that are offering free services to all public schools. But more important, if a school were to decide to purchase their own, there is money according to the State Board of Education, that there's money included in the School Technology Program. My understanding is that there are over \$50 million for the next fiscal year, of which half is earmarked for the Technology Integration Program, which can cover the filtering cost. In addition, the School Safety and Educational Improvement Block Grant Program, there's over \$42 million in the next fiscal year that can be used for software. As we look at about 900 school districts in this state, technically there could be \$77 thousand per school district available in the next

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fiscal year."

Speaker Hartke: "Ladies and Gentlemen, please, we're on a Conference Committee Report. Please. Proceed."

Schoenberg: "Representative, you indicated, as I heard your remarks through the noise, you indicated that there were a number of software companies who were willing to provide this filtering software for free, is that correct?"

Zickus: "That is correct."

Schoenberg: "And do those... does that filtering software have banner advertising on it?"

Zickus: "Representative, I'm not certain if that does or not. And I can get that information for you."

Speaker Hartke: "Representative Schoenberg?"

Schoenberg: "I can't hear."

Speaker Hartke: "Representative Zickus, have you answered the question?"

Zickus: "I said I am not certain. That has never come up. That hasn't been asked, and I am not certain. I did answer the question."

Schoenberg: "Representative, I do think that's very relevant, because just as many of us would find it distasteful if there was advertising in textbooks, or advertising on cable... on educational programming, video programming, such as Channel 1 that's in our classrooms, so too, would I think many people would find it inappropriate and wrong to have advertising on this software. Let me ask you another question. How does this Internet filtering software determine what contents should and what contents should not, be allowable?"

Zickus: "One of the papers that I have, believe this one... it says that, 'This.com.' This company utilizes a unique two-phased approach for filtering out unwanted material.

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When you request a page, that page is compared to a database of known pornographic, hate-oriented, graphically violent, and other types of inappropriate web pages. If the page is listed in the database, access to the page is denied. If the page is not found in the database, it undergoes further scrutiny by an artificial intelligence engine. The benefits of the artificial intelligence engine include: it thoroughly inspects the page in real time; it checks for multiple factors such as text, graphics, skin tones; it can distinguish pornographic and hate-oriented sites from news or medical education sites; it drills down into the web site to evaluate the content of previous and subsequent web pages, and that it's all done in a matter of seconds. Further, most of the Internet companies will sit down with the local school board to help determine what sites they would want to have blocked."

Schoenberg: "Would you repeat that again, that last statement again? I think that's very important for everybody to hear."

Speaker Hartke: "Ladies and Gentlemen, please."

Zickus: "My understanding is that the companies will sit down with the school boards to help determine what types of sites they want blocked. We're asking to have pornographic sites blocked. But there are other things that we should be thinking about that we don't want our children to accidentally stumble upon. And the school board with the company can look at maybe blocking sites that promote the use of alcohol; maybe blocking sites that contain information regarding militias or weapons or anti-government groups, or what about prohibiting the sites that contain material related to discrimination on race, religion, gender, nationality, et cetera? Now, those are

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things that the school board might want to sit down to consider."

Speaker Hartke: "Representative Schoenberg."

Schoenberg: "I think you raise a very critical point there. For the Members who've been very concerned about the role that school boards should play in determining what does and does not make it into our classrooms, I think this is something that all of us need to pay close attention to. To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Schoenberg: "Representative, you highlighted the primary reason why we should all be against this Bill, because it gives school boards the arbitrary capacity to determine what and what should not be appropriate content for its students. Now, there's going to be unanimous consent throughout the state. There'll be tremendous consensus and no opposition to keeping offensive pornographic material out of the classroom, but what this Bill does is yet another way of determining what our kids can and cannot read. So if a school district in a part of the state does not want their students to be reading the text of Huckleberry Finn and the text of every classic American novel is online, and if it's not online it's going to be online, shortly. If a local school district wants to stop the students from reading the text of a particular book, then they would be able to do so under this Bill, because the way technology is progressing, the way education is progressing, we are becoming less dependent on physical textbooks, and more dependent on computers and technology to deliver educational material. This is yet another means of providing censorship in each of the school districts within our state. And if we are going to be in the business of censoring educational

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material, of not permitting teachers and professional educators of exercising their best professional judgement of what is and should be taught in the classroom, then we don't have any business of being here. If you want censorship, arbitrary censorship, and not censorship of pornographic material, because that's going to get left out. And not censorship of material that's going to advocate the overthrow of the government, because that's going to be filtered out, too. But if you want to stop school districts from deciding whether or not they want to teach about evolution, if you want to stop school districts from deciding whether or not Huckleberry Finn should be taught in the classroom, if you want to tell school districts, just like we unsuccessfully, tried to tell librarians, and make criminals out of librarians, then you should vote for this Bill. But if you believe that teachers, that professional educators, exercise the right discretion in determining what can and cannot be in the classroom, then you should vote against this Bill. And I want to say one final thing in closing. And I appreciate the indulgence of the Members. And that is, there is a very disturbing trend in this country about this issue, because it's being driven, unfortunately, by economic self-interest, as well. There are companies who are giving the software away to be able to say that they, indeed, have a certain share of the market and therefore, it suggests that they have a certain presence in the marketplace which is supposed to make them more attractive as engines of generating profit. Just because a company wants to give us this software doesn't mean they're providing us a bargain. And that's why the libraries are against this, the teachers are against this, and everybody who believes in free

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expression is against this. And I'm a parent, Representative, and I certainly want to make sure that my children are not being exposed to offensive content on the Internet. But I think it's very chilling that first we're going after librarians, and now we're going after teachers to make them criminals and try to censor what students can and cannot be told, rather than relying on the best professional judgement of those who are in the classroom. I would strongly encourage all of you to vote 'no' on the First Conference Committee Report on House Bill 1812."

Speaker Hartke: "Further discussion? Ladies and Gentlemen, there are 10 to 12 lights lit up and to avoid repeating questions and answers, please, let's keep the rhetoric down. Shall we, please? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Hartke: "The Sponsor will yield."

Lang: "Representative, as I understand your Bill, filters would be put on the Internet at the schools, is that correct?"

Zickus: "Yes."

Lang: "Now, these filters are not created by software that the schools themselves create, is that correct?"

Zickus: "The schools can purchase their own software. Nobody's saying that they have to use the software that is provided free, and they would have some say-so in that."

Lang: "Well, who is going to provide these free filters? Tell us who this is?"

Zickus: "There are a number of companies. The one company that came out to give a demonstration was called '.safe', but there are other companies that are out there. The school district does not have to use those companies."

Lang: "Mr. Speaker, could we get some order in here? This is a

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very important Bill."

Speaker Hartke: "Ladies and Gentlemen, please. Will staff please retire to the rear of the chamber. Please. Will Members be in their chairs. This is a very important Bill. Let's keep the rhetoric down, please."

Lang: "Representative Zickus, is it not true that these filters filter out material at the whim of the person that creates the filter?"

Zickus: "They go by certain guidelines of what materials you want filtered out."

Lang: "Who is 'you', that you want filtered out?"

Zickus: "It would be the school board. And for the intent of this law, it would be the language dealing with explicit sexual materials."

Lang: "Who decides what explicit sexual materials is, and the second half of that is, does each school district get to have their own different filter?"

Zickus: "I believe that there are already standards what is explicit sexual material or pornography. I mean, do you want an example? I ask everybody in this House, you've got your laptops open. Just excuse me for one minute, Representative Lang. Do a 'www.whitehouse.com' search, right now on your laptop computer. Please put that in your computer and see what information that your children or your grandchildren can accidentally stumble upon, because they put in '.com' instead of '.gov'. Please do that right now, so that you'll see what it is that we're actually talking about. And if that one's not enough for you, how about the one that somebody stumbled across it last month when they were trying to get the results of the elections, and they did 'www.pollwatch.com'? Pull that one up, Ladies and Gentlemen, and see if that's what you want in your

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classroom for our children and grandchildren."

Lang: "Mr. Speaker, I would appreciate it if my light could be left on, so I could have a dialogue with the Representative. Thank you. Representative, there's a lot of smut on the Internet, but I'm not asking you about smut on the Internet. I'm asking you about the filters that you want to put on in our classrooms."

Zickus: "So that our children don't accidentally..."

Lang: "That's right..."

Zickus: "...stumble across the smut on the Internet."

Lang: "...none of us want our children... do I get to finish? I have five children, some of them are adults, if they want to access whatever they want to access, it's fine. But I have a nine-year-old, as well. And at my house I have some provisions to make sure my daughter can't get into the Internet where I don't want her. But we're talking now about the filters that you want to put on in the classrooms. And so, I'm forced to ask you the same question again. Who creates the filters, and is each filter for each school district created separately for that school district?"

Zickus: "My understanding, Representative, is that the school board would have the opportunity to work with the filtering company, and I don't have access to that technology."

Lang: "So, these filtering companies are going to come by the busloads into Illinois, they're going to go to every school board in Illinois, and they're going to specifically create a separate filter for all of the thousands of school districts in Illinois, they will all be different?"

Zickus: "It's up to the local school."

Lang: "And these..."

Zickus: "This information that we're trying to filter out, will

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be filtered out, in most cases."

Lang: "Again, you say 'we'. Who determines that, each local school board?"

Zickus: "Each local school board would determine what company they're going to use."

Lang: "So I've got a list of several different companies that do these filters. Now, these companies that are going to come in and provide these free filters, does this Bill require them to sit down with every local school board before the filter is used, and for each school board to craft to the minutia of detail its own filter?"

Zickus: "Absolutely not. You read the Bill. It does not require that, but I think our school board members are responsible people, and before they enter into a contract with a company, they're going to make certain that they get the things in there that they want. But more important, in addition to what we have asked for in this legislation, there are other sites that a school may want to look at, as well. That's going to be up to the local school districts. But what you will help to cut down on, are the sites you just pulled up on your computer a little while ago that your children might stumble against. And Representative, I think it's great that you watch what your children do at home. Unfortunately, every parent cannot stand over the shoulders of their child in the classroom, and I don't care how great the teachers are, they can't do it either."

Lang: "So, Representative, one of these companies that generally provides these kind of filters, and by the way, isn't the only state in the country that's done this is Utah, is that correct?"

Zickus: "No, I believe... I'm not positive, I think there's about five states."

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Lang: "All right. One of the companies that does this is a company called BESS. Are you familiar with BESS?"

Zickus: "No."

Lang: "Well, BESS is a company that does Internet filters, and on this filter they delete any chance that you could read about breast cancer, because it uses the word 'breast'. Do you think that's an appropriate thing to do?"

Zickus: "Absolutely not, and the new generation, the new technology, that was a concern awhile ago, that no longer is a concern today. So the technology that that company is using is outdated. And I suggest that they sit down and maybe interview a few other filter companies, because the medical terms are no longer being filtered out. And we are only talking about schools in the classroom. If someone needs to do research or wants other types of information there is still the public library, and there are computers at home where they have parents supervising what they pull up."

Lang: "Is it not true that most of these filters keep people from looking at information about AIDS?"

Zickus: "Not to my knowledge. The Bill has nothing to do with that."

Lang: "Well, I have a list of several of the most prominent filters that are used. The filter 'cyber-sitter' does not allow you to access the word AIDS. The filter 'cyber-patrol' does not allow you to access the word AIDS. The filter 'surf-watch' does not allow you to access the word AIDS. The filter 'Net Nanny' does not allow you to access the word AIDS. The filter 'IGEAR' does not allow you to access the word AIDS. The filter 'BESS' does not allow you to access the word AIDS. Do you not think that this is something that we ought to allow people to access?"

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Zickus: "Representative, I don't know that that's a fact, because I have not tried to search for that. But let me tell you something. According to this legislation it says, 'explicit sexual materials means that which is obscene, child pornography, or material harmful to minors as defined under Section 1120, 1120.1, and 1121 of the Criminal Code of 1961.' It's unfortunate if these schools have selected filter companies that are holding out important information."

Lang: "Representative, would you not think this Bill would make more sense if you required each school district to hire their own expert to do a filter that they want to do rather than to hire or to take free filters that come in from godknowswhere, wouldn't that make more sense?"

Zickus: "Representative, this legislation does not... just read it, it's not very long. It does not require any school district from taking free... taking advantage of any of these free programs. They can hire their own company. There are a number of Internet providers out there, all they have to do is search them on the Internet."

Lang: "But in fact, you, a proponent of local control, are advocating on the House Floor that they take advantage of these free filters, and these... "

Zickus: "No, I'm not advocating..."

Lang: "May I finish, please?"

Zickus: "...that I'm giving you that..."

Lang: "May I finish, please?"

Zickus: "All right. No. All right, I'm not advocating... no, I won't let you finish. I'm not advocating that they take advantage..."

Lang: "Well, let me know when I can finish."

Zickus: "All right, I will. I am advocating on behalf of the

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children of the State of Illinois and on behalf of the families of the State of Illinois. They do not have to take advantage of a free offer if they choose not to do that. If they choose to pay for it themselves, there's money in the budget according to the State Board of Education. All right. Now you can finish, but I'm not advocating on behalf of any filter company."

Lang: "Mr. Speaker, to the Bill."

Speaker Hartke: "To the Bill."

Lang: "There isn't a person on this House Floor that wants our children to find obscenities on the Internet. And I can imagine that there may be a situation where someone is going to vote against this Bill, and someone is going to try to take political advantage of that and say, 'Oh this Representative's for obscenities on the Internet.' Let's understand what this Bill does. First of all, if you're for local control, this is a serious issue. Because while we don't want smut on the Internet in our schools, the fact remains that school boards are not going to hire their own Internet expert to create their own Internet filter to have in it what they want in it and out of it what they want out of it. They're going to take these free filters. Now, these free filters are drafted by godknowswho, we don't know who they are. They have there own prejudices. They have their prejudices against blacks, Jews, Hispanics, people with AIDS, women, disabled people, and we have list after list of filters that block words which would give us the ability to research these areas. One of these filters blocks information about the Holocaust, for goodness sakes. But we are going to allow these people to come into Illinois and put filters in the schools, and we're going to keep research from happening for our kids. We should not

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be about censoring real research. And so, we've got a filter here that cuts out any mention of the word 'breast', so we can't find out about breast cancer. What sense does that make? We don't want our children to get obscenities on the Internet, but by the same token, we can't just jump on a bandwagon, jump on an idea so that we can make some political ground with it. I would suggest to the Representative that she takes this idea back to the drawing board, that she has some reasonable hearings about this over the summer and fall, and come back to us with a Conference Committee Report that will keep obscenities and smut away from our kids but not stifle research and not censor real ideas on the Internet. That is not what we ought to be about. I would recommend 'present' or 'no' votes. And, Mr. Speaker, should this get the requisite number, I would request a verification."

Speaker Hartke: "Your request will be granted. Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. I'm going to speak to the Bill."

Speaker Hartke: "To the Bill."

Mulligan: "I think that my good friend, Representative Zickus, is very well-meaning in this Bill, and I think there isn't a Representative on this floor that, as many other Legislators has said, would want children to be able to access inappropriate material on the Internet. I do think there are several points that logic dictates that we look at before we vote for this Bill. Number one, Utah is the only state in the country so far, that prohibits or makes all schools put filters on. Last year when we were considering this Bill, I polled all my school districts.

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All of my school districts had filters, but the operative word here is they chose to do this on their own without us mandating that they had to, and I think that is the most important part of it. The second part in the survey of my school districts, many of them were already on their second or third filter, because they found what they had originally purchased was inappropriate to allow their students free access of information in order to actually study and learn things that they would like them to learn. Also, two of my schools that were the most techie or informational said, 'No filter is any good without an accompanying program of oversight.' And if you think a filter will allow you to sit back as a teacher, or as a school district, or as a parent and allow kids free access without oversight, you're making a mistake. So oversight is very important and no one should say, well because we're doing this, this will allow free access, and we don't have to worry about what the kids are actually going to see, because that's not true. In going in this year and looking at the demonstration, because I was concerned having politically voted against things like this, and politically being ripped on it, even though, you know, my kids are grown up I would not want them to access. I hope to have grandchildren. I would like to be very careful with them. I'm very key into my school boards in finding out what's going on. I took a look at the program, also the fact that it was free. Well, last year one of my school districts, when I polled them, was getting a free program. By the summer they called me back to say, 'Oh by the way, when we talked to you about the free program, they changed on us, and now, when we went to renew, we can't get it free any more.' The other issue was, when I went in to look at this

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program, the free program, I asked the people that were demonstrating it what they predicated their ability to block on, and it was 44 different things that they used to block sites, 15 of which may trigger in. When I asked what they were, and I'm told this is very similar for most companies, except maybe one or two, I was told they were trade secrets. Now, if it's a trade secret and they don't tell the school district, and they don't tell the parents, or the school board, how do you know what's actually being blocked? A program that you could go in on your own and determine what's blocked is not feasible, I think, for many districts and may not even be out there yet, but that program is not available, plus it would take a lot of time, I think, to find it. But I think what's accurate in what's being portrayed here, that many instances, if you want to block hate groups, you block hate crimes; if you want to block out a certain religion or a certain theory of religion, you can block that out and no one knows what you're blocking. It is up to the politics or the business of the person that's providing the particular filter that they're even giving to you for free, or purchasing. When I asked if people can get them for free now, why are we mandating this, it still is a local issue that local school boards should be able to take care of, I was just told it was over concern. Well, I'm sure it's over concern, but perhaps, the Representative who's sponsoring this Bill does not remember what was asked in committee and was answered by one of the proponents, this particular free site, did have advertising available on it, which brings up another issue. Many of us are concerned about advertising, particularly at Christmas time on television, and what they indoctrinate kids into wanting or what they expect. I

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think there are a lot of issues here that if we're going to mandate that all school districts do this, we have to take into consideration. It's not just the matter of hoping that our children are not given really bad or pornographic materials. It's other things that aren't there, that may never be there, or may be blocked, or a piece of information that's coming across the news wires, or just general universal information about women, other types of groups, other religions, important documents that can be blocked, may be blocked, and which you have no control over. And I certainly have a problem with somebody telling you what they're blocking is a trade secret. It may be something that I would like my grandchildren, or one of my children in my district, to know about, or my teachers would like them to know about. I think this is a bad mandate. Poor schools will be forced to take free. Free does not always equate with forever free, or good. I do not think this is a good thing for us to do. I think it is a blatant mandate against school districts that are making these decisions well on their own within their own budgets."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Lake, Representative Garrett."

Garrett: "Thank you, Mr. Chairman. Representative Zickus, I have some questions for you. What states currently now are using or have already mandated these filters?"

Zickus: "I really don't have that answer. I thought I heard that there were five, everyone keeps saying Utah is the only one that has them. We're looking through some of our files to see if we know if there's anything in here. But I'm..."

Garrett: "So, as far as you know, the states that currently mandate this are Utah, and possibly four others?"

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Zickus: "Yes. Oh, I heard..."

Garrett: "You're not sure of that?"

Zickus: "I heard in the debate on the House Floor that Utah is the one, that a couple of the Members brought that up."

Garrett: "The only state that I've heard so far, that has accepted and mandated this is the State of Utah. In regard to local control, I think that I agree with the other speakers that everybody in this room would like to eliminate any of this pornography on the Internet. But in regard to local control, you talked about the State Board of Education providing some technology funds for schools that are interested in obtaining Internet filters, is that correct?"

Zickus: "Yes, that's correct. The money is in the State Board budget."

Garrett: "Okay. If individual school districts, using their local control, decide to get the Internet filters, they could do this without a state mandate and still use the funds... obtain the funds through the State Board of Education, could they not?"

Zickus: "Yes."

Garrett: "So, we don't need to mandate this particular filter in every public school in the State of Illinois. We can get those funds if individual school districts feel this is important, they have the right to access those state dollars to pay for these Internet filters."

Zickus: "That's my understanding, Representative. No, we don't... we're mandating it because all schools don't have it. Just like we mandate other things for our schools to do that we feel are in the best interests of our children. And protecting our children from this smut on the Internet is, certainly, in the best interests of our children."

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Garrett: "And we should not confuse protecting our children with imposing Internet filters that really represent public policy and that's my next question to you, Representative. I've been listening to the debate and I've been reading about this over the last six months, and it appears to me that these different Internet filter companies block out different things. For instance, it seems as if AIDS is blocked out more often than not, anything to do with AIDS. And I think this is a very relevant subject that any child in public school should have access to that information. But my question is to you, Representative Zickus, do you believe that the public policy should be dictated by these individual Internet blocking companies over determining what the state or individual school district's public policy is on this? For instance, one school district may decide that their children should have access to information on AIDS or breast cancer, and if the Internet filter companies don't provide that access, that could prevent the child from getting that information."

Zickus: "That has nothing to do with this Bill, and if the school wants the children to have that information then it will be available. This Bill deals with explicit sexual materials as defined in the Criminal Code. That's what this Bill deals with. You're throwing up all kinds of red herrings, and it has nothing to do with the Bill that's in front of you. Please read it. It's very, very short."

Garrett: "I read the Bill, Representative Zickus, and I'm not arguing with you. I think like many of us, we need clarification. But my biggest concern is the local control issue. I believe strongly in letting school boards, elected school officials who represent their families in their own school districts, decide on behalf of those

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families, if in fact, Internet filters are necessary, then, determining which Internet filter would best serve their particular needs. And, if in fact, the State Board of Education is going to be providing dollars for these particular Internet filters, it's my belief that we should allow the individual school boards to make that decision on their own. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Representative, and forgive me if I'm going over ground you've already covered because it's rather noisy in here. This appears to me to be a mandate on local school boards, a correct assumption?"

Zickus: "Yes, it is..."

Black: "Okay."

Zickus: "...because we're requiring them to put filters on the Internets available to the children."

Black: "Fine. Thank you very much. So it's a mandate. Does this mandate... now will it be put on parochial schools?"

Zickus: "No, this applies to public schools. But I have to point out, Representative Black, this is not an unfunded mandate, it is a funded mandate because the money is already there for this type of technology."

Black: "Well, that's an interesting scenario. The money is there for technology improvements. If they've already spent it on computers, and modems, and connections, they may not have the money to do the filter, correct?"

Zickus: "According to the State Board of Education yesterday, there is over \$50 million for the next fiscal year of which

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half is earmarked for Technology Integration Program, and which can cover filtering costs. In addition, School Safety and Educational Improvement Block Grant Program, there's over \$42 million for the next fiscal year that can be used for software to protect the safety of the children. This would average out if you wanted to use every penny for that, to about \$77 thousand per school district available in the next fiscal year."

Black: "Representative, how many public school districts already have installed filters on their computer equipment?"

Zickus: "I have no idea. If they already have it then they don't have to worry about this. They've already spent the money."

Black: "Well, Representative, you've just made my whole point. Thank you. To the Bill."

Speaker Hartke: "To the Bill."

Black: "The Sponsor just made my entire point. If a local school district wants to do this they can do so, and many of them according to information I have, have already chosen to do that, and that's the way I thought this system was supposed to work, local control. Now, let me ask you something Ladies and Gentlemen, is it easier for a constituent of the Danville Public Schools to hold me accountable for this Bill or its failure, or is it easier for those constituents to go to their locally-elected school board members and say, 'We want filters', or conversely, 'We don't want filters.' That's a local issue. That's what I thought Republicans were supposed to be all about, local control. I am sick and tired of mandates. I said this the other day on a Democrat Bill, I'll say it again today, on a Republican Bill. Why don't you have confidence in your locally-elected school boards? That's what they're there

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for. If you want filters, and I personally, have three grandchildren and I would want filters if they were in school. I would want that, and I would go to the school board meeting and I would ask them to do it. And if they refused, that's what an election's for. But why do you always want to bring it to Springfield? Mandate, mandate, mandate. I'm going to tell you something, that \$38 per kid, at the rate we're going, \$500 a kid won't be enough. I'm sick and tired of unfunded mandates. She says, funded. I say unfunded. Let the locals run their schools. Vote 'no'."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Peoria, Representative Slone."

Slone: "Thank you, Mr. Speaker. Ladies and Gentlemen, I took Representative Zickus's advice and I did try and look at some of the references. They're very technical. They're very legalistic. In terms of what is harmful material, 'material is harmful if to the average person applying contemporary standards, its predominant appeal taken as a whole is to prurient interest that is a shameful or morbid interest in nudity, sex, or excretion which goes substantially beyond customary limits of candor in description or representation of such matters, and is material that the redeeming social importance of which is substantially less than its prurient appeal.' That's just a little tiny piece of a very long Section, but I think my point here is to say, that the moral education of our children is the responsibility of our parents, our families, our churches, and our schools. And vigilance is the responsibility of the parents and the teachers. You cannot turn this over to computer jocks, advertisers, and people with agendas that we can't even really understand

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when we put this filtering software on, without abdicating responsibilities that are really personal, family, and local responsibilities. Not only that, but these filtering softwares make absolutely no distinctions among the ages of the children or their levels of maturity that can only be made by people who know them personally. What's appropriate for my 14-year-old is probably not appropriate for my 9-year-old who was here earlier this week. And what's appropriate for him probably would not be appropriate for the younger children of some of the Members who have kindergartners. This turns decisions over to places that they shouldn't be turned over. These are our obligations. They're our responsibilities, personally. They should not be imposed by state mandate on our school districts. And I urge a 'no' vote."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Let me just say that I understand the concern that has been shared with people in the Body about this legislation. And I think there's been a lot of smoke screen talking about what kind of filters ought to be done and who's going to do it. That isn't really what's important. What's important that I, and I would guess the majority of the taxpayers of this state, feel that children in schools and in libraries ought not to have the ability to inadvertently pull up pornography on the Internet. The issue goes down to the bottom line of what is family values, what is decency in this nation. I think this is a strong message that Illinois can send to the rest of this nation, saying that we want our children not to be exposed to the smut that is on the Internet. That's not to say

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that if someone chooses in their own home to expose themselves to this that they can't. Freedom of speech ought to be something that is held precious whenever we talk about the rights under the Constitution. But I think when taxpayers' money is used to pay for schoolwork and computers, and my taxpayer money being used, that this kind of stuff should not be allowed. And I think the local school board and the local library boards ought to have the right to decide what kind of filter meets the standards for that community. So you do have local rights, and you'll have local exposure and decision making of the school boards. Ladies and Gentlemen, I think this is a basic Bill. I think the Sponsor's worked hard on it to try and come up with an answer that I believe we can all live with. I would rise in support of this legislation. And I think this is the kind of legislation that we ought to do as a state, to say, these are the parameters, these are the guidelines, and let the local control decide how to do it and what to do it. And it's just common decency, and I would ask the Body to support this legislation."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Davis. Monique Davis."

Davis, M.: "Will the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Davis, M.: "Thank you very much. Representative, did you read the proponent list or the opponent list?"

Zickus: "I was in the committee yesterday, and I... no, I didn't read the list but I heard... ."

Davis, M.: "I understand that the opponent list is growing, and we've got the Illinois Federation of Teachers, the Illinois Library Association, Jewish Council, Illinois Planned Parenthood, NOW, National Order (sic-Organization) of

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Women, ACLU, Illinois Coalition Against Sexual Assault, High School District Association and ED-RED are opponents to this legislation. Let me ask you this. What does a filter company do to filter out, let's say nudity? What would they do to filter nudity?"

Zickus: "You're asking me a technical question, Representative. I can't answer that."

Davis, M.: "Well, I think that's severely important, because I think a few minutes ago you said they would filter out the nude colors or some color, flesh colors..."

Zickus: "Yeah. Let me find that paper."

Davis, M.: "Flesh tones."

Zickus: "I'm reading what they said, and it says, 'The artificial intelligence engine thoroughly inspects the page in real time', so it would be done quickly, 'It checks for multiple factors such as text graphics, skin tones. It can distinguish pornographic and hate-oriented sites from news or medical-education sites.' And I think that's important, because the issue was already raised about AIDS. And it says, 'It drills down into the web site to evaluate the content of previous and subsequent web pages.'"

Davis, M.: "And Representative, how would you define skin tone?"

Zickus: "I don't define it. I'm just reading from a page that was given to me about..."

Davis, M.: "So you really, then, you don't know what you're advocating. You really don't even know what you're advocating."

Zickus: "I'm advocating, Representative, is that the filter was exactly what this Bill calls for, and it says, 'Explicit sexual materials as defined in the Criminal Code', and it gives the Sections that they're defining. This is one..."

Davis, M.: "Are Sections..."

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Zickus: "Right. Representative, let me finish. When they work with the local school board to determine what kind of materials, they might want other materials waived, as well. That's a decision that'll be made in conjunction with their local school board. That has nothing to do with this Bill."

Davis, M.: "So you are advocating, however, that a local school board can decide with the filtering company, exactly what should be filtered in that school district. So all 962 districts in the State of Illinois can have different standards, is that correct?"

Zickus: "Probably, the same way they do with the books that they choose for their libraries. This Bill deals with explicit sexual materials as defined in the Criminal Code."

Davis, M.: "Sexually transmitted diseases, is that explicit sexual information?"

Zickus: "I doubt if sexually transmitted diseases are defined in the Criminal Code."

Davis, M.: "Oh, I think they are, when you talk about the transferring of AIDS in particular manners, that can be in the Criminal Code. But we'll move on from there. How many sites are developed daily on the web? How many sites do we have developed on a daily basis?"

Zickus: "There are probably hundreds or thousands developed daily. I have no idea. It's the World Wide Web, and we should ask Al Gore."

Davis, M.: "I'm sure Al Gore would know. Now, how about sites that are developed daily and there's no sexually explicit picture but there are words? How would you filter that out?"

Zickus: "According to the one company, it says, 'it has a two-phase approach for filtering out unwanted materials.'"

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When you request a page, that page is compared to a database of known pornographic, hate-oriented, graphically-violent, or other types of inappropriate web pages. And, Representative, I think that's important. Especially, with some of the things that are going on in our schools today, to make certain that we are filtering... if they want to filter out hate-oriented and graphically-violent materials from our children."

Davis, M.: "Well, to the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Davis, M.: "We have another opponent, and that's Heidi Biederman from Large Unit District. She is also opposed to this legislation. And I think what's important here even beyond local control, beyond local control, is the fact that the Internet, just like any public park can be a dangerous place, the Internet like any public park can be a dangerous place, and children should not be entered alone. Adults are supposed to have supervisory capacity in the school, in the home, and in the library. Now, a filter will make some people have a false sense of security, and maybe leave their children for hours, not in this public park, but on the public highway of information. It is critical that we do not present to the public that we have found a way to prevent children from sneaking and looking at dirty magazines. We should not pretend that we have found a way to keep children from looking at certain sites on the Internet. Our job as educators and adults, is to raise their level of what they want to see, and the teacher should be supervising whoever is on that Internet. Librarians want the opportunity to supervise themselves. They don't want to give parents a false sense of security. A false sense of security will lead people to believe they

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can leave the kid in the library on the Internet and go shopping. That cannot be. That cannot be. And even with your filter, every name that's used that presents nudity or explicit sexual information is not going to be known to your filter sellers. Those people selling those filters, they won't know if you pull up Monique Davis what it will show on some of those sites. There's no way for them to know that. House Bill 1812, filters provides a false sense of security. Libraries are partners with parents and schools to help children identify quality web sites, to learn how to use the Internet, and to become savvy and critical of the information they're finding. It is irresponsible for us to pretend to parents or any of the Internet users that we actually have the ability to stop what they find. I, Representative Zickus, have talked to experts. I have talked to university presidents from our state universities. I have talked to the FCC gentleman who came and brought information to us on our communications. And they've all said, 'We, at this time, have absolutely no sure method of preventing this information from being on the Internet.' And what we do have the ability to do, and that is supervise and protect our children when they are in, not just the park, but also on the Internet. I urge a 'no' vote."

Speaker Hartke: "Further discussion? And our final... second to the final last speaker. Representative Scott, from Winnebago."

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

Speaker Hartke: "Sponsor will yield."

Scott: "Representative Zickus, you've read in the Bill and I found it in there as well, that the references to the three Sections of the Criminal Code. Could you tell me right now

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a list of things that have been found to have been violative of those Sections in Illinois?"

Zickus: "I don't have that with me. No."

Scott: "Do you even know if a list like that exists?"

Zickus: "I have no idea."

Scott: "Isn't part of the problem that the determination of obscenity, child pornography, and harmful materials, is made by a jury at the end of a court process, and it's not something that's statutorily drawn? We don't have specifics in there. We have a very vague definition that Representative Slone read a little while ago."

Zickus: "I have the criminal offenses book in front of me. 'Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specifically designed for or directed to such an audience.' And there is more."

Scott: "Okay. What's that mean?"

Zickus: "Not being a lawyer, it's difficult for me to define that."

Scott: "Well, I am a lawyer and it's difficult to define. That's exactly the point. I am a lawyer and it's difficult to define it. And that's part of the problem here, because what you've got is, you've got a mechanism that's triggered... what school districts are supposed to do is block out materials as set forth in those statutes, but the reality is that nobody knows what that is. Everybody makes their own determination of that. Individual prosecutors make their own determination of that. And nobody knows for sure that that's something that's violative of those three

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laws until a jury says so. That creates for me a problem for school districts. You don't see it that way?"

Zickus: "No, because I think that when you choose a company that you're going to work with, if they're responsible they're going to have a legal staff, and they are going to interpret the law. And what we're trying to do is to prevent our children from stumbling across information such as the web sites that I gave to you. There's nothing wrong with that."

Scott: "Well, let me ask you this. How is contemporary community standards judged? It's part of the definition in all three of those statutes that you just gave us. How is that judged?"

Zickus: "You tell me."

Scott: "Well, you know if I'd presented this Bill, maybe I would tell you, but I'm asking you as the presenter of this Bill to tell us what a school district has to look at to decide what contemporary community standards are?"

Zickus: "I'm getting some legal advice."

Scott: "And excellent legal advice, too, coming from Representative O'Connor."

Zickus: "Mr. Speaker, the school board is going to make the determination together with this company. They're the ones who are elected by the people in our communities to represent the school."

Scott: "No, Representative, that's not what your Bill says. Your Bill says, that they are required to block out things that are covered by those three statutes that you listed. You said that they have to, they have to block out all material that's listed under obscenity, child pornography, or material that's harmful to minors. That's not their decision, in direct contradiction to what one of the

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earlier Representatives who spoke in support of this Bill says."

Zickus: "According to the information I was given is that if it is adult community standards it would be what the school board would decide."

Scott: "Well, then there's another problem, because the adult community standards aren't what applies to children. And let me ask you another question that's related to that. In the Section that talks about material that's harmful to children, Representative, in the Section that talks about material that's harmful to children, there's a Section there that says, 'the material is harmful when considering the average age of the children to whom it's intended to be displayed to.' How in the world does an Internet provider know what the average age of the children that it's intended to be provided to is, when they have no idea who's hitting it?"

Zickus: "The schools are in classrooms, usually it'll be in first grade, second grade, third grade. They will do those classroom computers, accordingly, to the age. You're certainly not going to do the same thing in a high school as you would in first or second grade."

Scott: "And again, you're going to be asking some software company, because maybe they do it in your school district, but in my school district there aren't the people, there certainly isn't the money to do... to have a person on staff who's going to be able to develop this, because it's going to be a very time-consuming practice to go through all of the different things and know what they want to filter out. And now they have to do it by age group? Now they have to do it by classroom group? I mean, I see that as a... I'm not disagreeing with the premise of what you're

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trying to do. I'm saying that the way you've written this, and by referencing those statutes in providing a totally unworkable definition for the school districts to work for, you've got a Bill that's gonna result... what it's going to do is it's going to result in people overreacting, and you're going to get things like in Utah where some of the materials that were banned were this, Representative: the Declaration of Independence, the United States Constitution, the Bible, the Book of Mormon, the Koran, the Adventures of Sherlock Holmes, all very randy material as we can probably agree to, George Washington's farewell address. Now, obviously, that's nothing that any of us would agree should be banned. In fact, there was a Bill over here that said we ought to post some of that stuff in all the schools. The problem is, you've written a definition that's going to force school districts to overreact for fear of violating this law that you can't explain to me what it means right now, and that most lawyers can't explain exactly what it means in individual cases. And by doing that, you're subjecting school districts to a lot of excess liability, to a tremendous amount of litigation and court problems. And what you're ending up doing is providing something that's going to do exactly what some of the earlier speakers said, by overreacting you're going to have a situation where you are excluding all kinds of very good, relevant, educational material that we want our children to see."

Speaker Hartke: "Is that a question, Representative Scott?"

Scott: "I'm finished. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Will the Sponsor yield for a

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question?"

Speaker Hartke: "The Sponsor will yield. The Sponsor will yield."

Ryder: "Thank you, Representative. Throughout this debate you've been making some references that the school board has the ability to make decisions about what will be filtered, under this piece of legislation. Is that a fair statement of what you've been saying, Representative?"

Zickus: "I said that the school board in conjunction with the company, yes, would have some input on what is going to be filtered according to what is required in the law."

Ryder: "Okay."

Zickus: "If they want to filter additional sites they would be able to do that, it's at their discretion."

Ryder: "Representative, the language of your Bill has specific references to some sexually explicit material or sexually explicit items, is that correct?"

Zickus: "Yes."

Ryder: "All right. Could you point to me because I can't find in this legislation anything that authorizes the local school board to block anything other than those sexually explicit items?"

Zickus: "This Bill is dealing with blocking sexually explicit items, only."

Ryder: "So, Representative, where does the school board get the authority to block other items?"

Zickus: "If they... that's not required in this Bill. If they chose to block other items, they probably could do it. But that's not what's a requirement of the Bill."

Ryder: "But, Representative, you indicated earlier in your speech, and that's what concerns me. So, you need to help me out here."

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Zickus: "I said, there are other sites that, just as in the library when they decide what books they're going to have, there's information that they might want to include. But that's up to your local school board. We're only talking about explicit sexual materials. Other things were brought up about medical reasons, about blocking AIDS, about blocking certain books, that's not what this law is about."

Ryder: "To the Bill, Mr. Speaker."

Speaker Hartke: "To the Bill."

Ryder: "I had intended to vote in favor of this Bill. However, the explanation on the floor has now caused me to question what it is that this Bill would be able to do. But, let me be very clear, that I do not support nor do I wish to have available in a school, sexually explicit sites, pornography. I don't want it there. I don't support it. I don't wish it to happen. But I'm now thoroughly confused by the explanation of the Sponsor on this Bill as to what the local school district can do. Not a single school district; not a single school board member has asked me for the ability to do this. Quite frankly, I don't know why they couldn't do it if they wanted to, right now. I don't know that they have any ability to do it. My concern is, that under this piece of legislation, if they attempt to do this and the filter is inadequate or a pornographic site is able to get through the filter, is the school district then at fault? Is the school district then responsible? Is good faith enough? Is it enough to refresh this filter once a year, once a month, once a week? What does it take to accomplish this? The problem that I see is that the Sponsor has indicated that the school board has lots of other authorities to block lots of other sites to make determinations as to what they can and cannot have, and

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when we get into censorship, which is what the Sponsor is then discussing, I have some very grave concerns about that. I started out wanting to be supportive of this effort. I am now to the extent, given the conversation, that I'm not sure what the correct vote would be, Mr. Speaker."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Cowlshaw. Please."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I realize that this is a..."

Speaker Hartke: "Please."

Cowlshaw: "...multifaceted and very complicated issue. Because it does involve every single one of the items that have been called up here in discussion by all of you who have spoken previously, and I understand each of your reasons for asking the questions that you did or taking the position you have taken. However, Mr. Speaker, if I may have the privilege of speaking only in behalf of my seven grandchildren, I would like to say that if we are to err in one way or the other from what might be an ideal balance in the provisions of this type of Bill, I would much prefer that we would err toward the side of preventing my seven grandchildren from having to encounter things that are totally unsuitable for them, than to err in the other direction that would be far more permissive, and would cause them to have to deal with things with which they are clearly not mature enough to deal reasonably. But finally, Mr. Speaker, I think in my own thoughts about this Bill, I have always, somehow, managed to think of it as the overture Bill. I'm sure there is no one in this chamber, let alone just the Members, probably every single person in that gallery is familiar with the 1812 Overture. Among all

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the examples of classical music, the 1812 Overture is probably one of the most popular of all classical favorites. I would suggest to you that the idea contained in this Bill to protect our children from pornography is, in fact, in its own way a classic, because it is a support of traditional values. The kinds of values that our families before us and families, hopefully for generations to come, will uphold. Representative Zickus, I commend you. Whatever minor flaws there may be in the details of this Bill, I commend you for standing strongly in favor of traditional values and protection of young children. And I would suggest that because you have done so courageously, I would suggest that perhaps just as the 1812 Overture concludes with the ringing of church bells and the firing of cannons, that you deserve a round of very strong applause complete with church bells and cannons for standing in behalf of our children. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Biggins."

Biggins: "Yeah, thank you, Mr. Speaker. And to the Bill. Ladies and Gentlemen, I support House Bill 1812, a couple different reasons. Right now, if you go into a school or you go into a library and ask to see Playboy or Penthouse magazine you have to produce... you get sent to a reference desk, and the reference desk requires you to produce an identification card, identifying you being at least of age 18. By not filtering the computers in our school libraries, we're giving... encouraging children to access pornography, but we won't let them do at their public library, but we'll let them do it at their school libraries. I also, want to protect the schools in all this, and by having a filter on your computer, you are protected.

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Some say you are protected legally from being sued, because you made an effort to prohibit pornography to be seen by the students at that school. In other words, someone finding out that their student viewed pornographic sites at their school library, could cause legal action against the school for permitting or creating a situation where this can occur. So, passing this Bill will prevent and protect somewhat the schools through no wishes of their own, allowing a student to access pornography in their school libraries. There also is a court and the police action taken recently in downstate Illinois where a young girl was threatened with death unless she was going to send naked pictures of herself through her school computer. She received this threat via e-mail on her school computer. I'll be able to document this for you, 'cause I just got off the phone with the policemen handling the case. Three days before she was supposed to send those photographs, she received in the mail an envelope containing two shotgun shells, and she was threatened that if she didn't get those pictures in three days, the man was going to come and kill her at her school. All this happened in the confines of a school computer without a filter. That's why I'm going to vote for this Bill."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Scully."

Scully: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of this Bill. And most importantly, I want to point to the specific operative language of this Bill. The language that specifically contains the requirement that would be imposed by this new law. It says, that a computer which is... that the school... 'the board shall require a school to provide a

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public... that provides public access computer, to equip that computer with software which seeks to prevent minors from gaining access to explicit sexual material.' This law says you have to try, it doesn't say you have to succeed. But it says that you have to try to block this sexually explicit material. It says that you cannot sit back and do nothing, that taking no action because the filters are imperfect, is not one of the options. It says that we have to try, and it turns over that decision on the best way to accomplish this goal, to local control. I want to thank the Sponsor for her leadership in this Bill. And I ask for your support on this Bill which sends the message, the public policy statement to our schools, that we must try to block this obscenity from our school children. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one's seeking recognition, Representative Zickus, to close."

Zickus: "Thank you, Mr. Speaker and Members of the House. I just wanted to try to clear up a little confusion. The questions kept coming up about this Bill requiring things to be filtered that were not contained in the Bill. And maybe, that's the cause of some of the confusion. I've merely stated that the school boards that we elect can sit down with the company, the filter company, to determine what's best for their school. The only thing that's required in this Bill is to filter explicit sexual materials as according to the Criminal Code. To answer one of the other questions, schools are protected from civil liability under Federal Law, the protection for private blocking and screening of offensive material, if they make a good faith effort to restrict access to obscene, lewd, filthy, excessively violent, harassing, or otherwise objectionable material. When one of the Representatives

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read a list of opponents, it included librarians. This does not apply to the public libraries. This only applies to computers in the classroom that are accessible by the students. Now, it doesn't even apply to the computers that are just accessible to the adults. So, the librarians should be on board, as so should the teachers, and the school districts if they want to protect our children. For purpose of legislative intent, I would like to say that numerous public schools have access to the Internet, or an online computer service, and eventually, all public schools will have such access. Students who use the school's Internet or online computer service would thereby have access to pornographic material that is obscene, child pornography, or harmful to minors. I believe that the State of Illinois recognizes the goal of providing free access to educationally suitable information sources on the Internet, and the compelling need to balance this goal with the duty to protect students from contact with the sexual predators, and access to material that is obscene, child pornography, or otherwise harmful to minor students, and that the State of Illinois is responsible, along with the local school boards, for the governance and policy of the public schools, as well as the education and well-being of the students within those schools. Thus, the state has a compelling interest in duty, under both Federal and State Law, to protect school students from such exposure. The state and the local school boards have broad discretion and management of school affairs, including the significant discretion to determine the content in their schools and exclude material that is educationally unsuitable, and to exclude such material without violating constitutional rights, as noted under the U. S. Supreme Court's 1982

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decision of the Board of Education v. Peko through the use of filtering software on all interactive school computers that will block access to such material. In furtherance of the state's compelling interest, there can be no question that the action to restrict access to, or availability of such objectionable material, has been taken in good faith, as noted under Federal Law 47USC, Section 230. So I thank you, Ladies and Gentlemen, for your attention and your input on this Bill, and ask for you to vote for the children of the State of Illinois, and to keep our classrooms safe from the pornographic material. Thank you, and would appreciate a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 1812?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. There has been a request for a verification. 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? There are three people still not voting. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 52 Members voting 'yes', 51 Members voting 'no', 13 Members voting 'present'. And the House fails to adopt Conference Committee Report #1 to House Bill 1812. Mr. Clerk, what is the status of House Bill 4697? Mr. Clerk."

Clerk Bolin: "House Bill 4697 is on the Order of House Bills-Third Reading."

Speaker Hartke: "Place that Bill on the Order of Second Reading for the purposes of an Amendment at the request of the Sponsor. On page 11, on the Calendar, appears Senate Joint Resolution #43, Representative Delgado. Please explain

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your Resolution."

Delgado: "Thank you, Mr. Speaker, and Members of the House. Senate (sic Joint) Resolution #43 urges the Cook County Board to exercise its authority under the Long-time Owner-Occupant Property Tax Relief and grant an exemption and all deferral to reduce a property tax burden for longtime homeowners in areas affected by dramatic increases in assessment due to development. At this point, I would just ask for an 'aye' vote."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Fritchey."

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

Speaker Hartke: "The Sponsor will yield."

Fritchey: "I just rise in support of the Resolution. Like these Sponsor's district, my district has been greatly affected by this. We have a number of seniors who own their homes. They have no mortgages on their homes yet they're being forced out from increased property taxes. We need to take measures that we can to protect these people from being displaced and I hope that this measure will help do that. Thank you."

Speaker Hartke: "The Chair recognizes the Lady from Cook, Representative Feigenholtz."

Feigenholtz: "Thank you, Mr. Speaker. I rise on a point, I'd like to Motion to waive the posting..."

Speaker Hartke: "We'll get back to that, we're working on another Resolution."

Feigenholtz: "No."

Speaker Hartke: "This deals with the Resolution?"

Feigenholtz: "I am not speaking to the Resolution."

Speaker Hartke: "I'll get back with you. Representative Delgado to close."

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Delgado: "At this time, Mr. Speaker, I would just ask for an 'aye' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Senate Joint Resolution 43?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Joint Resolution is adopted. Now, Representative Feigenholtz, for what reason do you seek recognition?"

Feigenholtz: "I'd like to waive the posting requirements for House Resolution 765, that I'm working on with Representative Renee Kosel."

Speaker Hartke: "Representative Cross, do you have a comment?"

Cross: "Could you at least give us an opportunity to see what this is before we agree to it, Mr. Speaker? Give us a couple of minutes."

Speaker Hartke: "Representative Feigenholtz, take this issue off the board. Would you please converse with Mr. Cross? On page 11 of the Calendar, appears Senate Joint Resolution 66, Representative Woolard. Senate Joint Resolution 66."

Woolard: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. This is dealing with the waivers for schools. I think that everyone recognizes that there were several waivers received. There's only a few that we have put forward as necessary to waive. In all honesty, I don't have any papers in front of me and I'm going to ask Mark to give me a file, if he would."

Speaker Hartke: "While you're looking at that file, Representative Cross, do you have some questions on this Senate Joint Resolution?"

Cross: "Yeah. I'm sorry, Mr. Speaker, it's just a little noisy in here and I want to make sure we know what's in this Resolution because it's going to affect some people on both

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sides of the aisle. And maybe, Larry, if you want, is someone going to explain this?"

Speaker Hartke: "Ladies and Gentlemen, Ladies and Gentlemen, this is a very important Resolution. Would you please tone down the rhetoric, just a little bit, please?"

Woolard: "Okay. We'll be denying, under this Resolution, seven waiver mandate or mandate waivers. Round Lake Area School District 116, the district is seeking authorization to increase its debt limit from 13.8% to 17.5%, and the State Board of Education urges that we allow this to take place. Granite City Community Unit #9, Madison County, the district is seeking authorization to count an individual student for a full day of attendance on the basis of 1/6 of a day in the class period of 50 minutes, and SBE argues that the granting of this request would create the potential for other districts to receive state aid on other than a full half-day requirement as is now, and we're denying this. Granite City Community Unit District #9, Madison County, again the district is seeking authorization to count for the purpose of state aid, an individual student who is not permitting to attend school because of failure to obtain a physical examination or because a student is infested with head lice, and the State Board says that we should not consider this as well. Granite City Community Unit #9, Madison County, the district is seeking authorization to adopt a school calendar that is shorter than the required 185 days. And the State Board of Education argues the district has failed to explain how student performance will be improved by having students in the classroom fewer than 185 days. We would deny. The district was requesting authorization to not prepare and publish the statement of affairs report in the newspaper

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which will result in a cost savings of \$2,100. This is for Huntley Consolidated School District 158 in McHenry County, and the SBE argues the district has offered no rationale to substantiate this request. Northridge School District #80, in Cook County, the district is requesting authorization to waive the referendum and proceed with the process required before authorizing a rate to be levied for annual health insurance premiums for school employees. The State Board of Education argues that although a public hearing will be held it is unlikely to attract the number of residents who would vote during a regular election. And also, there are no assurances that the Board would not enact the levy should there be a public outcry at the hearing. Regional Office of Education for Carroll, Jo Daviess, and Stephenson Counties, the regional office is seeking authorization to count as full days of attendance for those purposes of state aid, any sessions of less than... not less than three and a half clock hours for students who attend alternative schools. The State Board argues they are seeking legislative solution to this issue which currently awaits a concurrence vote in the House, therefore they are opposed to granting them this waiver. I would like to recommend that we accept Senate Joint Resolution 66 as was brought to us from the Senate."

Speaker Hartke: "Representative Cross."

Cross: "Just so everybody is clear, Mr. Speaker, either from your standpoint or from Larry's, my understanding is that if you vote 'yes', you are denying the waiver requests, and you would be supporting the State Board of Education, is that correct?"

Speaker Hartke: "That would be correct."

Woolard: "Yes. Yes."

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Cross: "A 'yes' vote denies the waiver request?"

Woolard: "That is correct."

Cross: "Okay. Thank you, Mr. Speaker, just so we're clear."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Tom Johnson."

Johnson, Tom: "Yes, Mr. Speaker and Members of the House. This is an annual occurrence, and I'll make my annual address and I'll try to keep it short. You know, many of us came down here seven, eight years ago now, it seems like an eternity. But, one of the things that we came down here to do, was basically to give flexibility to our local school districts and trust our local school boards to make rational and good choices. And one of the cornerstones of that legislation was to permit our school boards to seek waivers of mandates. Subsequently, we have taken this step every year to turn around and deny the actions of our local school boards because we, obviously, don't trust them. And so we begin to reimpose selective mandates, some mandate waivers are granted, some are not. Now, it seems to me, especially in light of the arguments that I've just heard for the last half hour, many of which you Members made demanding the fact our local school boards ought to be given local control. And this was over the filtering Bill. That we ought to trust our local school boards to do that which is right. And by putting filters on we're sending a mandate, godforbid a mandate, to our local school boards dealing with pornography access to our children. Now, we're gonna flip and we're going to use the other argument that we don't trust our local school boards, they're not capable of making these decisions. And so, therefore, let's deny their ability to operate in the best interests of our local school districts. I just think that these two

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Bills, coming on the heels of each other, point out the hypocrisy in this Body, that just permeates it time and time again as we speak out of both sides of our mouths. And I would just urge all of you to think about that, and I would urge you to give a 'no' vote. Trust our local school boards. Give them the flexibility that they need, and let them have these mandate requests, so that they can get on with the education of our children. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Representative Woolard, are we also denying the waiver request by Thornton School District?"

Woolard: "The answer is, 'no'."

Davis, M.: "We're allowing a school district to decide that a certain group of children will not have any physical education during the year. They're saving up all their physical education until the summer. During the summer months, this school district has chosen to give its children physical education. Represen..."

Woolard: "Representative, I think that we all understand the process. I tend to agree with what Representative Tom Johnson said earlier. This is kind of a foolish set of rules that we've established for ourselves. But it is the rules and it is the way that we proceed. Any Member of either Body has the right to put in a Resolution, dealing with any specific area of concern that they have, in denying or rejecting by Resolution, and presenting that to this Body. So, you had the opportunity, as well as everyone else, to make that request if we chose to do so."

Davis, M.: "We discussed it in committee. You heard my concerns expressed in that committee, and because you are the

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Chairman of Elementary Secondary Education, I was giving you the respect that a chairman should have and expecting you to put that in your Resolution, because you knew that some of us in that committee were very much opposed to any school district saving up all the physical education until the summertime. What sense does it make? But, since you didn't do it, Representative, as the Chairman of the Committee, I will try and get it done. Thank you."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Hartke: "The Gentleman will yield."

Lang: "Representative, just out of curiosity, were there any waiver requests, either denied or not denied, any waiver requests at all on the issue of corporal punishment?"

Woolard: "No."

Lang: "Thank you. That's really all I was concerned about. But, I do have a comment to make, Mr. Speaker."

Speaker Hartke: "To the Resolution."

Lang: "The comments of Representative Johnson are basically, correct. We should not be sitting as a super school board here in Springfield. But I would take it a step farther. I would think that it's about time that the General Assembly took all the mandates from the School Code and addressed them. Instead of dealing with these things piecemeal as we do year by year by year, why don't we decide once and for all that we're going to bite the bullet and decide which mandates we want to keep and which mandates we don't want to keep? That's what a responsible Legislature would do. We have chosen not to be responsible on this issue, someday perhaps we will. For the time being, I'm prepared to vote for this Resolution, but I do

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believe that at some point we really should sit down and address these hundreds of mandates that are unfunded and weighing down our school districts, some of which if we revisited we would reinstitute. But some of which we would take off the books and take these burdens away from our local school districts. So, I'll support the Gentleman's Motion, but I think we need to do much more to help the school districts of Illinois."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from Cook, Representative Mulligan."

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

Speaker Hartke: "Sponsor will yield."

Mulligan: "Representative, unfortunately, in scrolling through this I see only a few that are being rejected. And since I have one that I'm very interested in, does it mean that if it is not on this list that it was approved?"

Woolard: "We won't be denying it, so..."

Mulligan: "So, these School District 64..."

Woolard: "...I guess you could assume that it will be approved."

Mulligan: "...School District 64 would have had their waiver approved? I have had them calling me all the time, so I need to know."

Speaker Hartke: "Would you repeat the question? Ladies and Gentlemen, please."

Mulligan: "So, School District 64, who came before our committee, their waiver was approved, does this mean?"

Woolard: "I think I understood the question, but I am not exactly sure. I think you said that if they came before the committee and they're not on this waiver denial request. This is something that the Senate sent to us. We have not changed it. It is exactly as they presented it to us. And I am presenting what the Senate sent. Senate Joint

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Resolution 66 has been approved 58-0 in the Senate. And these are the only areas that they sent to us. Does not mean that we could not do something different. But this is their Senate Joint Resolution, that was sent to us with these denial requests on it."

Mulligan: "All right. Just one last comment. I do agree with some of the previous speakers. I mean, doing this first of all, is confusing, it's like a double negative. And secondly, the fact that we go through each one of these the way we did in committee, and how we have to do them now on the floor is really a bad way of doing it."

Speaker Hartke: "Further discussion? The Chair recognizes the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentleman of the House. I would like to respond to the Speaker just before the most recent. Having to do with these mandates and how we do not seem to have a way or method by which to review them, and perhaps to abolish those we are really no longer... would no longer find necessary. I would like to join with you, Representative Lang, at anytime that you are willing to do that, to Sponsor a piece of legislation to require that the School Codes sunset at some specific time in the future. Now, there would be certain portions that could not sunset at all that have to do with bond, the issuance of bonds for school construction and things like that. But there are a major portion of the contents of the School Code that could indeed be sunset as long as you provide a year-and-a-half, two years or so into the future, during which that the review of all of that would take place, during which we would ask everyone to come to the table and justify why what's in there has to remain. I think that would be very

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much worth the time of the Members of this chamber to review some of those things, because I am told that in some cases the way that School Code reads, right now, there are actually sections that are in direct opposition, one to the other. One of them says you must do something and another section says you must not do the very same thing. For the sake of clarity, if nothing else, I believe we ought to set aside a time to review the School Code and then readopt those portions that we believe are still justified. And I would like to join you in suggesting that, because I have been suggesting it now every year for 11 years and nobody has paid the slightest bit of attention. So, thank you, very much it's nice to know that you were listening even if no one else was. And, finally, in regard to this particular Joint Resolution, first of all, because of the fact that I have worked with the principal Sponsor of this Resolution during almost the entire period of time that he and I have served here and for both of us issues having to do with education have always been a primary focus. And I want to say, if I may please, Mr. Speaker, I know of no Member of this chamber in all the years that I have served here, who has done a better job, who has cared more about the things that really matter to the folks back home, who is any more honorable and trustworthy, and just plain a wonderful human being than Larry Woolard. And I know that come this time next year he'll be one of those folks over there in the House of Lords, instead of one of us Commoners over here. But, I don't think that's going to change him. I'm sure he'll still be the same kind of Legislator and human being and public servant that he is now. I am going to vote for this Resolution, partly because it makes a whole lot of sense, but also because it's sponsored by the

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Chairman of the House Elementary and Secondary Education Committee. Whoever succeeds you here, Sir, in that seat and in your role in education is going to have very large shoes to fill. Thank you for all you've done for us, Larry."

Speaker Hartke: "Seeing that no one else is seeking recognition, Senator Woolard, to close."

Woolard: "Mary Lou, I think that was the wisest of any \$20 I spent last night buying your dinner. I would just encourage everyone to give careful consideration. Do what's right for your district, the kids in your area. And certainly hope that the majority of us join in voting for Senate Joint Resolution 66. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Senate Joint Resolution 66?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 84 Members voting 'yes', 29 Members voting 'no', and 3 Members voting 'present'. And the House does adopt Senate Joint Resolution 66. House Resolutions on the Calendar, appears House Resolution 699. Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is a Resolution that is being presented by Representative Terry Parke and myself in relation to setting up a subcommittee looking on the unemployment insurance system. This is an attempt to before next year's Session is upon us when... I'm sorry. Mr. Speaker, there's an Amendment that we have offered that we need to adopt. It's on the floor, the Rules Committee has sent it directly to the floor."

Speaker Hartke: "Mr. Clerk."

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Clerk Bolin: "Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you very much. Do I need to ask that we adopt the Amendment first?"

Speaker Hartke: "Would you like to explain it?"

Hamos: "I'm sorry? Oh, explain it. Okay. Thank you. This is an Amendment that we worked at... that Representative Parke and I worked out along with the other Members of the House Labor and Commerce Committee just a few days ago. And this is our attempt to take a look in advance of next year's... very... what's expected to be a busy schedule, to spend the summer and fall taking a look at some of the new issues that are emerging, potentially, for the unemployment insurance system, taking a look at some of the new workers who are entering the workforce and may qualify for unemployment insurance, taking a look at what some of the business representatives brought to us which have to do with the size and health of the unemployment insurance program. And this would set up a subcommittee of the House Labor and Commerce Committee to look at unemployment insurance issues and I ask for its adoption."

Speaker Hartke: "Is there any discussion on the Amendment? The Chair recognizes the Gentleman from Cook, Representative Parke."

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

Speaker Hartke: "Sponsor will yield."

Parke: "Representative Hamos, is this the Amendment include the provisions of my Resolution that I had talked to you about?"

Hamos: "Yes, it is."

Parke: "Okay. In addition, I understand that this is to have

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both staffs work together on this to make sure that we try and keep partisan politics out but to actually discuss the issues that relate to unemployment insurance?"

Hamos: "That is correct."

Parke: "And is it also, that we're gonna try to have it around the state and keep the politics out of it so that it doesn't focus in a particularly politically sensitive legislative district, isn't that your understanding, also?"

Hamos: "Yes, I think that everybody on the House Labor and Commerce Committee is very interested in being... in taking a sincere look at what some of the new issues are that are emerging in the unemployment insurance program."

Parke: "And I hope that the Chairman of the Labor and Commerce Committee makes sure that you're appointed to the subcommittee, because you brought this to us and I would encourage the subcommittee to include you, even though you're not a Member of our Committee and it is our hope, with the Chairman's blessing, that this be a Committee of the Whole, so that any Member of the Labor and Commerce Committee or for that matter, any Member of the General Assembly who would like to sit in would be welcome to learn about this issue and to discuss all aspects of uninsurance (sic-unemployment insurance). So, to the Bill, Mr. Speaker, I rise..."

Speaker Hartke: "To the Amendment."

Parke: "I rise in support of this. This is a prime example of an issue that has lots of ramifications. It's a politically involved issue, but with the Sponsor's willingness to work with us to try and find common ground that we can debate issues in a manner that I think will be good for public policy, ultimately. So, I rise in support of Representative Hamos's Resolution."

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Speaker Hartke: "Representative Stroger, to the Amendment."

Stroger: "Thank you, Mr. Speaker. As the Chairman of the Labor and Commerce Committee, I'd like to say I'm glad that Representative Hamos brought this Amendment and that everyone on the Committee will be part of the subcommittee. And, of course, we will ask Representative Hamos to be part, also, and to thank Representative Parke for working with her on this. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt Floor Amendment #1 to House Resolution 699?' All those in favor signify by saying 'yes'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Present your Amendment or the Resolution."

Hamos: "Thank you, Mr. Speaker and Ladies and Gentlemen. I think that we've described for you what we're trying to do here. I think it's important to note that we do have good bipartisan cooperation, that we are intending to proceed in a nonpolitical but more of a policy oriented manner and we're looking forward to bringing back to the House, by the end of the year, some of our findings and conclusions. Thank you."

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 699?' All those in favor will signify by voting '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. On this question, there are 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt House Resolution 699. On page 9, on the Calendar, appears House Resolution 513, Representative Saviano."

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Saviano: "Thank you, Mr. Speaker, Members of the House. House Resolution 513 was brought to my attention by a constituent who is caring for a disabled brother who uses the Pace Dial-A-Ride to bring her brother to his vocational training class on a daily basis. Federal mandate on Pace officials requires that they only allow 45% of all ridership to be subscription. So my constituent has to call the Pace number every morning at 5:30 a. m. of the preceding day to make sure her brother gets a ride on that bus. There is a three or four year waiting list to get people in a subscription rider service. This Resolution simply urges Congress to take a look at the current guidelines which is attached to their funding for our mass transit here and up that percentage to allow more subscription riders to catch up on the backlog of people waiting for a subscription service. And I would ask for your favorable vote, thank you."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 513?' All those in favor will signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House Resolution 513 is adopted. The Chair recognizes the Gentleman from St. Clair, Representative Holbrook. For what reason do you seek recognition?"

Holbrook: "Thank you, Speaker, on a personal privilege here."

Speaker Hartke: "State your point."

Holbrook: "We have the Holy Family School sitting right up here in the gallery with us today from Granite City, Illinois. I'd like to have the House greet them and give them a round of applause."

Speaker Hartke: "Welcome to Springfield. On page 2, on the

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Calendar, appears Senate Bill 1440. Mr. Granberg. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1440, a Bill for an Act to create the Local Government Taxpayers' Bill of Rights Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1440 reflects an agreement between the Illinois Municipal League and the State Chamber of Commerce. This agreement allows units of local government to determine how to administer their taxes at the local level, but also requires those local units to fully advise the taxpayers of their rights in this process. Taxpayers doing business in one or more locations throughout the State of Illinois are thereby assured of fairness and consistent treatment. It provides uniformity in regards to the Taxpayers' Bill of Rights. This agreement also provides for notifying taxpayers in writing of their rights to appeal a tax assessment. This agreement puts in place a fair and consistent penalty and interest structure. This agreement provides taxpayers with a specific procedure for claiming a credit or refund in taxes paid in error. It provides various penalties and interest. This agreement also specifies statute of limitations for assessing taxes and for allowing the filing of claims for their refunds. I would be more than happy to answer any questions."

Speaker Hartke: "Is there any discussion? The Chair recognizes the Gentleman from McHenry, Mr. Skinner."

Skinner: "Does this Bill also give equal assessment appeal rights to all taxpayers?"

Speaker Hartke: "Yes, the Sponsor will yield."

Granberg: "Mr. Skinner, I believe the question was, does it

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assure equal treatment for all taxpayers?"

Skinner: "No, does it give equal assessment, real estate assessment appeal rights to all taxpayers?"

Granberg: "No, it does not."

Skinner: "Why not? That would seem to be a basic Bill of Rights."

Granberg: "You would have to take that up with your local units of government and the Illinois Municipal League."

Skinner: "Actually, we did take it up in this House. Was it Senate Bill 747 or House Bill 747?"

Granberg: "This does not deal with the assessment issue or the property tax issue, that is a local unit of government. This deals with the procedure. This allows locals to do what they want. This does not apply to property taxes."

Skinner: "This has nothing to do with property taxes? Oh, all right, it's less interesting than I thought then. Thank you."

Granberg: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House pass Senate Bill 1440?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On Senate Bill 1440, there were 117 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. On page 10, on the Calendar, appears House Resolution 687, Representative Reitz. Representative Reitz on House Resolution 687. Mr. Reitz."

Reitz: "Thank you, Mr. Speaker. House Resolution 687 just urges the EPA, there have been a number of studies on coal fly

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ash and some of them and presently working on having a ruling that it may be determined to be hazardous waste that would be very detrimental to all utility customers and especially to the Illinois coal economy and this just basically urges them to take a look at that and not to ratify that."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 687?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. On page 11 of the Calendar appears Senate Joint Resolution 25. Representative Reitz."

Reitz: "Thank you, Mr. Speaker. Senate Joint Resolution 25 extends the Global Climate Change Task Force headed by the Department of Natural Resources. This task force has been in existence for, I believe the past 6 years, and will extend that they will have a report at the end of the year to the Governor's Office."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Senate Joint Resolution 25?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 116 Members voting 'yes', 1 person voting 'no', and 1 person voting 'present'. And Senate Joint Resolution 25 is adopted. On page 9, on the Calendar, appears House Resolution 460, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 460 relates to an agreement with

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the Governor and a constituent of mine to when two overpasses built in my legislative district will be named in the name of Meghan Krueger who was... had just been appointed as a freshman in high school to the varsity, to the swim team and was very excited about it and unfortunately, she ran in the street and was killed by a car. And in her memory, we would like to name these overpasses in her name, the Meghan Krueger Overpasses."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 460?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On House Resolution 460, there are 118 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Clerk, what is the status of Senate Bill 1577?"

Clerk Bolin: "Senate Bill 1577, the Bill has been read a second time, previously. Amendment #1 was adopted in Committee. Floor Amendment #2, offered by Representative McCarthy, has been approved for consideration."

Speaker Hartke: "Representative McCarthy."

McCarthy: "Thank you, Mr. Speaker. Amendment #2 addresses some of the concerns that came up the other day, which is why we brought it back to Second Reading. It, basically, just adds three new towns to the list of towns that would be represented on the relocation (sic-redevelopment) authority. And the three towns are Lansing, Glenwood, and Chicago Heights. And I would appreciate the 'aye' vote on the Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is

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seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1577?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments. However, notes have been requested on the Bill as amended and have not been filed."

Speaker Hartke: "Third Reading. Oh, hold that Bill on Second if there's notes pending. Leader Brunsvold in the Chair."

Speaker Brunsvold: "Mr. Clerk, what's the status of Senate Bill 1680?"

Clerk Bolin: "Senate Bill 1680, the Bill's been read a second time, previously. No Committee Amendments. Floor Amendment #4, offered by Representative Hartke, has been approved for consideration."

Speaker Brunsvold: "Mr. Hartke."

Hartke: "Thank you very much, Members of the House. Senate Bill 1680 is the annual quick-take piece of legislation that we do every year during the Session. Many communities need the use for quick-take in their communities to build infrastructure and roads and so forth. I have a list, and if you check your laptops, I know it's there, if you have questions about the legislation. I'll briefly go through some of them: the Village of Dolton, the City of Benton, Bi-State Development Agency, the County of Winnebago, the Village of Robbins, the Village of South Holland, the City of Rockford, the City of Effingham, the Village of Elmwood Park, the City of Champaign and Champaign County, the Village of Lyons, the City of Aurora, Adams County, Village of Franklin Park, the Village of Winchester (sic-Westchester), the City of Mount Vernon, the City of Hickory Hills, the City of Palos Hills, Mt. Prospect, the

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City of Northlake, the Fox Metro Water Reclamation District, Melrose Park, Stone Park, Village of Barrington, Elmwood Park, Franklin Park, Forest Park, St. Charles, Loves Park, and Lake County. All of these communities have need for a piece of quick-take legislation. We have gone to the pains of making sure that it is absolutely correct, and I feel it is. We have been in contact with all the mayors, or managers, or county boards of these communities to verify their requests, to make sure that the description of the property and area in the projects are correct. If you have some questions, I'd be more than happy to answer 'em for you."

Speaker Brunsvold: "The Gentleman's asked for the adoption of the Amendment. Is there any discussion? Seeing none, the question is, 'Shall Floor Amendment #4 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Brunsvold: "Third Reading. Representative Flowers. Representative Flowers for a Motion."

Flowers: "Thank you, Mr. Speaker. Mr. Speaker, I move to suspend the posting requirement so that I can have Senate Bill 1609 heard in the committee."

Speaker Brunsvold: "Have you cleared that with the other side of the aisle?"

Flowers: "I've spoke with Representative Black, yes."

Speaker Brunsvold: "The Gentleman from Logan, Mr. Turner."

Turner, J.: "Yes, Mr. Speaker. I just wanted to indicate that we are in opposition to the Lady's Motion."

Speaker Brunsvold: "Mr. Parke."

Parke: "Could you tell us who you had an agreement with, Representative Flowers?"

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Speaker Brunsvold: "She indicated she had spoken with Mr. Black."

Parke: "Well, unfortunately Mr. Black is not on the floor at this moment. I think he's maybe in the washroom and at this point in time I'd ask the Lady to remove her Motion until we can get some understanding on it. Otherwise, we'll have to object."

Speaker Brunsvold: "Representative Flowers."

Flowers: "Mr. Speaker, I will agree to the Minority's wishes."

Speaker Brunsvold: "The Lady has graciously taken the Motion off the table here. Thank you, Representative Flowers. The Motion out of the record. Representative Feigenholtz, for what reason do you rise?"

Feigenholtz: "Thank you very much, Mr. Speaker. I rise on a Motion to waive the... suspend the posting notice for House Resolution 765."

Speaker Brunsvold: "House Resolution 765. For discussion on that Motion, Mr. Parke."

Parke: "My understanding is the Minority Spokesman says that this is okay to do, Renee."

Speaker Brunsvold: "The Lady has moved to suspend the posting requirement for 765. Is there leave? Leave has been granted and the posting requirements for House Resolution 765 have been suspended. The Lady from Peoria, Representative Slone, for what reason do you rise?"

Slone: "Thank you, Mr. Speaker, for the purpose of an announcement."

Speaker Brunsvold: "State your announcement."

Slone: "Ladies and Gentlemen of the House, I just recently found out that it is possible to take a walking tour of the dome. If anybody would like to join me they could take up to 10 people, before we adjourn for the end of spring Session. Please stop by and let me know."

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Speaker Brunsvold: "Thank you, Representative. Mr. Clerk, House Resolution 584. The Gentleman from Saline County, Mr. Fowler."

Fowler: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. About two years ago the part of the county I represent was designated by the Federal Government as an Empowerment Zone and part of that designation stated that that area would be given consideration for any government works or contracts that might be issued. That designation was a result of the high unemployment and poverty in that area. What this Resolution does it simply ask that this plan be adopted also by DCCA. It doesn't say that they 'shall' be given... it'd just be, consideration is all that they would be given on this. There's about 3 or 4 other states that currently have this same type of agreement. So I'm just asking that this Resolution be adopted to benefit that area down in the 118th. Thank you."

Speaker Brunsvold: "The Gentleman has asked for the adoption. Is there any discussion? The question is, 'Shall House Resolution 584 be adopted?' 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', 0 voting 'present'. And House Resolution 584 is adopted. Announcements, Mr. Clerk."

Clerk Bolin: "Attention Members, the Rules Committee will meet at 3:45 in the Speakers' Conference Room."

Speaker Brunsvold: "Mr. Clerk, House Resolution 643. The Gentleman from Williamson, Mr. Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Resolution will hopefully put the farmer back

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in a position to where that he can prepare himself to meet the needs of the changing economy in the farm community. I know that we all recognize that there's a lot of things going on in rural America today and especially in rural Illinois. And there's a lot of the issues that we have been concerned with on behalf of farmers that we're trying to deal with specifically, in this piece of this Resolution. We're going to be extending the opportunities for farmers to be prepared for some alternative work opportunities, to be prepared to meet the needs of dealing with the value-added opportunities that will be coming down the pike, as well. We're going to deal with the issues that are critical for farmers to succeed. I would certainly appreciate an 'aye' vote on this Resolution."

Speaker Brunsvold: "On the Motion, the Gentleman from JoDavies, Mr. Lawfer."

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

Speaker Brunsvold: "Sponsor yields."

Lawfer: "Representative, do you have any perceived ideas or agenda that the task force might undertake?"

Woolard: "Was that question Amendments, you say, to this?"

Lawfer: "No, the task force... do you have anything on the agenda that you would specifically like to see covered?"

Woolard: "Could I take this out of the record for just a second?"

Lawfer: "No, no I do not want you to take it out... but I guess the intent of the Resolution then is to do what? Do you want to put anything into legislative intent in regards to that direction?"

Woolard: "Definitely, we do. I'm extremely pleased that you gave me the opportunity to proceed at this time with a Resolution in hand. We're going to be dealing with the areas of marketing. We're going to be dealing with the

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areas of aquaculture and agriculture. We're going to be dealing with finding ways to improve the opportunities for the soybean market, the corn market, the swine market. We're going to be trying to find ways to ensure that there are Representatives from all areas of the agribusiness industry actively involved in this task force. I think that the House of Representatives shall appoint 4 members. There is going to be representatives from the various farm management groups. The Director of Agriculture is going to be involved and the Department of Agriculture. I think that everyone recognizes that the farm community has been involved in a depressed economy for some time and hopefully, this task force and their report back to the General Assembly will be giving us direction and ideas that will make a difference."

Lawfer: "Thank you very much, Representative. I see that you're asking for a report by the end of the year, December 31 of the year 2000. I think that's very timely and I laud you for your efforts in that respect. Thank you."

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

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

Speaker Brunsvold: "Sponsor yields."

Parke: "Thank you. Representative, the task force, how many members will be on it?"

Woolard: "The task force shall consist of four voting members, two of them shall be Members of the House of Representatives, and two of whom shall be Members appointed by the Speaker, two by the Minority Leader. There shall be others that will be assisting in various capacities that'll come from the industry itself. But there will be four voting members."

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Parke: "And they will be just discussing issues relate to the current status and future status of farming in Illinois?"

Woolard: "That's exactly what we're trying to accomplish."

Parke: "And will the findings be brought to the General Assembly? How will this information be disseminated and is there a ending point, is there a sunset on this?"

Woolard: "The Resolution shall be delivered to the Director of Agriculture and the Executive Director of the Illinois Farm Development Authority and this shall be reported to the Body on December 31st of this year, 2000."

Parke: "And then this task force will be over?"

Woolard: "At that point the task force will be complete."

Parke: "Will you be appointing suburban Legislators or inviting suburban Legislators to sit in on these hearings because as you understand and it's a message I've tried always get to the Farm Bureau, is that we have a vote just like any downstater has a vote and the more you can inform us and educate us to your problems, the more willing we would be to vote with our agricultural partners, considering agribusiness is still the #1 employee of the state. So, I would encourage you to make sure that suburban Legislators and Chicago Legislators are encouraged to attend and be a part of, so that we feel that we can buy in to what you're trying to achieve because we all know the future of farming leads the direction of the future of Illinois."

Woolard: "Terry, that's great comments. I think that the Minority Leader who will be appointing two of those four Members and the Speaker who will be appointing the other two. Hopefully, they will take that into consideration and even if they're not appointed from the suburban areas, we would certainly encourage and inform anyone who would like to participate in anyway on this issue. And I think it's a

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great idea that you have there and I think that without question that we need your support in order to do anything that would be successful for the farm community of this state."

Parke: "One last thing is, aren't we still within the top five agricultural exporting states in the nation?"

Woolard: "In most areas of agriculture, we're in the top five. I think collectively, we're third in the nation in the agribusiness industry in the United States. So, yes it's still one of the major, major businesses and opportunities for all Illinoisans as far as the agribusiness industry is concerned."

Parke: "Then I, as a suburban Legislator, rise in support of your Resolution."

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

Woolard: "I apologize for not having my analysis in front of me. I left it in my office and I shouldn't have done that, I should have been prepared and I apologize as I said. But let me just say to each and every one of you, I think that Terry Parke said it very well. This is not a business that only affects the rural part of the State of Illinois. The agribusiness industry is one of the largest, in fact, it is the largest business entity within the state. And it's one of those things that each and every one of us have a responsibility to support because definitely the agribusiness is one of those things that helps to make us sustain the necessary items that are important for our life and our sustaining of our good life in this state. So, stand with us and support this Resolution. Let's make sure that we find ways to ensure that we continue to be one of the leaders in this nation in the agribusiness industry."

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Speaker Brunsvold: "The Gentleman has moved for the adoption of the House Resolution 643. And on that question, all in favor should 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 House Resolution 643 is adopted. Mr. Clerk, Committee Reports."

Clerk Rossi: "Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on April 14, 2000, reported the same back with the following recommendation/s: 'to the floor for consideration' Floor Amendment #2 to Senate Bill 1503."

Speaker Brunsvold: "On page 6 of the Calendar, appears House Bill 1583. Take that Bill out of the record. Mr. Clerk, House Bill (sic-Senate Bill) 1680."

Clerk Rossi: "Senate Bill 1680, a Bill for an Act in relation to real property. Third Reading of this Senate Bill."

Speaker Brunsvold: "The Gentleman from Effingham, Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. A few minutes ago I presented this on Second Reading and Amendment #4 was adopted and I will go through those areas again of Amendment #4 which embodies the Bill. Senate Bill 1680 is the Bill that we pass every year or like Bill that deals with quick-take in the State of Illinois. Many municipalities and counties need this legislation in order to do capital projects, roads, and streets, and things like that. So I'll be reading through various names of villages and cities that have requested this piece of legislation. The Village of Dolton, the City of Benton, the Bi-State Development Agency, the County of Winnebago, the Village of

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Robbins, the Village of South Holland, the City of Rockford, the City of Effingham, the Village of Elmwood Park, the City of Champaign and Champaign County, the Village of Lyons, the City of Aurora, Adams County, the Village of Franklin Park, the Village of Westchester, the City of Mount Vernon, the City of Hickory Hills, the City of Palos Hills, Mount Prospect, the City of Northlake, Fox Metro Water Reclamation District, Melrose Park, Stone Park, the Village of Barrington, Elmwood Park, Franklin Park, Forest Park, St. Charles, Loves Park and Lake County. We have, like I said in the earlier Amendment on the Bill as I presented the Amendment to the Bill, we have letters from all the mayors, city managers or county board chairmen of these various entities that have checked and double checked this for its accuracy. I'll be happy to answer any questions."

Speaker Brunsvold: "The Gentleman from Kendall, Mr. Cross."

Cross: "Thank you, Mr. Speaker. I have a potential conflict on this, I'm going to be voting 'present'."

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

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

Speaker Brunsvold: "Sponsor yields."

Scott: "Representative Hartke, I'm in support of your legislation and we know that this is a mechanism that's used... really what it ends up doing is it saves money for the units of local government because they don't lose the construction season by being able to acquire this property, but I did have one question about it. It's my understanding that some of the legal descriptions that are involved in this Bill may involve state right-of-ways, is that correct?"

Hartke: "The answer is yes."

Scott: "Under well-established legal principles, unless a statute

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says it applies directly to the state, then it doesn't apply to the state, right?"

Hartke: "That is correct."

Scott: "So is it your intent, through this legislation in any way, to give units of local government quick take authority over state right-of-way."

Hartke: "The answer is no."

Scott: "Okay, so none of the quick-take provisions here would apply to any state right-of-way."

Hartke: "That is correct, no."

Scott: "Thank you very much. Again I would urge an 'aye' vote on this legislation."

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

Hartke: "I would just ask for a favorable vote on Senate Bill 1680."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1680 pass?' 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 77 voting 'yes', 37 voting 'no', 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Gentleman from Cook, Mr. Acevedo, for what reason do you rise? Mr. Acevedo? Mr. Clerk, what's the status of Senate Bill 1503?"

Clerk Bolin: "Senate Bill 1503 is on the Order of Second Reading and was held there pending the filing of fiscal notes. Floor Amendment #2, offered by Representative Bradley, has been approved for consideration."

Speaker Brunsvold: "On Floor Amendment #2, Mr. Bradley."

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Bradley: "Floor Amendment #2 exempts interstate trucks from annual emission testing requirements. Also provides for the State Police to perform roadside unscheduled emission testing of all trucks over 16,000 pounds, if the truck is smoking. A first time violation would be a \$400 fine. This unscheduled testing will take place only in the nonattainment areas. The State Police would also report on this program yearly to the General Assembly. The State Police are not opposed to this Bill and the fiscal impact on the State Police would be approximately \$180,000."

Speaker Brunsvold: "The Gentleman has asked for the adoption of Floor Amendment #2. And on that question, the Gentleman from McHenry, Mr. Skinner."

Skinner: "I wonder if the Gentleman would yield to a question or two."

Speaker Brunsvold: "Gentleman yields."

Skinner: "Can you tell us the state of the law now?"

Bradley: "Yes, there is last year, yearly testing requirements for all trucks."

Skinner: "All trucks, but not all trucks are created equal. It's only trucks in nonattainment areas. That is the Chicago Metropolitan Area, the Metro East Metropolitan Area."

Bradley: "That's correct. This Bill would exempt the interstate trucks from the yearly testing, but there could be emission testing in the nonattainment areas by the State Police for cause."

Skinner: "Well, I didn't vote for that Bill because it wasn't statewide. Why should I vote for this Bill?"

Bradley: "This is an improvement."

Skinner: "Not all the trucking lobbyists seem to think it's an improvement."

Bradley: "Then we obviously disagree."

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Skinner: "Why do you think it is an improvement?"

Bradley: "With the 500,000 interstate trucks that would have to be yearly tested, that process would probably be at a standstill. There's going to be 59 testing locations throughout the state and again, with that number of trucks, that process would be at a standstill. Again, there is still a process under this Bill for violators to be stopped by the State Police and to receive a ticket."

Skinner: "Are you saying under this Bill not every truck in the nonattainment areas would have to be tested every year?"

Bradley: "In the nonattainment areas, interstate trucks still have to be tested every year."

Skinner: "What about intrastate trucks?"

Bradley: "Interstate trucks are exempt from the yearly inspections."

Skinner: "But intrastate trucks?"

Bradley: "Intrastate trucks still have to be inspected."

Skinner: "Still have to be what? I'm sorry, I did not understand you."

Bradley: "Could you repeat the question, I was speaking to someone else?"

Skinner: "Intrastate trucks, how are they treated differently under this Bill?"

Bradley: "Intrastate trucks still have to..."

Skinner: "'TRA' intrastate, not interstate."

Bradley: "They're not affected by this Bill. They're still under the provisions of last year's Bill where they have to be tested yearly."

Skinner: "But interstate trucks would be tested on a random basis?"

Bradley: "Interstate trucks would be tested only in the nonattainment areas by the State Police."

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Skinner: "How is that different from the current law?"

Bradley: "Again, with this Bill, interstate trucks are exempt from the yearly testing. Interstate."

Skinner: "All right, so if you don't do business out of the State of Illinois you're going to be tested, but if you do do business out of the State of Illinois you won't be tested?"

Bradley: "Intrastate trucks in the State of Illinois still must undergo yearly tests."

Skinner: "Thank you, Representative."

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

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

Speaker Brunsvold: "Sponsor yields."

Giglio: "Is it correct that this will give IDOT and the Illinois State Police the authority to pull over trucks who they believe are emitting emission levels above the legal amount?"

Bradley: "Only the State Police can pull over a truck in a nonattainment area."

Giglio: "Thank you. Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Giglio: "Ladies and Gentlemen, I would urge that you take a close look at Amendment #2. Amendment #2, in my opinion, gives the State Police a new discretion that they have never had before. It allows the State Police to pull over a semi truck if they believe their emissions to be above the legal limits, and gives them a tremendous amount of discretion and authority to pull that truck over for reasons that could have nothing to do with emissions. It could be to... because they want to get them on a light or maybe an overweight or maybe they don't like the individual who's driving the truck, or maybe that's their excuse, they think

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the truck was swerving. It gives them a tremendous amount of discretion and authority that they currently don't have and it opens up, in my opinion, a huge can of worms. Yeah, yeah. These poor truck drivers, they shouldn't have to be pulled over for an officer that believes that he's a mope and that it's emitting the fumes that shouldn't be emitted and I think that it gives them too much authority that they don't deserve and I would respectfully ask for you to vote 'no'. Thank you."

Speaker Brunsvold: "Further discussion? The Gentleman from Jackson, Mr. Bost."

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

Speaker Brunsvold: "Sponsor yields."

Bost: "In this Amendment, Representative, does it do as the former speaker said? Does this allow a police officer, if they see what they suspect to be abnormal emissions, how would they... would they just pull them over and then be able to test? What is the testing devices they will use?"

Bradley: "Under this, only the State Police in the nonattainment areas would have the authority to pull over a truck and undergo emission tests, correct."

Bost: "Would they do that based on the fact that they see what looks like darker smoke? Would they do that because both stacks are blowing out a lot of smoke? How would they make that decision?"

Bradley: "You know, for cause, I think they have to undergo training and IDOT and the State Police, obviously, have to go... have a learning curve on this. So that remains to be seen. Also, the State Police would report to the General Assembly on the program every year. So, I think we'll have the information on exactly what's going on on a yearly basis. But of course, they could pull over for

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cause. I don't believe that they would irresponsibly pull over anybody, they could handle this. The State Police are not against this Bill."

Bost: "Mr. Speaker, to the Bill."

Speaker Brunsvold: "Proceed."

Bost: "I think the Sponsor of this Bill, and I respect him and I think he's trying to do what he feels is right. But now listen to what this does, Ladies and Gentlemen, and listen closely. What we're saying is that we can have someone, a police officer, make a decision, look at a vehicle based on the amount of smoke that's coming out and says, 'Okay we're now going to pull this truck over, we're going to check it because it looks a certain way'. I've had State Police officers tell me at different times they believe that a truck is overloaded because the wheels, because they can see how the tires are squatting down. Well, that could be based on a radial tire or tire pressure, there's all those things. Now, we're going to say, we can pull them over because the smoke is a little too heavy. Well, let me tell you, depending on what motor you're running, if you're running a Detroit engine, then you're going to get a lot more smoke. It still meets the emission requirements but it produces a lot more smoke. It's a blacker smoke. Not only that, they do these tests once a year at these stations that they're supposed to check and they make sure that they're up to par. Ladies and Gentlemen, you can have a vehicle one day that is operating within emission standard and the next day, and the next day, it can have a piston go bad, it can have an injector that would mess up and it would adjust that and cause maybe, that truck not to meet those standards. So based on that then, we pull those trucks off. We have these police officers decide at random

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where they're going to be and it's my understanding, can be charged with this. Folks, there's a real problem with this. We're giving some powers that you should be concerned about to police officers here. No police officer can be trained to be able to look and make a judgement call on the amount of smoke emissions that are coming from tractor trailers. It depends on the pull that they're in, the load that they're carrying, how the ejectors have been adjusted. Folks, this is a very poor precedence. And Mr. Speaker, if this gets the required number of... I can ask for a Roll Call vote on this, please."

Speaker Brunsvold: "Your request is acknowledged. The Gentleman from Effingham, Mr. Hartke."

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

Speaker Brunsvold: "Sponsor yields."

Hartke: "Representative Bradley, what is different between this Amendment and Amendment #1?"

Bradley: "Amendment #1 did not clarify that only the State Police would be administering the roadside testing for emissions, they kind of left it open, then maybe other personnel. But this clarifies that only the State Police can do the roadside unscheduled testing."

Hartke: "In committee, I questioned you and several people extensively about this and I agree with the previous speaker, Mr. Bost. I think that we're giving a lot of authority to the State Police, an extra burden, perhaps, to them. You know, just because they look at it and one day it looks like a little more smoke than others and the truck may be going up a hill or down a hill and I just think that it's really subjective for when the State Police pull a trucker over and try to, you know, determine whether he was

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in violation of the emissions law in the nonattainment areas in the State of Illinois. Will the State Police have equipment with them in their vehicle to do this emission testing?"

Bradley: "Yes they will, Representative, and the fiscal impact on the State Police is \$180,000 for the vehicles that would be servicing the nonattainment areas."

Hartke: "So, we're going to add another \$180,000 to vehicles now occupied by the State Police. Are there any training that goes with this?"

Bradley: "Yes, there will be."

Hartke: "There will be training. Any idea what's that going to cost?"

Bradley: "No idea at the present."

Hartke: "So, we're going to go along with this and approve it, knowing not what the cost is going to be?"

Bradley: "Again, at this time, that's all the information we have from IDOT on training cost."

Hartke: "Why don't we just wait until the time that we do know what these costs are going to be?"

Bradley: "Again, Representative, I believe much of the cost is going to be offset because these interstate trucks will not be going through the yearly emissions testing, so I think that cost analysis is yet to be determined."

Hartke: "So what we should do is put the fear of God into every interstate trucker that is coming into Illinois saying, 'You better watch out, you better not smoke, because if you do, we're going to have you parked on the side of the road.' I don't think this is a very good Bill for commerce in the State of Illinois. How many states have this, by the way, emissions testing?"

Bradley: "Roadside testing, 6 other states and many other states

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are also looking at this to initiate."

Hartke: "Can you name me those states?"

Bradley: "New Jersey, New York will be implementing a program and I don't have the others, Representative, I'm sorry. There is four others."

Hartke: "That's only two states. Look, I'm not going to belabor this. I'm not crazy about this piece of legislation. I'm sure the Amendment will be adopted, and we can debate it further on Third Reading."

Speaker Brunsvold: "Further discussion on the Amendment, the Gentleman from Jefferson, Mr. Jones."

Jones: "Thank you, Mr. Speaker. Just... I know a lot of questions have been asked, so just to the Amendment. You know, this is just a classic case of what we're trying to do to an industry in this state. Trying to do everything we can to drive an industry out of the State of Illinois. Quite frankly folks, you better look around at what's being delivered to your homes and to the grocery stores and where all your food and your clothing and your furniture comes from. Truckers are the ones that delivers that. To give the State Police this authority is totally ridiculous. And I can't imagine why anybody would want to vote for this. After last year what we did to the trucking industry with the license fee increases and all the other things that we've done to the trucking industry over the last few years. You know, if we keep the trucking industry in this state, it'll be a miracle, and it's one of the biggest industries we have in the State of Illinois. So, I would just urge a 'no' vote on this Amendment."

Speaker Brunsvold: "Mr. Bradley, to close on the Amendment."

Bradley: "Appreciate your support."

Speaker Brunsvold: "The Gentleman has asked for the adoption of

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the Floor Amendment #2. All in favor should vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? A simple majority carries the Amendment. Have all voted who wish? Mr. Clerk, take the record. And on that question, there are 75 voting 'yes', 42 voting 'no', 1 voting 'present'. And the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments. Several notes have been requested on the Bill that have not been filed."

Speaker Brunsvold: "The Bill shall stay on Second Reading. On page 4 of the Calendar, appears Senate Bill 385. Mr. Clerk, the status of the Bill."

Clerk Rossi: "Senate Bill 385 has been read a second time, previously. Amendment #1 has been adopted to the Bill. No Motion has been filed. Floor Amendment #2, offered by Representative Steve Davis, has been approved for consideration."

Speaker Brunsvold: "On Floor Amendment #2, Mr. Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentleman of the House. Floor Amendment #2 provides that the State Employee Indemnification Act applies to all state officials who are serving as trustees of a clean energy community trust of foundation established pursuant to Section 16-111.1, the Public Utilities Act. And the Amendment does become the Bill. And I would move for the adoption of the Amendment and would be happy to answer any questions."

Speaker Brunsvold: "The Gentleman has moved for the adoption. Is there any discussion? The Gentleman from DuPage, Mr. Persico."

Persico: "Thank you, Mr. Speaker. Will the... question of the Chair?"

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Speaker Brunsvold: "Proceed."

Persico: "Is Floor Amendment #4, I see it on my screen here, is that still on the Bill?"

Speaker Brunsvold: "Floor Amendment #4? Mr. Persico, we're on Floor Amendment #2. Mr. Clerk, is this..."

Persico: "Are there any other... are there any other Amendments to this Bill?"

Speaker Brunsvold: "Are there any Amendments on this Bill, Mr. Clerk?"

Clerk Rossi: "Floor Amendment #1 has been adopted to the Bill. We're currently considering Floor Amendment #2. Floor Amendment #3 is in the Rules Committee."

Persico: "Thank you."

Speaker Brunsvold: "Further discussion? Seeing none, the question is, 'Shall Floor Amendment #2 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Brunsvold: "Third Reading. Senate Bill 385, Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 385, a Bill for an Act amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Brunsvold: "Representative Shirley Jones. On Senate Bill 385, Mr. Davis."

Davis, S.: "Yes, thank you, Speaker, once again, Ladies and Gentlemen of the House. Senate Bill 385 would change the State Employee Indemnification Act to include the following phrase: 'this Act applies to all state officials who are serving as trustees of a Clean Energy Community Trust and Members for a non-for-profit foundation or corporation established pursuant to Section 16-111.' And I would ask for its adoption, or for the passage."

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Speaker Brunsvold: "The Gentleman has asked for the passage of Senate Bill 385. And on that question, the Gentleman from Kankakee, Mr. Novak."

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

Speaker Brunsvold: "Sponsor yields."

Davis, S.: "No I do not."

Novak: "Are you thirsty? You need a drink? Your throat sounds a little raspy. Okay. Mr. Davis, is there anything in there dealing with respect to the Attorney General representing us as members on the Clean Community Energy Foundation? In case the foundation was sued."

Davis, S.: "No, the Bill does not address that portion."

Novak: "Pardon me?"

Davis, S.: "No, the Bill does not address that, Representative, it only addresses the indemnification of the employees."

Novak: "Well, what does this indemnify us from?"

Davis, S.: "Liability."

Novak: "Pardon me?"

Davis, S.: "From liability."

Novak: "Liability. Okay. So each member of the Foundation is immune from any lawsuits?"

Davis, S.: "I'm sorry, Representative, I didn't hear the question."

Novak: "So each member of the Foundation is immune from any lawsuits?"

Davis, S.: "That's my understanding and the appointing authority also is indemnified."

Novak: "Okay. So in my case, Speaker Madigan would be indemnified?"

Davis, S.: "Correct."

Novak: "Okay, all right. And that's the only thing that this deals with. Each appointing authority has indemnification,

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is that correct?"

Davis, S.: "Correct."

Novak: "Does that include the Governor, too, since he makes an appointment?"

Davis, S.: "I would believe that that would."

Novak: "Okay. Thank you."

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

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

Speaker Brunsvold: "Sponsor yields."

Persico: "Steve, does this include any appointee, even if they're not a public official to the ones that are nonpublic officials are they also covered by this Act?"

Davis, S.: "I believe that they are, Vince."

Persico: "Thank you, that's all I need to know."

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

Davis, S.: "I would just ask for a favorable vote, thank you."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 385 pass?' 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 117 voting 'yes', 0 voting 'no', 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair is doing some housekeeping things, we'll be getting to them very shortly. Representative Black moves we suspend the posting requirements on House Resolution 718, House Resolution 732, House Resolution 753 and Senate Joint Resolution 68. Is there leave? Leave has been granted and those posting requirements on those Resolutions has been suspended. Representative Woolard."

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Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Black and I would like to suspend the rules on House Resolution 564 which is dealing with the urging of Congress, the Executive Branch, to clean up the Clean Coal Act and get us in a position where that we can, hopefully, sell some more coal. Illinois coal has been a vital part of the economy of this region for a long time."

Speaker Brunsvold: "The Gentleman has moved for a suspension. Is there leave? Leave has been granted. The Gentleman from DuPage, Mr. Daniels. Please, Ladies and Gentlemen. Can I have your attention, please."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I wish to thank you all for your hard work to this point in time and know that we're talking about a time when we can see an adjournment. And the Governor has asked that I convey to each Member of the House that he would like to invite you to the mansion this evening at 7:00 to... well, there'll be food, much, much and many, many food items, right, Bill? And he would like to thank all of you for the hard work that you've done on behalf of your constituents and share some time with you this evening as you view towards adjournment time. So please accept the Governor's invitation, 7:00 this evening at the mansion and he'll look forward to seeing you all there to recognize you for your hard work. Thank you."

Speaker Brunsvold: "Thank you, Mr. Daniels. Representative Younger for a Motion."

Younger: "Thank you. I move for the adoption of House Resolution 728, which is a agreed Resolution between the Board of Higher Education, Community College Board, the State Board of Education to study the educational needs in the East St. Louis area. This matter is related to Community College

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District 541 that was dissolved and what institutions must be created in order to adequately serve the people there. And I move for the adoption of the Amendment (sic-Resolution)."

Speaker Brunsvold: "The Lady has moved for the adoption of the Resolution. Is there any discussion? The Gentleman from Cook, Mr. Parke."

Parke: "Yes, I'm not sure I understand exactly what this Resolution's going to do. Can you review one more time what you hope to achieve with this Resolution?"

Speaker Brunsvold: "The Lady yields."

Younge: "I hope to achieve a report that will be given to the General Assembly in the fall of this year, or early next year in reference to the educational needs of the East St. Louis Metropolitan Area. The needs from pre-kindergarten through higher education. The Board of Higher Education has agreed to do the study. They will pay for it and that will be the basis upon which there can be some conceptualization of what new institutions are needed."

Parke: "And what will this Resolution say? I mean what will this report say when it's done?"

Younge: "It will tell what the educational needs are. It will be an assessment of those needs and what ought to be done about them."

Parke: "Is it just related to the Community College System of East St. Louis or does it relate to the total educational system of East St. Louis?"

Younge: "It relates to the total education system, pre-kindergarten through higher education."

Parke: "Pre-K through college."

Younge: "That's correct."

Parke: "And they've agreed to do this?"

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Younge: "They've agreed to do this."

Parke: "Then why do we need this Resolution?"

Younge: "We need the Resolution in order to codify the agreement. The Illinois House asked us to keep talking about these issues and keep trying to resolve them and this is evidence of the fact that we're moving forward."

Parke: "Do you have any idea of what this will cost, the Board of Education of Illinois, to do this study?"

Younge: "That has not been agreed on."

Parke: "I'm sorry?"

Younge: "I do not know, that has not been agreed on."

Parke: "And when does the report have to be... and who will it be given to? When will it be finished and who will it be given to?"

Younge: "The Resolution provides that it will be given to the Governor and the General Assembly in the Fall Session 2000 and early February 2001."

Parke: "It's to be concluded February 1 of 2001?"

Younge: "Yes, as the second report, the first report is the Fall Session of 2000."

Parke: "What will be second report do?"

Younge: "I guess further answer questions, further clarify, further go into detail. The Fall Session is not too far from now, that gives an adequate time, Representative Parke."

Parke: "Representative, do you have any specific objectives that you hope to achieve by virtue of this study?"

Younge: "Yes, I think it is terribly important to get a handle on the educational needs of the metropolitan area, the East St. Louis area. We have a phenomenon whereby the test scores are second from the bottom, only higher than Cairo. We have children in great distress. We have 1/4 of the

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population not ready for school at the age of six. We have many people who are attempting to move from welfare to a private gainful employment who need to define their educational needs and we need and want to supply them so that we can move people to self-sufficiency and I would think that this report would help us to clarify that and how much and what kind, the nature and extent of higher education that is needed, the nature and extent of community college courses that are needed. I would think that all of these kinds of things would be areas of intense study, so that we can provide the kind of educational system in the Metro East Area that is appropriate to the needs of the people."

Parke: "Representative, as you know, last year I was in East St. Louis for a hearing and it certainly is an area that needs a lot of help, that the people there need to be educated to enhance their opportunities like any other place in the State of Illinois. So as long as this is conducted strictly by the Board of Higher Education, the Community College Board and the State Board, without regard to who is to be on that and as long as we let them run the survey on their own and give us a report, I guess that would be absolutely something that we ought to do, but I'm just concerned on making sure that this is over by February of 2001 and that it doesn't cost a prohibitive amount of money. But I will support your Resolution."

Younge: "Thank you very much, Representative."

Speaker Brunsvold: "On the Resolution, the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I just wanted to add my support and let the Members know that this Resolution passed the Higher Education Committee on an Attendance Roll Call. The

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language in the Resolution was also in a Bill which also passed this House earlier this Session, so I urge an 'aye' vote."

Speaker Brunsvold: "The Lady from St. Clair to close. Representative Younge."

Younge: "Thank you, I move for the adoption of the Resolution."

Speaker Brunsvold: "The Lady has moved for the adoption of House Resolution 728. And on that question, all those 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, 118 voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt House Resolution 728. Representative Flowers. Representative Flowers on a Motion."

Flowers: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I move to suspend the posting requirements to Senate Bill 1609, so I could have the Amendment heard in committee."

Speaker Brunsvold: "The Lady has moved to suspend posting requirement on Senate Bill 1609. And on that question, the Gentleman from Cook, Mr. Parke."

Parke: "Thank you, Mr. Speaker. Can the Sponsor give us a little background on what this... well to save the debate, I will object to this Motion."

Speaker Brunsvold: "Any further discussion? Seeing none, the Motion is to suspend the posting requirements. All in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Sixty votes required. 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? Have all voted who wish? Mr. Clerk, take the roll. And on the Motion to

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suspend posting notice, there are 55 'yesses', 62 'noes', 1 voting 'present'. And the Motion fails. Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "House Resolution 764, offered by Representative Mautino; House Resolution 766, offered by Representative Persico; House Resolution 767, offered by Representative Osmond; House Resolution 768, offered by Representative Morrow; House Resolution 770, offered by Representative Stephens; House Resolution 771, offered by Representative Poe; House Resolution 772, offered by Representative Schoenberg; House Resolution 773, offered by Representative Schoenberg; House Resolution 774, offered by Representative Schoenberg; House Resolution 775, offered by Representative Gash; House Resolution 776, offered by Representative Schoenberg; House Resolution 777, offered by Representative Schoenberg; House Resolution 778, offered by Representative Gash; House Resolution 779, offered by Representative Mathias; House Resolution 782, offered by Representative Zickus; House Resolution 783, offered by Representative Zickus; House Resolution 785, offered by Representative Hultgren; House Resolution 787, offered by Representative Daniels; House Resolution 788, offered by Representative Pankau; House Resolution 789, offered by Representative Pankau; House Resolution 790, offered by Representative Pankau; House Resolution 792, offered by Representative Lang; House Resolution 793, offered by Representative Younge; House Resolution 795, offered by Representative Scully; House Resolution 796, offered by Representative Reitz; House Resolution 797, offered by Representative Monique Davis; House Resolution 798, offered by Representative Shirley Jones; House Resolution 801, offered by Representative Currie; House Resolution 802,

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offered by Representative Currie; House Resolution 804,
offered by Representative Daniels."

Speaker Brunsvold: "On those Agreed Resolutions, Representative
Wojcik moves to adopt the Agreed Resolutions. All in favor
say 'aye'; opposed 'nay'. The 'ayes' have it. And the
Agreed Resolutions are adopted."

Clerk Rossi: "Introduction of Resolutions. House Joint
Resolution #70, offered by Representative Klingler, is
assigned to the Rules Committee."

Speaker Brunsvold: "Mr. Clerk, House Committee Schedule."

Clerk Rossi: "Attention Members. There is a House Committee
Schedule being distributed for tomorrow morning. The
following committees will meet tomorrow morning at 11:00
a.m.: the Environment and Energy Committee in Room 114,
the Executive Committee in Room 118, the Human Services
Committee in Room C-1, the Judiciary I-Civil Law Committee
in Room D-1, the Local Government Committee in Room 122-B.
At 11:30 a. m. the following Committees will meet: the
Aging Committee in Room 118, the Agriculture and
Conservation Committee in Room D-1, Personnel and Pensions
Committee in Room 114, the Public Utilities Committee in
Room 122-B and the Registration and Regulation Committee in
Room C-1."

Speaker Brunsvold: "Mr. Clerk, House Resolution 499. Mr.
Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. Ladies and Gentlemen of
the House, House Resolution 499 came to me last summer when
the Supreme Court made a decision to start replacing court
reporters within the court system with court smart or some
type of recording device. In fact, it was stated in
committee it would be very similar to what we use on the
House Floor and if you've heard the tapes from the House

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Floor, you can understand how difficult it is to read those. Since that time, I have spoken with many court reporters and their main concern was that they didn't even get a chance to talk this over in the planning stages. Since I filed this Resolution, there has been several discussions between the court reporters and the court system. I have talked to almost every attorney on this floor. Each one has registered concern over this issue. This Resolution does not tell the courts that they have to reverse their decision. It does not tell the courts that they have to do anything. It is urging them to look at what they're doing to go slow and make sure that this is in the best interest of justice to the people across the United States or across Illinois. I would be more than happy to answer questions in this regard."

Speaker Brunsvold: "The Gentleman has asked for the adoption. Is there any discussion? Seeing none, the question is, 'Shall House Resolution 499 be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it. And House Resolution 499 is adopted. Mr. Clerk, status of Senate Bill 1503."

Clerk Rossi: "Senate Bill 1503 is on the Order of Senate Bills-Third Reading... is on the Order of Senate Bills-Second Reading. Held on the Order, pending the filing of a fiscal note and that note request has now been withdrawn."

Speaker Brunsvold: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1503, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

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

Bradley: "Thank you, Mr. Speaker. Senate Bill 1503 exempts interstate trucks from its annual emission testing

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requirements. It also provides for the State Police to perform roadside unscheduled emission testing of all trucks over 16,000 pounds, if the truck is smoking. A first time violation would be a \$400 fine. Unscheduled testing will take place only in the nonattainment areas. Testing would most likely be administered by the State Police during standard roadside safety inspection. The State Police also would report on the program yearly to the General Assembly. The State Police are not opposed to the Bill. The fiscal impact on the State Police would be approximately \$180 thousand. Proponents of the Bill are the American Lung Association, the Illinois Transportation Association, the Illinois Road Builders, Chicago Trucking Association, the Illinois Safety Management Council, and the Midwest Intermodal Trucking Association. I'm open for questions."

Speaker Brunsvold: "The Gentleman has asked for passage. Is there any discussion? The Gentleman from Effingham, Mr. Hartke."

Hartke: "Thank you very much, Mr. Speaker. To the Bill."

Speaker Brunsvold: "Proceed."

Hartke: "I'm still opposed to this piece of legislation. I think it's absolutely unnecessary and unwarranted. I think it's just another layer of problems that will be created for the trucking industry, not only in Illinois but throughout the Midwest, who travel through here through Illinois. I think the small number of trucks that they may stop and the cost to the State Police, the extra burden and the extra training will not bode well for the transportation and transportation industry in the State of Illinois. And I stand opposed to this piece of legislation."

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

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Giglio: "Thank you, Mr. Speaker. I'd like to apologize to the Sponsor of this Bill, Representative Bradley. This is, in fact, needed legislation and I would ask everyone to level the playing field in the industry and vote 'yes'. Thank you."

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

Bradley: "Appreciate your support."

Speaker Brunsvold: "The question is, 'Shall Senate Bill 1503 pass?' 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 93 voting 'yes', 25 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Staff shall retire to the rear of the chamber. The Body will proceed on a Death Resolution of a former Member. Staff, please retire to the rear of the chamber. Mr. Clerk, please read House Resolution 630."

Clerk Rossi: "House Resolution 630, offered by Speaker Madigan."

HOUSE RESOLUTION

WHEREAS, The members of the Illinois House of Representatives are saddened to learn of the death of former House member and beloved wife of former United States Senator Paul Simon, Jeanne Hurley Simon, who passed away on Sunday, February 20, 2000; and

WHEREAS, Jeanne Hurley and Paul Simon together served in the Illinois House of Representatives, and hold the distinction of being the only members of the General Assembly to be married while both were holding seats; and

WHEREAS, The partnership blossomed with Jeanne and her husband

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working together on his many successful State campaigns; when Paul Simon made a bid for the office of the President in 1988, his wife stood beside him; after the election, Jeanne Simon authored a book, Code name: Scarlett, with the insights of the wife of a presidential candidate; and

WHEREAS, Jeanne Hurley Simon graduated from New Trier High School in Winnetka, Illinois; she graduated from Barat College in Lake Forest, and Northwestern University Law School; in the mid-1950's she served as the President of the Women's Bar Association of Illinois; and

WHEREAS, Before her election to the Illinois House, Jeanne Hurley Simon served as an assistant state's attorney in Cook County; upon her election to the Illinois House, she sponsored a bill restricting the wiretapping of telephone conversations; and

WHEREAS, Jeanne Hurley Simon was the chair of the United States National Commission on Libraries and Information Science; she received the presidential appointment in 1993 and the reappointment in 1997; she received an honorary degree from the University of Illinois at Urbana in 1998; and

WHEREAS, In 1997 she joined Southern Illinois University at Carbondale as an adjunct professor of library services; together with her husband, they founded the SIU Public Policy Institute; and

WHEREAS, Jeanne Hurley Simon is survived by her husband, Paul Simon; her daughter, Sheila Simon; her son, Martin Simon; and her four grandchildren; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with her family, friends, colleagues, and the people of the State

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of Illinois, the death of Jeanne Hurley Simon; and be it further

RESOLVED, That a suitable copy of this resolution be presented to her husband, Paul Simon.

Speaker Brunsvold: "Representative Currie."

Currie: "Thank you, Speaker and Members of the House. Jeanne Hurley Simon was a wife, the mother of two, the grandmother of four. She was also a Member of this House, a trailblazer, a woman who took her life in paths unusual for women of that time. It was unusual for a woman to be a law student in the early 1950's. It was unusual for a woman to be a member of the Cook County State's Attorney's Office at that time. She was one of only a handful of women serving in this Legislature when she was elected in 1956. A few years later, she married Paul. At that time, I don't think it was thought easy, or perhaps even not appropriate, for two Members who were married and represented districts at opposite ends of the state to continue acting as Legislators, as well as husband and wife. When Jeanne decided to give up her elective seat, she did not decide to give up public policy and politics. She was a very important influence on Paul Simon as he grew as a politician in public service. His ideas were ideas that he talked with, worked with Jeanne about. So she didn't really didn't give up public policy when she chose to give up this Legislature. She trailblazed throughout her life for people who needed help. She chaired the United States Commission on Literacy. The issue of literacy was one where she put a lot of her time, a lot of her energy. She cared about fair representation for women, for members of minority groups. She loved her family, but she loved the good fights of politics and she loved working for the people who needed her help. Her work, I think, has helped

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shaped my political life and I know that her early work has made it possible for many of the rest of us to follow along in her path. She was a wonderful woman. She and Paul were often called the first couple of Illinois politics. He will miss her. We will miss her. All the people for whom she cared and for whom she worked will miss her, indeed. I hope all the Members of the House will join as Cosponsors of House Resolution 630 and I know they will join me in extending to Paul, to her children, and grandchildren, our deepest condolences."

Speaker Brunsvold: "Mr. Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I probably knew Jeanne as well as any woman in Southern Illinois, besides my wife. I can honestly say that Jeanne Simon was one of those ladies that stood out in a crowd continuously. Not because she chose to or wanted to, but because she had a magnetism about her that everyone recognized. She had the ability to say things in just exactly the right way to make you feel good when you were down. She had the ability to make statements that led you to do things that maybe you were challenged that you'd never been challenged that way before. Jeanne Simon was not just a wife, she was not just a mother, she was not just a Legislator, but she was an individual that cared and had compassion for all. I remember just about five days before she passed away, she was down in Goreville, Illinois at a PTA meeting, if you can believe this, with Paul and making a statement to the group. There was about 30 people there and they were all disappointed that there wasn't a larger group. But she said, 'this is what makes it happen. People like yourselves standing together, looking to find ways to make a difference. You will and you shall make a

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difference for the kids of this school district.' I'm sure that those parents and teachers and administrators that were there were impressed. But I can honestly say that Larry Woolard was impressed, tremendously. She couldn't walk to the podium by herself, in fact, she couldn't walk with the support of Paul. She had to have two large individuals to help her there. The reason that she did this is because she loved people. She loved making a difference. Jeanne Simon was one of those individuals that all of us shall remember in various ways, but none will remember with any greater compassion than I. Jeanne Simon was my friend, but she was someone that all of us can look up to."

Speaker Brunsvold: "Mr. Schoenberg."

Schoenberg: "Mr. Speaker, Members of the House and friends. The Majority Leader very eloquently expressed how Jeanne Hurley Simon was a trailblazer in so many areas. One of the areas in which she was a trailblazer as well was a Democrat in the North Shore, of all places. Now, some people today view that, perhaps, as a freak of political nature that the North Shore would send Democrats to represent the Illinois General Assembly. But at the time Jeanne Simon did the unthinkable, she represented Wilmette. A product of New Trier, educated on the North Shore at Barat College and at Northwestern School of Law, Jeanne Simon represented the North Shore at a time when the North Shore's political history and own legacy was of being a one-party area. And why did Jeanne Simon prevail? Why was Jeanne Simon able to bless us all with her contributions in public life? It was because of the personal qualities which she exuded. It's because of her intellect, because of her effervescence, because of her undying commitment to fairness, because her

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sense of collective values which appealed to people's hearts and people's minds and which saw them transcending partisan considerations to support her in her public career as an elected official. Jeanne Simon served in the General Assembly at a time when people like her husband Paul, former United States Senator Adlai Stevenson, former Congressman and White House Counsel Abner Mikva, former Judge Tony Scariano, former Representative Harold Katz, and many other independent-minded Legislators served in this General Assembly. That too, is part of her legacy, not just through her individual accomplishment, but for being part of a larger effort, an effort which reached out to those who were less fortunate which spoke for those who didn't always have the loudest voice, which sought to restore our sense of rights and balance in all that is good in our hearts, in our families, and in our communities. She had an innate capacity to extend both her charm and her principles which were unwavering. And she was, indeed, a woman of courage, a woman of personal valor, a woman whose legacy will unquestionably extend beyond the days that she was with us. The North Shore has changed a lot since Jeanne Simon grew up in that area. But the North Shore has retained core principles, core values and a core sense of purpose, and whatever is good about that community, whatever is good about this state, Jeanne Simon was an integral part of that. Jeanne Simon, her husband Paul, some of the other individuals who I referred to earlier, really set a definition for public service which I think embodies those ideals which all of us seek to attain on a daily basis in our careers. I know one of the first things that I did, when I was blessed to be elected to the House of Representatives ten years ago, was to read through the

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oral histories that many of these individuals gave. Many of the stories they told about how they came to this Body, what their priorities were, the fights they won, the fights they lost. I learned so much from reading those oral histories and I just hope that when I've moved on to other challenges professionally, that people will say about me the same things that they said about Jeanne Simon and Paul Simon and Adlai Stevenson and Abner Mikva and Tony Scariano and Harold Katz and a number of others. I hope that someday people will read our oral histories and see that we have retained the goodness, sense of proportion, and the commitment that was embodied in Jeanne Simon's life. Thank you."

Speaker Brunsvold: "Mr. Fowler."

Fowler: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. I count it a pleasure to be able to say that I knew Paul and Jeanne Simon very personally. I first became acquainted with the Simon's back when Paul was Lieutenant Governor and appeared at a function down in our area. I met him and Jeanne then and one thing that immediately stood out in my mind with Jeanne Simon was her smile that she wore constantly. I don't think I ever remember seeing her when she wasn't smiling. I saw her just a very short time before she passed away and she was walking, it was a great effort for her to walk, Paul was having to lead her, but she was still smiling, speaking to people as she passed them at this function. I remember Jeanne during the presidential campaign in 1988 and again it was her smile that always stood out knowing the physical, emotional strains that they were going through during that very hectic time, but Jeanne always had a smile and a kind word for everyone. I count it a pleasure to be able to serve in

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this great Body here where she and Paul both served. I count it a pleasure to be able to say that they came from down my part of the country. I know that Jeanne is going to be greatly missed by the family. She will be missed by everyone that ever knew her even if they just met her very briefly for one time. Jeanne will always have a lasting impression on them. And again I stand here proudly to say that I knew Jeanne and Paul and I, too, will be one of them that misses Jeanne very greatly. Thank you."

Speaker Brunsvold: "Representative Currie now moves for the adoption of House Resolution 630 and that all Members be added as Cosponsors. All in favor 'aye'; opposed 'nay'. The 'ayes' have it. Representative Currie now moves for the adjournment to Saturday, April the 15th, at the hour of 12 noon. All in favor 'aye'; opposed 'nay'. The 'ayes' have it. And the House does stand adjourned until Saturday, April the 15th, at 12:00, allowing perfunctory time for the Clerk."

Clerk Rossi: "Introduction and First Reading of House Bills. House Bill 4716, offered by Representative Parke, a Bill for an Act in relation to public employee benefits. First Reading of this House Bill. There being no further business, the House Perfunctory Session stands adjourned."