

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

43rd Legislative Day

April 29, 1999

Speaker Hartke: "The House shall come to order. The House shall come to order. We'll be led in prayer today by the Reverend Victor Long, of the First Methodist Church of Carrier Mills. Reverend Long is the guest of Representative Fowler. Our guests in the gallery may wish to rise for the invocation, and remain standing for the Pledge of Allegiance. Reverend Long."

Reverend Long: "Let us pray. Everlasting God, ruler of all nations, giver of life and author of liberty, we praise You for the precious gift of this beautiful day, which You've given us. We praise You for this wonderful land in which we live and for the immense freedom we enjoy as a nation. We thank You for this great State of Illinois, for its people, its resources, for the legacy and example of our forefathers and mothers, for our children and for the future You give us. We thank You especially, for the opportunity to serve humanity and to make a difference in our world. We ask Your blessing upon this House of Representatives as they meet today. May each and every Member know Your wisdom and Your guidance as they go about their work. May each one be filled with Your blessing, as they commit themselves to serving even the least of humanity. Above all else, may we seek Your will in all things. We further offer our prayers Lord, for any who are in need this day. We pray for peace in our world, especially in the nation of Yugoslavia. We pray for our children and our youth, and for an end to the unimaginable...violence, which overshadows them. We pray for any who are oppressed or without hope. We pray for all who lead this nation, for the President, the Congress, the Judiciary. We pray for those who serve our local communities, who give selflessly, so that our homes may be

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safe and secure. Hear these prayers of ours, great and mighty God. May everything we say and do in this place, and throughout this day be pleasing to You, and grace us we humbly ask with your presence as we serve, all this we ask in Your Holy name, Amen."

Speaker Hartke: "We'll be led in the Pledge today by Representative Schmitz. Roll Call for Attendance. Representative Poe from ... report of the Republican side."

Poe: "Mr. Speaker, all the Republicans are present today."

Speaker Hartke: "Representative Currie from the Democrat side."

Currie: "Thank you Speaker, please let the record show that Representative (Art) Turner is excused today."

Speaker Hartke: "Mr. Clerk, take the record. Representative Currie."

Currie: "Thank you Speaker, I have since been informed that Representative Acevedo is also excused today."

Speaker Hartke: "That'll be two absences. Mr. Clerk, take the record. 116 Members answering Roll Call, there is a quorum present. The House is in Session. Committee Reports."

Clerk Bolin: "Representative John Fritchey, Chairperson from the Committee on Consumer Protection, to which the following measures was/were referred action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do adopted as amended Standard Debate' House Resolution 164. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 286 and Senate Bill 656, 'do pass Standard Debate' Senate Bill 311 and Senate Bill 436, 'do pass as amended Standard Debate', Senate Bills 26, 876, 877, and 1046. Representative Harold

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Murphy, Chairperson from the Committee on Personnel and Pensions, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 211, 995, 1020, and 1146, 'do pass as amended Short Debate' Senate Bill 55. Representative Jack McGuire, Chairperson from the Committee on Aging, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 1111. Representative Wyvetter Young, Chairperson from the Committee on Appropriations, Higher Education, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 581. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary Criminal Law, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 7, 202, 391, 393, 485, 504, 728, 729, 784, 1044, 1062, and 1121, 'do pass as amended Short Debate', Senate Bills 304 and 644. Representative Jeff Schoenberg, Chairperson from the Committee on Appropriations General Services, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 1033, 1079, 1080, 1203, and 1204, 'do pass as amended Short Debate' Senate Bill 1046. Representative Joe Lyons, Chairperson from the Committee on Child Support Enforcement, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same

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back with the following recommendation/s: 'do pass Short Debate' Senate Bill 469. Representative Connie Howard, Chairperson from the Committee on Computer Technology, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 890. Representative Judy Erwin, Chairperson from the Committee on Higher Education, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bill 441, 'do pass as amended Short Debate', Senate Bills 653 and 916. Representative Todd Stroger, Chairperson from the Committee on Labor and Commerce, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bill 812, 'do pass Short Debate' Senate Bills 415 and 1148. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bills 171, 958, and 1171, 'do pass Standard Debate', Senate Bill 1131, 'do pass Short Debate' Senate Bills 826 and 1184. Representative Angelo Saviano, Chairperson from the Committee on Registration and Regulations, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bills 124, 487, and 658, 'do pass as amended Standard Debate' Senate Bill 457. Representative Coy Pugh, Chairperson from the Committee on

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Revenue, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do adopt Short Debate', House Resolution 123, 'do pass Short Debate' Senate Bills 1, 32, 34, 35, 37, 38, 43, 51, 52, 111, 115, 132, 144, 233, 248, 284, 336, 354, 380, 434, 451, 546, 659, 665, 861, 892, 1066 and 1198, 'do pass as amended Short Debate', Senate Bills 11, 33, 40, 110, 128, 376, 468, 666, 799, 878, and 1118. Representative Howard Kenner, Chairperson from the Committee on State Government Administration, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass Short Debate' Senate Bills 745, 786, 1029 and 1105, 'do pass as amended Short Debate' Senate Bills 283, 746, 752, 834, 1030, 1061 and 1158. Representative John Fritchey, Chairperson from the Committee on Tobacco Settlement Proceeds Distribution, to which the following measure/s was/were referred, action taken on April 28, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bills 1183, 'do adopt Short Debate' House Resolution 139. Representative Doug Scott, Chairperson from the Committee on Urban Revitalization, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do pass as amended Short Debate' Senate Bills 53 and 1025, 'do adopt Short Debate' House Joint Resolution 10. Representative Calvin Giles, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on April 29, 1999, reported the same back with the following recommendation/s: 'do adopted Short Debate' House

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Resolution 124 and House Joint Resolution 15, 'do pass as amended Short Debate' Senate Bill 168.

Speaker Hartke: "Chair recognizes the Lady from Cook, Representative Currie for an announcement."

Currie: "Thank you Speaker and Members of the House. One more addition to the excused list among House Democrats, Representative Sharp is excused today."

Speaker Hartke: "Chair recognizes the Gentleman from Saline Representative Fowler. For what reason do you seek recognition?"

Fowler: "Yes, Mr. Chairman (sic - Speaker), I rise as a point of, ... personal privilege."

Speaker Hartke: "State your point."

Fowler: "I'm happy to have in the audience today, Mr. Chairman, a group from the Equality Christian Center, in Equality, Illinois. I'm even more happy to ... some of those are especially close to me; my daughter and two of my grandchildren, let's give them a welcome, they're up in the upper balcony here."

Speaker Hartke: "Welcome to Springfield. Representative Bost, for what reason do you seek recognition?"

Bost: "Thank you Mr. Speaker, Members of the House. It's my honor today to introduce to you the Illinois Junior High School Athletic Association's Class M State Basketball Champs, along with their cheerleaders, there here in the gallery, their from Jonesboro. They had a record of 26-0 this year ..., in their basketball season. They're coached by Randy Boyd and Brent Schutz, and the cheerleading sponsor is Pam Garrick. And, if you could welcome them today."

Speaker Hartke: "Welcome to the General Assembly. Chair recognizes the Lady from Cook, Representative Zickus."

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

Speaker Hartke: "State your point."

Zickus: "... please join me in wishing my office mate, Tom Johnson, ...a very Happy Birthday. Tom's going to be celebrating yet, another anniversary of his 39th birthday tomorrow. There's a beautiful and delicious cake down here, that was baked by our secretary Sandy Huffman, so please enjoy. Happy Birthday Tom."

Speaker Hartke: "Happy Birthday Tom. Chair recognizes the Lady from Cook, Representative Bassi."

Bassi: "Thank you, Mr Chairman, I rise on a point of personal privilege."

Speaker Hartke: "State your point."

Bassi: "I would like to introduce to the Body, ... I have with me on the floor here, Mayor Tom Menzel, the newly reelected mayor from the glorious City of Rolling Meadows, which is in my district up in Northwest Suburbs."

Speaker Hartke: "Welcome to the General Assembly, Mayor. Chair recognizes a Lady, ... the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "State your point."

Black: "Thank you, Mr. Speaker. If I could have some order in the chamber, this is a very important announcement. I'm not here to pay homage to a Elementary, Junior High or High School; College, Community College, a colleague with a birthday, what I am here, what I am ... about to do, is to ask you join me in wishing a valued staff member well, as yet another departs the House of Representatives, where we train them and train them well, then other agencies hire

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them away from us. The very fact that I am able to speak on this microphone is testimony to that person in the well, who runs our sound board, Kevin Smith. Known, known to one in all in the chamber as 'Jacky the Wacky', but we won't get into that. But he has done an excellent job and may I say, generally a fair and equitable job, in fact, the last time Mr. Speaker, you ordered my microphone to be cut off, he ignored you for an extra 30 seconds. And for that reason alone, I wish him well, and yet, again, Mr. Speaker, and I think we're going to have to examine our policies and procedures in the last two or three weeks, many of our highly-trained staffers have been hired away from us by state agencies. Now either we need to review our pay structure or our working conditions, or both. But seriously, Kev, we wish you the very best, and I, as I understand it you'll be back from time to time working with us, and if you will leave explicit instructions to your replacement on how to handle my microphone, I would be forever grateful. Godspeed, good wishes."

Speaker Hartke: "Congratulations Kevin. Chair recognizes the Lady from Cook, Representative Currie for a Motion."

Currie: "Thank you Speaker. I move for immediate consideration of, for the adoption of House Joint Resolution 18 and the suspension of any applicable House Rules, so that Motion may be heard."

Speaker Hartke: "You've heard the Motion. All in favor signified by saying 'aye'; opposed 'no', in the opinion of the Chair, the 'ayes' have it and the Motion carries. Mr. Clerk would you read House Resolution 18."

Currie: "Joint Reso..."

Clerk Rossi: "House Joint Resolution #18, offered by Representative Currie. Be it Resolved by the House of



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Representatives of the 91st General Assembly of the State of Illinois the Senate concurring herein, that when the, when the two Houses convene in Joint Session on Tuesday May 4, 1999, at the hour of 3 o'clock p.m.... for the purpose of hearing his excellency, Governor George Ryan present to the General Assembly his plan for addressing the pressing needs for the infrastructure improvements in Illinois."

Speaker Hartke: "You've heard the Resolution, all in favor signified by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the Resolution is adopted. The Chair's prepared to move Bills, ... that are on Third Reading and then we'll have one roll call, later, so, if you would please indulge with us for a few minutes. Mr. Clerk, Senate Bill 4."

Clerk Rossi: "Senate Bill 4, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 5. Representative Zickus."

Clerk Rossi: "Senate Bill 5, a Bill for an Act amending the Crime Victims Compensation Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third Reading. Senate Bill 31, Representative Mitchell."

Clerk Rossi: "Senate Bill 31, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 80. Representative Silva."

Clerk Rossi: "Senate Bill 80, a Bill for an Act in relation to domestic battery. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 81, Representative Delgado."

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Clerk Rossi: "Senate Bill 81, a Bill for an Act amending The Civil Administrative Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 84, Representative Osmond."

Clerk Rossi: "Senate Bill 84, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 94, Representative Novak."

Clerk Rossi: "Senate Bill 94, a Bill for an Act amending the Harassing and Obscene Communications Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 98, Representative, hold that Bill on Third. Senate Bill 98, Representative Brady."

Clerk Rossi: "Senate Bill 98, a Bill for an Act amending the Illinois Credit Union Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 117, Representative Bost. Take that Bill out of the record. Senate Bill 122, Representative Winters."

Clerk Rossi: "Senate Bill 122, a Bill for an Act concerning Professional Land Surveyors. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 123, Representative Winters."

Clerk Rossi: "Senate Bill 123, a Bill for an Act concerning the Regulation of the Practice of Architecture. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 169, Representative Reitz."

Clerk Rossi: "Senate Bill 169, a Bill for an Act amending the Intergovernmental Cooperation Act. Third Reading of this

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Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 185,  
Representative Wait."

Clerk Rossi: "Senate Bill 185, a Bill for an Act amending the  
Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 188,  
Representative Dart."

Clerk Rossi: "Senate Bill 188, a Bill for an Act amending the  
Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 206,  
Representative Eileen Lyons."

Clerk Rossi: "Senate Bill 206, a Bill for an Act concerning  
emergency energy plans. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 223,  
Representative Scully."

Clerk Rossi: "Senate Bill 223, a Bill for an Act amending the  
Unified Code of Corrections. Third Reading of this Senate  
Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 234,  
Representative Righter."

Clerk Rossi: "Senate Bill 234, a Bill for an Act amending the  
Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 238,  
Representative Kenner."

Clerk Rossi: "Senate Bill 238, a Bill for an Act amending the  
Illinois Dental Practice Act. Third Reading of this Senate  
Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 289,  
Representative Lang."

Clerk Rossi: "Senate Bill 289, a Bill for an Act amending the  
Probate Act of 1975. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 324,

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Representative Wirsing."

Clerk Rossi: "Senate Bill 324, a Bill for an Act amending the Higher Education Student Assistance Act. Third Reading for this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 360, Representative Erwin."

Clerk Rossi: "Senate Bill 360, a Bill for an Act amending the Illinois Department of Revenue Sunshine Act. Third Reading for this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 363, Representative Woolard."

Clerk Rossi: "Senate Bill 363, a Bill for an Act concerning the licensing of insurance producers. Third Reading for this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 367, Representative Saviano."

Clerk Rossi: "Senate Bill 367, a Bill for an Act amending the Illinois Optometric Practice Act of 1987, Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 389, Representative Hannig."

Clerk Rossi: "Senate Bill 389, a Bill for an Act concerning Education. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 395, Representative Schoenberg."

Clerk Rossi: "Senate Bill 395, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 397, Representative McAuliffe."

Clerk Rossi: "Senate Bill 397, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill Third. Senate Bill 398,

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Representative Reitz."

Clerk Rossi: "Senate Bill 398, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 401, Representative Winkel."

Clerk Rossi: "Senate Bill 401, a Bill for an Act concerning objections to a courts jurisdiction over a person. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 405, Representative Durkin."

Clerk Rossi: "Senate Bill 405, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 421, Representative Schoenberg."

Clerk Rossi: "Senate Bill 421, a Bill for an Act amending the Illinois Procurement Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 430, Representative Poe."

Clerk Rossi: "Senate Bill 430, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 445, Representative Saviano."

Clerk Rossi: "Senate Bill 445, a Bill for an Act amending the Residential Mortgage Licensure Act of 1987. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 462, Representative Howard. Mr. Clerk read the Bill."

Clerk Rossi: "Senate Bill 462, a Bill for an Act amending the Illinois Higher Education Student Assistance Act. Third

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Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 463,  
Representative Erwin."

Clerk Rossi: "Senate Bill 463, a Bill for an Act amending the  
Higher Education Student Assistance Act. Third Reading of  
this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 464,  
Representative Holbrook."

Clerk Rossi: "Senate Bill 464, a Bill for an Act concerning  
prepaid tuition. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 465,  
Representative Lang."

Clerk Rossi: "Senate Bill 465, a Bill for an Act amending the  
Probate Act of 1975. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 477,  
Representative Zickus."

Clerk Rossi: "Senate Bill 477, a Bill for an Act amending the  
Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 483,  
Representative Zickus."

Clerk Rossi: "Senate Bill 483, a Bill for an Act amending the  
Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 486,  
Representative Moore."

Clerk Rossi: "Senate Bill 486, a Bill for an Act amending the  
Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 503,  
Representative O'Connor."

Clerk Rossi: "Senate Bill 503, a Bill for an Act amending the  
Unified Code of Corrections. Third Reading of this Senate  
Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 509,

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Representative Eileen Lyons."

Clerk Rossi: "Senate Bill 509, a Bill for an Act in Relation to criminal law. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third, Senate Bill 529, Representative Currie."

Clerk Rossi: "Senate Bill 529, a Bill for an Act amending the Structural Pest Control Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third, Senate Bill 542, Representative Meyer."

Clerk Rossi: "Senate Bill 542, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 554, Representative Mitchell."

Clerk Rossi: "Senate Bill 554, a Bill for an Act amending the School Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 572, Representative Durkin."

Clerk Rossi: "Senate Bill 572, a Bill for an Act in Relation to laser pointers, Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 578, Representative Lawfer."

Clerk Rossi: "Senate Bill 578, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 642, Representative Acevedo."

Clerk Rossi: "Senate Bill 642, a Bill for an Act concerning prostitution offenses committed near a school. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 7, 672, Representative Eileen Lyons."

Clerk Rossi: "Senate Bill 672, a Bill for an Act amending the

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Civil Administrative Code of Illinois. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 685, Representative Garrett."

Clerk Rossi: "Senate Bill 685, a Bill for an Act regarding treatment for prostate cancer. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 731, Representative Winkel."

Clerk Rossi: "Senate Bill 731, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 732, Representative Franks."

Clerk Rossi: "Senate Bill 732, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 735, Representative Hultgren."

Clerk Rossi: "Senate Bill 735, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 739, Representative Moore."

Clerk Rossi: "Senate Bill 739, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 751, Hartke."

Clerk Rossi: "Senate Bill 751, a Bill for an Act amending the Fence Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 753, Representative Durkin."

Clerk Rossi: "Senate Bill 753, a Bill for an Act concerning crime victims and witnesses. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 762, Representative Coulson."

Clerk Rossi: "Senate Bill 762, a Bill for an Act amending the



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Health Care Arbitration Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 770, Representative Reitz."

Clerk Rossi: "Senate Bill 770, a Bill for an Act regarding Forestry Development and Assistance. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 774, Representative Lindner."

Clerk Rossi: "Senate Bill 774, a Bill for an Act amending the Children's Advocacy Center Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 795, Representative Bugielski."

Clerk Rossi: "Senate Bill 795, a Bill for an Act amending the Title of Insurance Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 804, Representative Coulson."

Clerk Rossi: "Senate Bill 804, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 815, Representative Persico."

Clerk Rossi: "Senate Bill 815, a Bill for an Act amending the Illinois Banking Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 820, Representative Stephens."

Clerk Rossi: "Senate Bill 820, a Bill for an Act amending the Public Officer Prohibited ..., Activities Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 844,

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Representative Stroger."

Clerk Rossi: "Senate Bill 844, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 845, Representative John Turner."

Clerk Rossi: "Senate Bill 845, a Bill for an Act in relation to laser devices. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 850, Representative Park."

Clerk Rossi: "Senate Bill 850, a Bill for an Act amending the Hospital Licensing Act. Third Reading is this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 881, Representative Fritchey."

Clerk Rossi: "Senate Bill 881, a Bill for an Act regarding safe and hygienic beds. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 939, Representative Brady."

Clerk Rossi: "Senate Bill 939, a Bill for an Act amending the Clerks of Courts Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 953, Representative Ryder."

Clerk Rossi: "Senate Bill 953, a Bill for an Act amending the Hospital Licensing Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 967, Representative Eileen Lyons."

Clerk Rossi: "Senate Bill 967, a Bill for an Act concerning products with recycled contents. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1064,

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Representative Black."

Clerk Rossi: "Senate Bill 1064, a Bill for an Act concerning Abused and Neglected Long Term Care of Facility Residents Reporting. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1074, Representative Winters."

Clerk Rossi: "Senate Bill 1074, a Bill for an Act amending the Meat and Poultry Inspection Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1076, Representative Osmond."

Clerk Rossi: "Senate Bill 1076, a Bill for an Act amending the Illinois Nuclear Safety, Nuclear Facilities Safety Act. Third Reading of this Senate Bill."

Speaker Hartke: "Senate Bill 815. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 815 is on the order of Senate Bills Third Reading."

Speaker Hartke: "Move that Bill back to Second, for the purposes of the Amendment and to request to this Sponsor. Senate Bill 1077, Representative Meyer."

Clerk Rossi: "Senate Bill 1077, a Bill for an Act amending the Illinois Public Aid Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third, Senate Bill 1078, Representative Hassert."

Clerk Rossi: "Senate Bill 1078, a Bill for an Act amending the Radiation Protection Act of 1990. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1082, Representative Granberg."

Clerk Rossi: "Senate Bill 1082, a Bill for an Act concerning

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Motor Fuel. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1086,  
Representative Hoffman."

Clerk Rossi: "Senate Bill 1086, a Bill for an Act amending the  
Motor Fuel Tax Law. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1113,  
Representative McGuire."

Clerk Rossi: "Senate Bill 1113, a Bill for an Act amending the  
Illinois Act on Aging. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1115,  
Representative Brady."

Clerk Rossi: "Senate Bill 1115, a Bill for an Act amending the  
Illinois Insurance Code. Third Reading of this Senate  
Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1129,  
Representative Leitch."

Clerk Rossi: "Senate Bill 1129, a Bill for an Act of relation of  
motor vehicle ignition interlock devices. Third Reading of  
this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1142,  
Representative Parke."

Clerk Rossi: "Senate Bill 1142, a Bill for an Act amending the  
Criminal Code of 1961. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1143,  
Representative Parke."

Clerk Rossi: "Senate Bill 1143, a Bill for an Act amending  
Unified Code of Corrections. Third Reading of this Senate  
Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1150,  
Representative Kosel."

Clerk Rossi: "Senate Bill 1150, a Bill for an Act amending the  
Criminal Identification Act. Third Reading of this Senate

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Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1170, Representative Giles."

Clerk Rossi: "Senate Bill 1170, a Bill for an Act regarding property. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1174, Representative Art Turner."

Clerk Rossi: "Senate Bill 1174, a Bill for an Act amending the Illinois Human Rights Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1189, Representative Black."

Clerk Rossi: "Senate Bill 1189, a Bill for an Act amending the Illinois Farm Development Act. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Senate Bill 1201, Representative Hoffman."

Clerk Rossi: "Senate Bill 1201, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. House Resolution 125. House Resolution 125, Representative Silva. Out of the record. Senate Bill 1202, Representative Mautino."

Clerk Rossi: "Senate Bill 1202, a Bill for an Act amending the Counties Code. Third Reading of this Senate Bill."

Speaker Hartke: "Hold that Bill on Third. Ladies and Gentlemen, on the ... Agreed Bill List that everyone voted on, the Sponsor of Senate Bill 815, has requested that Bill be removed from the Agreed Bills List, and be not considered for Third Reading, but is now on the order of Second Reading. Ladies and Gentlemen, we are going to vote on the Agreed Bills List that I just read. All of you have turned in your ... requests for ... recording of votes. So,

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please vote your switches as 'yes'. The voting is now open. Have all voted who wish? Have all voted who wish? Reitz, 'aye'. Clerk, take the record. On the Agreed Bill List there were 100; Mr. Clerk, take the record. On the Agreed Bills List there are 115 Members have voted, and all of the Agreed Bills have passed. Receive the Constitution required, Majority, and hereby declared passed. Page 6 of the Calendar appears Senate Bill 757. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 757, a Bill for an Act amending the Illinois Violence Prevention Act of 1995. Third Reading of this Senate Bill."

Speaker Hartke: "Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 757 is a key component of Attorney General Jim Ryan's Safe to Learn package. And at the very onset and the very start, I want to thank the Attorney General for his efforts and his work in regards to his Safe to Learn package, which is an excellent package, and as many of you know, is part of our 12 point plan. And in addressing school violence throughout the State of Illinois, and in effort to try to attempt to stop that. But Ladies and Gentlemen, I stand before you for our children, to again take action against violence in our communities, our schools, and our classrooms. The time is now to prevent violence. The time is now to train, anticipate and prepare our schools and staff to prevent violence and remove the specter of fear that clouds our schools. The time is now to think ahead, instead of reacting to tragic violence. Violence can strike anywhere, in any school and upon any child. Our schools must be safe havens for our children and their teachers. Our classrooms should be filled with thoughts,

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ideas, and promise; not bullets and bombs. This threat of violence must end. We must provide our teachers and administrators the tools they need to offer guidance and intervention for at risk students. And if they deem it necessary, to increase security. This legislation, as I said earlier, is the 2nd point of our 12 point plan, and by approving it, will take another real pro-active step towards eliminating the fear of violence in our childrens classrooms. It will earmark \$14,000,000 annually over the next three years to the Illinois Violence Prevention Authority, to create and administer the Safe to Learn Grant Program. School officials will be able to use the grant money to increase building security, purchase metal detectors or hiring security personnel. The money could also be used for violence prevention and intervention; crisis management programs and school safety training for teachers and other school employees. Mr. Speaker, Mr. Speaker?"

Speaker Hartke: "Yes, Sir."

Daniels: "Better training for faculty and teachers will allow them to identify and assist troubled students before they need to resort to violence. The legislation establishes a three year pilot program in the City Chicago, a medium size city, and a rural community to study the ways to combat school violence from kindergarten through 12th grade. The critical point of this Legislation is, that it is preventative. It works to assist our schools in preventing violence before it occurs. Nothing can be more important than the prevention of violence, and nothing can be more important to us, than the safety of our children. Ladies and Gentlemen, we've spent many hours in recent years, talking about providing our children the best education

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possible. Well, I can tell you, children can't learn and teachers can't teach, if they're afraid. Let's do our job today, passing this legislation to keep them safe, so that they can do their jobs, focusing on learning. I seek your favorable support and I join with the cosponsors Representative Franks, Gash, O'Connor, and Garrett, in seeking your favorable action on this legislation."

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

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

Speaker Hartke: "The Gentleman will yield."

Novak: "Mr. Daniels ..., as I understand, when the ..., Violence Prevention Authority was created, was, it was created with a funding source from the Prevent Violence License Plate. Is that correct, Sir?"

Daniels: "That is correct."

Novak: "Yes, ... well one other question. ... Do you know, do you have any idea how much money the, by, by virtue of the sale of the license plate, since the law has been in effect, that has been put into the ... Prevention, Violence Prevention Fund?"

Daniels: "I could tell you the appropriation that was set forth for this year's over a million dollars, and it's estimated that most of that comes from the sale of the license plates."

Novak: "Over, okay, and so, under this endeavor, we're asking for an appropriation, an additional appropriation. Is that correct?"

Daniels: "We're asking for an additional appropriation of \$14,000,000 per year."

Novak: "Thank you."

Speaker Daniels: "Over the next three years, which has already



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passed the House."

Novak: "Thank you."

Speaker Hartke: "Further discussion, the Chair recognizes the Gentleman from McHenry, Mr. Franks."

Franks: "I stand in strong support of Senate Bill 757. This was a Bill that the attorney general brought to us and was sponsored by Senator Cronin in the Senate, and I had the privilege of shepherding it through the committee. I'm very honored and proud to work with Leader Daniels on this matter. When he gave his speech last week, about this not being a partisan issue and this being for the school kids, I heartily agree. This is for the children. This is not partisan. I stand with Leader Daniels and the other people who are on this Bill and ask for unanimous support through this House, and ask that we then, have an appropriation for \$14,000,000, to fully fund this program. The last General Assembly had cut \$5,500,000 from school safety programs and that was absolutely wrong. It's now time to rectify that mistake and to pass this Bill and get it on to the Governor's desk. Thank You."

Speaker Hartke: "Further discussion. Seeing that no one is seeking recognition, Representative Daniels to close."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I too, am proud to work on both sides of the aisle in this important legislation brought to us by the Attorney General of the State of Illinois, as a result of his excellent work. I would ask for your favorable support of Senate Bill 757."

Speaker Hartke: "The question is, 'Shall Senate Bill 757 pass?' All those in favor will vote 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Reitz 'aye'. Righter 'aye'. Mr. Clerk,

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take the record. On Senate Bill 757, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And this Bill having received the Constitutional Majority is hereby declared passed. Senate Bill 1199, Representative Smith. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1199, a Bill for an Act to amend the Livestock Management Facilities Act. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. This is a Bill that's been a long time coming, as you all know. This is the Agreed Bill on the large livestock confinement facilities. This agreement was reached between the various parties involved, through the Governor's leadership. And I believe this is a significant step forward in protecting the environment and allowing the pork industry to continue to prosper and survive in the State of Illinois. There are a number of important elements of this legislation. I'll go through them very briefly. First of all, this would expand the existing law to include all facilities, not just those that have open air lagoons. It provides construction standards for those facilities that have concrete pits, with the rules to be developed by the Pollution Control Board. Other rules, required under the Act, will be written by the Department of Agriculture through the normal rule making process. The Bill also has enhanced standards for sensitive areas, environmentally sensitive areas. Those are 'karst areas', areas of high water table, and in the flood plain. Another important environmental safeguard is the phosphorus standard, which is set regarding the application of the waste. A very important part is the public meeting

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expansion, which is part of the Governor's proposal. Requires that local residents and neighbors can request, or the county board can request a local public hearing. And would also require that the department verify eight points the Governor spelled out, be addressed. There's a mandatory reporting of all spills. There's a lowering of the animal unit threshold for filing waste management plans. And there's enhanced language on common ownership. Again, I would stress, this is an Agreed Bill. It's been agreed to by those in the industry and by environmental parties. Not everyone is in complete support, but I think that we have made significant progress in addressing many of the concerns that have been raised to me and to many of you, over the last several years. I want to commend the Governor and the other Legislators who have worked on this issue, for getting us to this point. I'd be happy to answer any questions."

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

Johnson, Tim: "Just on a point of personal privilege, if I could, Mr. Speaker."

Speaker Hartke: "State your point."

Johnson, Tim: "I'd like to introduce, on the House Floor with me, Doris Batts, Martha Lillard, and Jonathan Moreland, who are here representing and are downstairs with the display, on behalf of the Urbana Adult Education Association. So, welcome to Springfield on all of our behalves. Thank you."

Speaker Hartke: "Welcome to the House Floor. The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Hartke: "He indicates he will."

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Black: "Representative, you indicated in your opening remarks that this would be helpful for the pork industry to move forward in Illinois. For clarification, this law affects all livestock operations, does it not? That would include cattle, horses, sheep. Any livestock operation is covered under this law, correct?"

Smith: "That's right. Obviously, the facilities for hogs are the ones that we've heard the most about... "

Black: "Right."

Smith: "... and we intend to focus on that, but you're absolutely correct."

Black: "Is there anything in the Bill that can be construed as usurping the authority of any county that does have a county wide zoning ordinance?"

Smith: "No there's not, Representative."

Black: "All right. So, if they go through this procedure that you outlined in your Bill, and if that county... if a large livestock operation wants to locate in an area that the county has not zoned for that purpose, there is no way, under this law, that the department or any entity of state government can say, 'We will take authority. Your zoning ordinance doesn't apply. We think it is a good site and therefore, we'll approve it, regardless of your zoning ordinance.'"

Smith: "Well, I'm not sure exactly, Representative Black, what you might be referring to because, as you know, most agricultural areas aren't zoned. So, there's nothing in here that pertains to zoning of agriculture."

Black: "Well I mean... and I think this is... we need to be very clear about this because of a recent court case that may make it more and more difficult to have that agricultural noncompliance or noncoverage under zoning. But what some

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constituents have asked me is, if under a current county zoning plan, if 500 acres were set aside for light industrial, a large livestock operation comes in and buys 350 of the 500 acres, then petitions the various state departments for permits to locate a livestock operation there. Some of the residents in my county said, 'Now is there any way that they can get around our zoning restriction? Because that isn't zoned agricultural, it's zoned light industrial and we wouldn't allow it to go there. Is there anything that would allow the state to usurp our zoning authority?'

Smith: "Not in this legislation, no."

Black: "Okay. Well, I think that's very important that we make that very clear, that those counties that do have a zoning map, an ordinance, are not impacted. In other words, the state will not come in and say, 'Well, we understand your zoning ordinance, but in this case, we're going to overrule you.' So we don't have to worry about that."

Smith: "That's right."

Black: "Okay. On the informational meeting that would be held, if the county board, at the informational meeting, decides to take a position in opposition to the proposal, it's my understanding that their opposition is not binding on any of the state agencies involved."

Smith: "That is correct, right?"

Black: "Okay. That in no way diminishes their right or their ability, not only a county board as an entity, but citizens in the impacted area. This in no way limits their right of redress in a court of law?"

Smith: "No, it does not."

Black: "Okay. Does the Bill that you are presenting, clearly make it illegal or not possible, to locate a large

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livestock facility in a flood plain?"

Smith: "It does not make it impossible, no. What we're saying is that an individual or group of individuals who'd like to locate a facility there would have to meet enhanced standards."

Black: "Would the enhanced standards have to do with only the lagoon or would it also mean any appurtenances, buildings, et cetera?"

Smith: "No. It would be any facility."

Black: "Okay. Would it be safe to assume, and I know we can't assume anything. But again, some of the concerns that have come up, is that if we're going to make a step forward, most people would agree, I think, regardless of their side of the issue they're on here. Most people would agree, that large waste lagoons should not be located in a flood plain. And can we then assume, that it would be very difficult a year from now, to construct a waste lagoon in a flood plain?"

Smith: "Representative, I wouldn't say that it would be impossible, but they would have to meet enhanced standards, as I said, and basically, they would have to... "

Black: "Okay. And I don't want to get you into a..."

Smith: "... they'd have to prove that it's flood proof, basically."

Black: "Sure, and I don't want to get into a legislative intent discussion, because we haven't talked about it and that would not be fair. But I would hope that the department would look long and hard at anybody who wants to put a 500,000 gallon animal waste lagoon in a flood plain. I just don't think that's good public policy. And I would hope that would not happen and if it does, I would hope that you and I would work together to tighten that up, if

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indeed, it happens. I have two more questions for you, Representative. Is there anything in this law that can be construed by a current operator as being retrospective in nature? Meaning that we could come back on an operator or a family farmer who has had a livestock operation located in the same spot, say for 20 years? Is there anything in this Bill that could cause that operator to have to make changes to his or her operation?"

Smith: "Only, Representative Black, for... if that facility would expand, would they fall under... "

Black: "I'm sorry. A facility what?"

Smith: "Only if that facility would expand."

Black: "Expand. Okay. The last question I have, and I think one of the most important aspects of anybody who's been through one of this, is the language in the Bill on odor control and or reduction thereof. Can we... Again, it's my understanding that we cannot go back and, retrospectively, apply contemporary standards, if this law... if this Bill becomes law. We can't go back to an operator and say, 'We would like you to comply with the new odor control standards of the Bill.' We can't do that, even though maybe we should, right?"

Smith: "That's right."

Black: "All right."

Smith: "That's only for... that again is one of the eight points in the local hearings that would be required to be shown."

Black: "Okay, thank you very much, Representative. Mr. Speaker, I certainly appreciate the Gentleman's response to the questions. And has he said, 'This is probably as close to an Agreed Bill as we're going to get.' There are some groups who still don't think we've gone far enough, but I would commend the Sponsor for a long and diligent piece of

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work to get to the point where we are. I think it's a significant step forward. And if we still have problems, obviously, we're all willing to work in the future. But I would certainly urge my colleagues to vote 'yes' and commend the Sponsors and all those involved in the work they've done on this area."

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

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

Speaker Hartke: "He indicates he will."

Myers: "Representative Smith, I'm proud and pleased to be on this Bill with you and I have a couple of questions that I would like for you to answer, if possible. First one is: How are the concerns of individual residents addressed through the provisions of this proposed legislation?"

Smith: "Thank you, Representative Myers. And the Bill creates, as I said, an informational meeting process for all facilities of a thousand animal units or greater, regardless of the type of waste handling system that they use. It's somewhat similar to the current lagoon informational meeting provisions that are in the Act, except that this legislation creates the eight specific criteria which must be appropriately addressed during the meeting. The meetings will be held at the request of the county board. However, a petition process is also created by this Bill which would allow local residents to cause for the meeting to be held. Either at the meeting or immediately after, the county board is given the opportunity to voice its opinion regarding the proposed facility. Then the Department of Agriculture then makes the final sitting determination based on the proposed facility's compliance with all the provisions of this Act,



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including the compliance with the eight sitting criteria and the county board's recommendation."

Myers: "Thank you, Representative. And one more question, for a little bit of clarity. Are there any examples of other similar public input processes in the current law?"

Smith: "Yes, Representative. There are similar requirements that exist relative to other industries. For example: In the coal industry, under provisions of the Surface Coal Mining Land Conservation and Reclamation Act, when a coal company wishes to site a new mine, a county board may request that a public hearing be held as part of the permit application process. Then at that hearing interested parties are given the opportunity to respond to the proposal by oral or written testimony. Then, in addition, the county board is required to present it's recommendation at the hearing."

Myers: "Thank you, Representative Smith. I think this Bill represents a good compromise. And it's time that we bring this particular issue to closure. And I urge everyone in the chamber to support it with a 'yes' vote."

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

Reitz: "Thank you, Mr. Speaker. I think the previous Representatives have asked most of the questions, I guess, that I had. I would just like to commend this Sponsor and all of the constituencies that worked on this Bill. I know everyone... the negotiations were quite intense and really a lot of compromise in this whole process and I commend them on that. I would only urge this Assembly, you know, as we pass this, let's... let's take this... let's let this work more than anything else. We have a lot of livestock producers that have... have at times put their... their livelihood on hold and I would... and I'd urge this

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Assembly, let's give this a... time to work. Give it a few years before we revisit this. Let's just not automatically get back into the process and once again, Representative Smith, thank you for your work."

Speaker Hartke: "The Chair recognizes the Gentleman from Jo Daviess, Representative Lawfer."

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

Speaker Hartke: "He indicates he will."

Lawfer: "Representative Smith, we talked about any legislation has to have rules. Who would promulgate the rules under this legislation?"

Smith: "Representative Lawfer, the Pollution Control Board would promulgate only the construction and design standards for livestock facilities. Then the Department of Agriculture would promulgate all other rules to implement the Act. Specific to the facility design and construction standards, the Department of Agriculture in conjunction with the Livestock Advisory Committee, which is made up of the EPA, DNR and Department of Public Health, would propose standards to the Pollution Control Board and after which the board would hold hearings on and adopt final standards. These design and construction standards would have to be based on the Midwest Plan Service handbooks and USDA NRCS standards, as set forth in this Bill. The Department of Agriculture alone would promulgate all other rules to implement the Bill."

Lawfer: "Representative, what would happen to the rules already adopted by the Pollution Control Board... to implement the original 1996 Livestock Management Facilities Act under this legislation?"

Smith: "Mr. Speaker, could we have a little order? I'm having a hard time hearing."

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Speaker Hartke: "This is a very important piece of legislation.

Please give the speakers your attention."

Smith: "Thank you. Representative Lawfer, as is the case with any preexisting rule, when the original underlying legislation is amended, those rules would remain in effect unless they are directly impacted specifically by the new legislation."

Lawfer: "Mr. Chairman, to the Bill. It appears that this legislation puts into place clear and concise rules for the regulation of the livestock industry, the entire livestock industry in the State of Illinois. I think this a forerunner of legislation throughout the nation. This it... as we put this in place, I would hope... would hope that this would... we would give the... a chance for these rules to prove that they do protect the environment and yet provide a efficient and a favorable atmosphere for our livestock industry in the State of Illinois. It's very important to our economy in that regard and thank you very much."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Hartke: "He indicates he will."

Brunsvold: "Mike, I was involved in this process for a couple of years and I guess, the complaints I've had in my district... maybe we need to talk a little about the... first the Department of Agriculture and their role in this process. The public hearing... I understand in the area... What in the Department of Agriculture is going to be working with the information that comes from the public hearing?"

Smith: "The department would be required to look at the eight

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points that I've addressed to see that the applicant nor the proposed facility would meet those eight requirements."

Brunsvold: "Who in the department? Is there going to be a committee? Is the director going to do this? I guess what I'm getting to, Representative, if in the public hearing there is evidence that this site is not desirable because of may be population facts that they're too close to areas, yet they would maybe meet the offset requirements, who is going to say 'no'?"

Smith: "The department would do that, Representative and they have... "

Brunsvold: "This committee's going to do it or the director's going to do this?"

Smith: "... staff employees. Well the... ultimately, the director's responsible for the department, but they have personnel in place to do that."

Brunsvold: "My problem with... was not with mega hog farms. I think their location becomes critical and we shied away from sitting of facilities, when in fact, I think, we have sitting here. Do we have a citing language here? I think we do and I think the Department of Agriculture is going to say 'yes' or 'no', in the end? Is that correct?"

Smith: "That is correct. We have sitting criteria spelled out here."

Brunsvold: "So, if we're close... if we're close to a sensitive area, as far as population's concerned, and they meet other requirements, the department then can say, 'No, it's not appropriate that this site be placed here.' Is that what they can do?"

Smith: "That is correct, yes."

Brunsvold: "Representative Smith, I'd like to thank you for your efforts on this because I think that is very important that

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the department has to say, at some point, if it's not appropriate, they have to say 'no'. And I think getting to that point is a very large step we've made and you've made through your efforts working on this Bill. So, I would like to congratulate you for your efforts on this language."

Smith: "Thank you."

Speaker Hartke: "Further discussion? The Chair would like to recognize the Lady from Peoria, Representative Slone."

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

Speaker Hartke: "The Gentleman will yield."

Slone: "Mr. Smith, let me add my compliments to those of the other Members of the House who have spoken so far to you and Mr. Moffitt in particular, for all your efforts on this legislation, because it's a fine piece of compromise legislation and I do have a couple of questions. Regarding the issue of phosphorus and nitrogen, we had a lot of discussions as to whether phosphorus or nitrogen should be used as the basis for the waste management plan preparation. How does the legislation address the question of phosphorus versus nitrogen?"

Smith: "Thank you, Representative Slone and thank you for your help on this issue over several years. To answer your question, the Bill allows for the continued use of nitrogen as a basis for manure application rate as long as the phosphorus content of the field remains below 300 pounds of elemental phosphorus. If that level is ever reached, then future manure applications to the field can only be made based on that phosphorus rate."

Slone: "Is the 300 pound phosphorus limit intended to serve as the final answer or do you anticipate that there will be future research on this number?"

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Smith: "You're correct. The research in this area is continuing and this legislation contains a provision which recognizes that fact and mandates the adoption and the use of a phosphorus index, when such an index would be appropriate to Illinois soils, is developed."

Slone: "Thank you, Mr. Smith, for answering my questions and again, my congratulations to you."

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

Woolard: "Thank you, Mr. Speaker. I guess I'd like to just address the process, as well as the Bill. Now, I think that everyone has recognized for many years that there are people who live in rural setting Illinois who have had concerns about this issue. There have been a significant number of Legislators and active involvement from the bureaucratic systems throughout the state government working with citizens from all walks of life across this state trying to accomplish some kind of reasonableness and some kind of a Bill that we could live with. It took some significant leadership from individuals to make this happen. And I think, without question, there are people who have been involved in the process for a long time, who were genuine and sincere and truly wanted to make what has happened in the last few days a reality many years ago. But, sometimes it takes new faces, new individuals and new commitments from Legislators and others and especially governors. And I'd like to go on record as saying that Senator Maitland has made a tremendous difference. Representative Smith and Lawfer have made tremendous commitments and efforts and energies involved in this process. A new Director of Agriculture and other agencies have without question, again, made extreme contributions.

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But, without question, in my opinion, the fact that the Governor stood up and said that he wanted this to happen is what really made it happen today. And I commend Governor Ryan's leadership and involvement. And especially, am proud to be a part of a Body that has come to, maybe not to all inclusive, end of the issue, but at least a very major first step. I salute those participating and believe it's a good Bill. And we should vote 'yes'."

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

Skinner: "I wonder if the Gentleman could answer a couple of questions?"

Speaker Hartke: "He indicates he will."

Skinner: "My primary concern with this Bill has to do with gravel in the shallow aquifers that much water... much drinking water is taken from McHenry County, out of. What protection of shallow aquifers, gravel-based aquifers, are contained in this Bill?"

Smith: "Thank you, Representative Skinner. Shallow aquifer areas or areas of high water table, if you want to describe them that way, are considered one of the environmentally sensitive areas where a facility that's being constructed in such an area would have to meet enhanced standards."

Skinner: "Well, a shallow aquifer might or might not have a high water table."

Smith: "That could be. That is considered an environmentally sensitive area."

Skinner: "And what are the additional protections?"

Smith: "Representative, those would be enhanced construction standards that are going to be developed by the Pollution Control Board through the rule making process."

Skinner: "Thank you."

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Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition. Representative Moffitt."

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

Speaker Hartke: "He indicates he will."

Moffitt: "Representative Smith, I had a couple of questions I'd like to ask regarding this legislation. Does this Bill provide equal liability for all ownership interests in a livestock facility including any out-of-state interest or corporate interest that may own or contract with the farmer?"

Smith: "Yes, it does, Representative Moffitt. Should a spill or release or water pollution occur at a facility all interests would continue to be held equally responsible. This is the case now under the Environmental Protection Act and this would not change in any way under this Bill."

Moffitt: "I appreciate that response and I know it's an important issue to many of our constituents that the corporate partner would also be included. Another question, so if there was some sort of spill then... or release that resulted in surface or ground water pollution, are you saying that the outside company or contractor is not immune from the penalties under the Bill?"

Smith: "That is exactly correct, Representative Moffitt. All would be treated the same under this."

Moffitt: "Thank you, Representative. To the Bill. A number of people have been commended, I certainly want... I want to second that commending those individuals that have worked so hard. Governor Ryan stepped up and brought the parties together. Senator Maitland and Hawkinson and Sieben, I know pushed to have an agreement. Chairman Smith and Spokesperson Ron Lawfer were very instrumental, I commend them. But one other person, he spoke, but he hasn't been



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commended and Representative Woolard, who was Chair of the Ag Committee last Session, always kept his door open and encouraged the parties to come and talk and kept the activity going so, I commend Representative Woolard. Lynn Patovan, of the Illinois Environmental Council has worked tirelessly through these meetings to make sure all views were represented. The Bill itself, without question the Bills not perfect, but it is a reasonable legislative product developed by reasonable people in the legislative process. It's what can be produced through reason and compromise. This work may seem like it moved pretty rapidly, this spring and this Session, but it really took three years to get where we are today. This Bill was three years in the making. And today we have a piece of legislation that is supported by the Illinois EPA, the Illinois Pollution Control Board, the Illinois Environmental Council, as well as the agricultural community. So both ends of the spectrum are on board on this. The Bill that the House passed last year had six main points that are included in this Bill and these have been mentioned here today. That there should be corporate liability or joint and several that the corporate partner would also be responsible; that we should have a most limiting nutrient which is phosphorus; that there should be inspection of the entire facility; that all spills should be reported, which we all feel is very important; that there should be local input; that there should be statewide sitting standards for these environmentally sensitive areas and these are included now. This also closes the loopholes on the common ownership, so that if it's common ownership, it would be treated as one facility and I think that's very important. Well, if you believe in those things: that

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Bills should be... that spills should be reported; that we should have phosphorus as a limiting factor; that we should have the corporate sponsor be responsible; that we need enhanced standards in environmentally sensitive areas. If you believe in those things, the local input, the things we've mentioned, then certainly, you should be on board on this Bill. Really, a vote for this Bill is a vote for our environment. It's a vote for our citizens and it's a vote for the future of the State of Illinois. There are some points in here that really puts us at the forefront. We've been in search of other states that might have some of these standards and there are very few states that... like have a phosphorus standard. So, it does put us out in front on that and several other issues. So, Representative Smith, I commend you on this product and urge a 'yes' vote on this piece of legislation. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, Representative Smith, to close."

Smith: "Thank you, Mr. Speaker. And thank you to those who have spoken on the issue. If I could, I would like to add my thanks to a number of people, a number of Legislators who have been active on this issue over the years. Representative Myers, who spoke and Representative Slone, and Representative Leitch, who have worked with me. Speaker Hartke. Our former Chairman of the Ag Committee, Representative Woolard and many others. Particularly, I want to thank Representative Lawfer, Minority Spokesman on the Ag Committee. And in particular, Representative Moffitt who helped me negotiate this with Senator Maitland. I think we should also thank our staff, both our staffs, here in the House and from the Department of Agriculture and the EPA and the Pollution Control Board, all the

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interests that are involved. But, particularly, I want to stress that we would not be here today without the leadership of Governor Ryan, who said we are going to find a resolution to this issue. And through his leadership we were able to sit down and get it done this spring. We have a fine product here before us and I would encourage everyone to vote 'aye' on this important legislation."

Speaker Hartke: "The question is, 'Shall Senate Bill 1199 pass?' 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? Reitz, 'aye'. Mr. Clerk, take the record. On Senate Bill 1199, there were 114 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. For what reason does Mr. Jones seek recognition?"

Jones: "Thank you, Mr. Speaker, if I could have everybody's attention for just a minute. I rise for a point of personal privilege. In the rotunda today, at the noon hour, you heard a tremendous band and chorus perform, that young... group of young people are from Mt. Vernon, Illinois. They are the Mt. Vernon Christian School, along with their band director Bill Reynolds, and they're up in the gallery, up above, up here, if you would give them a real welcome to Springfield, and I thank you."

Speaker Hartke: "For what reason does Representative Reitz seek recognition?"

Reitz: "Yes, we're having problems with my switch over here and I would like to be recorded as 'aye', on the last vote. Thank you."

Speaker Hartke: "The journal will so reflect. Mr. Clerk, what is the status of Senate Bill 109?"

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Clerk Rossi: "Senate Bill 109, is on the Order of Senate Bills Third Reading."

Speaker Hartke: "Move that back to Second, for the purpose of an Amendment. Senate Bill 224."

Clerk Rossi: "Senate Bill 224, is on the Order of Senate Bills, Third Reading."

Speaker Hartke: "Place that Bill back on Second, for the purpose of an Amendment, and request to the Sponsor. Senate Bill 1055."

Clerk Rossi: "Senate Bill 1055, is on the order of Senate Bills Third Reading."

Speaker Hartke: "Place that Bill on the order of Second Reading for the purpose for the purposes of an Amendments, and request of the Sponsor. Representative Lopez, for an announcement."

Lopez: "Thank you, Mr. Speaker, there will be an immediate Democratic Caucus. We're going to discuss the Governor's infrastructure proposal. So, I think that it's important that all Democrats make it to the caucus immediately after Session. Thank you."

Speaker Hartke: "Mr. Clerk the Adjournment Resolution."

Clerk Rossi: "Senate Joint Resolution #36, offered by Representative Currie. Be it resolved by the Senate at 91st General Assembly, the State of Illinois, the House of Representatives concurring herein, that when the two Houses adjourn on Thursday, April 29, 1999, the Senate stands adjourned until Tuesday, May 4, 1999, at 12:00 noon and the House of Representatives stands adjourned until Tuesday, May 4, at 1:00 p.m."

Speaker Hartke: "Further Adjournment Resolution. All those in favor signified by saying 'aye'. Mr.(sic - Ms.) Currie, Representative Currie now moves for the adoption of the

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Adjournment Resolution, all those in favor signified by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it, and the Adjournment Resolution is adopted. Representative Lindner, for what reason do you seek recognition?"

Lindner: "Yes, thank you, Mr. Speaker, The Republicans will have a caucus immediately upon adjournment today."

Speaker Hartke: "Chair recognizes a Lady from Cook, Representative Feigenholtz. For what reason do you seek recognition?"

Feigenholtz: "Thank you very much, Mr. Speaker. For purposes of an announcement, the Conference of Women Legislators will be meeting on Tuesday, May 4 at 12:30 one half hour before Session here on the House Floor. Thank you."

Speaker Hartke: "Chair recognizes a Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We met with some Senate Frank Watson and the Senate. The tentative date for the Senate/House softball game has been set for May 11th. So, put that on your calendars."

Speaker Hartke: "Anyone else have an announcement to make? Representative Osmond now moves that the House stand adjourned until May 4th, Tuesday at the hour of 1:00 p.m. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it and the House does stand adjourned."