

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

48th Legislative Day

May 11, 1999

Speaker Madigan: "The House shall come to order. The Chair recognizes Representative Lyons. The invocation will be... the Clerk advises the Republicans may still be in caucus. But it's nice of all of you to stand at attention. All right. They're still under a caucus, so we'll wait awhile. The House shall come to order. The House shall come to order. The Members shall be in their chairs. We shall delay the invocation until the arrival of the minister for today, but we will do 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 Representative Steve Davis, Representative Giles, and Representative Morrow are excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Yes, Mr. Speaker. Let the record show that Representative Mulligan is excused today. The rest of the Republicans are here."

Speaker Madigan: "Thank you. Mr. Clerk, take the record. There being 113 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Lauren Beth Gash, Chairperson from the Committee on Judiciary II - Criminal Law, to which the following measures were referred, action taken on May 11, 1999, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to Senate Bill 1112. Representative

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Phil Novak, Chairperson from the Committee on Electric Utility Deregulation, to which the following measures were referred, action taken on May 11, 1999, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to Senate Bill 946. Representative Tom Dart, Chairperson from the Committee on Judiciary I - Civil Law, to which the following measures were referred, action taken on May 6 (sic-11), 1999, reported the same back with the following recommendations: 'be adopted' Floor Amendment #1 to Senate Bill 561 and Floor Amendment #1 to Senate Bill 458. Representative Jay Hoffman, Chairperson from the Committee on Transportation of Motor Vehicles, to which the following measures were referred, action taken on May 11, 1999, reported the same back with the following recommendations: 'be adopted' Floor Amendment #2 to Senate Bill 203. Representative Dan Burke, Chairperson from the Committee on Executive, to which the following measures were referred, action taken on May 11, 1999, reported the same back with the following recommendations: 'be adopted' Floor Amendment #3 to Senate Bill 827. Introduction of Resolutions. House Resolution 266, offered by Representative Daniels; House Resolution 270, offered by Representative Schoenberg; House Resolution 274, offered by Representative O'Brien; and House Joint Resolution #22, offered by Representative Sharp, are assigned to the Rules Committee."

Speaker Madigan: "Mr. Clerk, what is the status of Senate Bill 1125? Senate Bill 1125."

Clerk Rossi: "Senate Bill 1125, a Bill for an Act amending the Redevelopment Project Rehousing Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

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Speaker Madigan: "Third Reading. Is Mr. Black in the chamber?"

Mr. Black. The place isn't the same without him. Mr. Brady. Mr. Brady, did you wish to call Senate Bill 336? It's on page 3 of the Calendar. Senate (sic-Bill) 336. Mr. Brady. Mr. Clerk, take that out of the record. There's a Senate Bill 756 by Mr. Daniels. Did someone want to call that Bill? Representative Krause. Did you wish to call Senate Bill 276? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 276, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Krause."

Krause: "Thank you, Mr. Speaker. This Senate Bill 276, would require state and local governments, to require their employees who are seeking a commercial driver's license, to meet the minimum level of a hearing standard. The federal regulations which require CDL carriers to meet these standards, did grant an exemption to state and local agencies. The private sector is required to meet these standards. All cur... all surrounding states also require minimum hearing standards to be met by CDL license holders and I would be pleased to answer any questions, and ask for your support."

Speaker Madigan: "The Lady moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There are 3 people not voting. Have all voted who wish? There are 3 people not voting. The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority

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is hereby declared passed. The Chair recognizes Representative Scott. Mr. Scott. Doug Scott."

Scott: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I'd like to welcome... Representative Winters and I would like to welcome the 7th and 8th grade students from St. Peter's Cathedral, in Rockford, along with their teachers and their parents. So, welcome to Springfield."

Speaker Madigan: "Mr. Burke. Is Mr. Burke in the chamber? Mr. Capparelli. Is Mr. Capparelli in the chamber? Mr. Franks. Mr. Jack Franks. Did you wish to call Senate Bill 1042, 1042? Take the Bill out of the record. Representative Gash. Did you wish to call Senate Bill 1155? Take the Bill out of the record. Mr. Granberg. Is Mr. Granberg in the chamber? Mr. McCarthy. Senate Bill 805. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 805, a Bill for an Act concerning grants to fire protection districts. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. McCarthy."

McCarthy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 805 is a Bill that amends the State Finance Act and the Fire Protection District Act, to create the Illinois Fire Distribution Fund. This is a fund that the fire protection districts has... have asked for many years. The fund will be subject to appropriation. We have Amendment 3 that we put onto the Bill last Friday, to make it crystal clear that this is subject to appropriation, limited at the high end of \$20,000,000 which the fire protection districts would certainly wish for, but they realize it's probably not going to happen. But, they are working with the Governor's office for a appropriation now so that this money can be redistributed to fire protection

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districts across the state. And, I would ask for your favorable support."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Is there any discussion? There being no discussion, the question is, 'Shall this Bill pass?' All those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Representative Lindner. Representative Lindner. Did you wish to call Senate Bill 331? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 331, a Bill for an Act to create the Illinois Equal Justice Assistance Act. Third Reading of this Senate Bill."

Speaker Madigan: "Representative Lindner."

Lindner: "Thank you, Mr. Speaker. This amends two Acts and changes the Illinois Farm Legal Assistance Act to the Equal Justice Assistance Act, and creates the Equal Justice Foundation which would administer money to not-for-profit entities to help people with legal aid."

Speaker Madigan: "The Lady moves for the passage of the Bill. The Chair recognizes Mr. Black."

Black: "Thank you, Mr. Speaker. I appreciate your kind inquiries as to my health earlier. I was stuck in the elevator, and if you could do something about that, I'd be most grateful. Would the Sponsor yield?"

Speaker Madigan: "Mr. Black, what is it that you wanted us to do with the elevator? Just permanently lock it when you're on the elevator? Is that what you're suggesting?"

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Black: "Well, that would be all right or maybe just if a few of us could have a key to override the computer, so we could just go from floor to floor. It would be very nice. Very nice."

Speaker Madigan: "Mr. Black."

Black: "Would the Sponsor of this fine piece of legislation yield?"

Speaker Madigan: "Sponsor yields."

Black: "Yes. Representative, is the... Farm Bureau still has some concerns about the Bill, is that correct?"

Lindner: "Yes, I think I can state that position correctly. We do have an Amendment on it that says that a recipient may not use funds received under this Act to file an individual or class action under the Migrant and Seasonal Agricultural Worker Protection Act, which means that farmers could not be sued. But in their policy booklet, they still have a policy against legal aid, and so the Farm Bureau could not be in agreement on this Bill."

Black: "Okay. All right, so, in other words, it is not your intent that this program, when it's established, could be used to file a suit against genetically engineered crops or growth hormone and be for those kinds of things?"

Lindner: "No. No."

Black: "Okay, fine. Thank you very much, Representative."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 81 'ayes', 32 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Mautino. Mr. Mautino. Did you wish to call Senate Bill

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537? Take the Bill out of the record. Mr. Novak. Did you wish to call Senate Bill 23? Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 23, a Bill for an Act amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 23 is a shell Bill that Senator Mahar sent from the Senate. We're gonna use this Bill as a possible vehicle for some Amendments and refinements to the Electric Deregulation Law that was passed in 1997. Some of the issues we are dealing with, will be an expansion of cogeneration for businesses that wish to build power plants on their sites, as well as environmental programs, and transmission and distribution of commitments from specifically the Commonwealth Edison service territory, outside of the franchise area within the City of Chicago. There's nothing in the Bill right now. We want to send it back to the Senate so we can create a Conference Committee."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, I know this is a little unusual, but I apologize. It's somewhat difficult to hear in here. Nice to see you Jerry. And can you tell us again, Representative, what's in this Bill? We can't hear on this side of the aisle."

Novak: "Mr. Cross, there is nothing in this Bill other than a title. And I think there's one small word change that's designed to create a Conference Committee Report."

Cross: "So, the word that's in there that's changed, is

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insignificant?"

Novak: "Yes, it is."

Cross: "What do you intend to do with the Bill, Phil? I know you explained..."

Novak: "As I indicated, I know..."

Cross: "I know you did, no one could hear."

Novak: "I know it's a little noisy, Tom, but Vince and I are sponsoring this Bill and there's two Bills on the floor. This one and Senate Bill 24. One of those might be used as a vehicle for some further refinements of the current Electric Restructuring Law that we passed in 1997. Negotiations are taking place right now dealing with the issue of cogeneration that'll..."

Cross: "Thank you very much."

Novak: "Good."

Cross: "Nice explanation."

Speaker Madigan: "Mr. Persico."

Persico: "Thank you, Mr. Speaker. I stand in support of Senate Bill 23. As Representative Novak has mentioned, this is something that we've been working on for the last three weeks. We have to get it in a form of a Conference Committee, and I ask for your support of Senate Bill 23."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 50 'ayes' and 61 'noes', and the Chair recognizes Mr. Novak."

Novak: "Yes, Mr. Speaker. Please place this on Postponed Consideration."

Speaker Madigan: "Mr. Clerk, place this Bill on the Order of Postponed Consideration. Mr. Mathias. Did you wish to

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call Senate Bill 37?"

Mathias: "I believe there's going to be a second Amendment to that. I'm just waiting to see if it passes out of committee."

Speaker Madigan: "Take that Bill out of the record. Mr. Mathias, if there's to be another Amendment would you wish to put the Bill on the Order of Second Reading? So, Mr. Clerk, on Senate Bill 37, put that Bill on the Order of Second Reading. Mr. Myers. Is Mr. Myers in the chamber? Did you wish to call Senate Bill 937? Take that Bill out of the record. Mr. Rutherford. Mr. Clerk, Senate Bill 423. Read the Bill."

Clerk Rossi: "Senate Bill 423, a Bill for an Act amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Rutherford."

Rutherford: "Mr. Speaker, thank you. Ladies and Gentlemen of the House, there's been a concern by many across the state in regards to electric public utilities and their procedures in trimming trees. And it doesn't affect just the rural areas, but obviously, very much in the local communities where there's been very mature beautiful trees and through a process they've gone through and actually sliced off parts of those. So, what we've come to is an agreement amongst the electric utilities, working with the Commerce Commission and our municipal leagues in regards to legislation which would set up standard... guidelines I should say, into which a public utility would be able to trim the trees. Secondly, it would also provide for an electric public utility to notify the municipality within 21 days prior to coming in for a vegetation management activity. It would also require the electric utility to notify the affected customer within seven days prior to

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coming in with the vegetation management activity. It would also require the electric utility to provide a toll free number for that customer to call if they have concerns, questions, and request the procedures in which the trimming will take place. And lastly, this Bill would also require the Illinois Commerce Commission to promulgate rules through the Joint Committee on Administrative Rules by the year... by January 1st, 2001, to actually have in place, rules unto which the electric public utilities can trim those trees. And I'd be ha... glad to answer any questions."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. The Bill is on the Order of Standard Debate. The Chair recognizes Mr. Hartke. Mr. Hartke, are you in response? Mr. Hartke."

Hartke: "I wou... I would like to question the Sponsor."

Speaker Madigan: "Okay. Mr. Hartke is in response and the Sponsor yields to Mr. Hartke."

Hartke: "Representative Rutherford, I heard you mention something about the municipal league and municipalities. Is there any consideration about rural areas?"

Rutherford: "Well, I mean consideration of rural areas to the extent of what this would do is... is have the Commerce Commission establish rules for promulgating... I'm sorry, the Commerce Commission would promulgate rules unto which they can trim a tree whether it's in a municipality or a rural area."

Hartke: "And so, it'll be what, another six to eight months before the rules are put before the Commerce... or the JCAR on..."

Rutherford: "If I..."

Hartke: "... on whether they may or may not be able to trim trees

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in a rural area under the utility lines and so forth, whether it be a co-op or a privately owned utility company?"

Rutherford: "Okay. The way it is set up in this Bill, it specifically states that an electric utility must follow the guidelines set up by the Society of Arbor... Arboriculture, OSHA and the American National Safety (sic-Standards) Institute. Those are guidelines. That's un... unto the proper way to trim a tree. What needs to happen though, by January 1 of 2001, is the Commerce Commission specifically identifying the means in which they can trim a tree. And the point being..."

Hartke: "So..."

Rutherford: "... whether you should trim a tree, you know, six inches from the... the power line or six feet from the power line every one year, two year or five years is what the rules will have to address. Where you trim a tree or guidelines to trimming a tree as to whether it's at the base of the tree or at the fork of a tree, is what the guidelines would establish."

Hartke: "Are we not placing a special burden now upon the utility companies? They're out there to protect their lines to make sure that trees and limbs and so forth do not blow and short out the lines to... to allow for that utility company to provide electricity to... to customers and if they have to..."

Rutherford: "No. Ab..."

Hartke: "... follow these guidelines..."

Rutherford: "No. I'm... Representative, absolutely not. In fact, line 30 on page 2, starts off... go ahead... sorry... over, yeah... on page 2, it's talking about restoring the reliability services after interruptions and so forth. So

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this does not affect those procedures at all. Let me, also..."

Hartke: "No, but..."

Rutherford: "Let me, also, if I could, Representative, this was actually concurred to language by every electric utility company in the state."

Hartke: "Well, I'm just concerned about it because, you know, they're out there preemptive striking, so to speak, to make sure that limbs do not come in contact with those utility lines. And they do their best to try to keep those limbs trimmed back. Now, I can see where you have a... an old beautiful tree, but most of 'em are not old and beautiful because if they grow up near those utility lines they're trimmed out around those utility... utility lines."

Rutherford: "No. Representative, as I cited to you specifically in the legislation, it does not preempt the utility's ability to respond to restoring the reliable service in the interruption procedures."

Hartke: "Okay. Thank you very much."

Rutherford: "Thank you."

Speaker Madigan: "All right. Mr. Rutherford has spoke on behalf of the Bill. Mr. Hartke was recognized in response. The Chair recognizes Mr. Black. Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker. I just have two questions, if I could ask the Sponsor."

Speaker Madigan: "Mr. Black is recognized in response."

Black: "Thank you."

Speaker Madigan: "And the Sponsor yields."

Black: "Thank you. Representative, I'm just a country boy. Is vegetation management activity, is that a upstate word for cutting trees?"

Rutherford: "Actually, I'm not sure if it'd be upstate. It may

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well be, but that's the terminology that's being used by the Commerce Commission in regards..."

Black: "Okay."

Rutherford: "... to it... so... "

Black: "So, your Bill really addresses cutting and trimming of trees?"

Rutherford: "It... it addresses guidelines for that..."

Black: "Okay."

Rutherford: "... and the electric utility's notification to potential customers. The important thing though, if I could, Representative, is the Amendment we added on the floor just last week, which very specifically required the Commerce Commission to promulgate rules on the very specific procedures of trimming trees."

Black: "And I..."

Rutherford: "And that does not exist today. Today..."

Black: "And I'm sure they'll... in other words, there's gonna be a right way to trim a tree?"

Rutherford: "There will be, codified through rules, in which every electric utility will need to follow, on how to trim a tree because we're finding disparity between various communities and various utilities as to what they feel is the right way to trim a tree."

Black: "What if they want to cut the tree down? Can they... will they still be allowed to do that?"

Rutherford: "It would be my understanding if it... if it necessitates responding to the reliability and the interruption of service criteria within the statute, I'm assuming they would be able to do that. The rules themselves, though, would be... again, going through the JCAR procedure which will be inputs from the utilities as well as the local units of government.."

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Black: "All right."

Rutherford: "... that would be involved with it."

Black: "The only other question I had. It seems as if... there are other people who have air... wires, you know, on... strung from pole to pole, other than electric companies. For example, cable television and or, I think in many areas downstate, most of our telephone cable is still not underground. And it... and it appears that the Bill does not address either of those two utilities. What if they come in and make a wide swath through a neighborhood saying that your trees are interfering with..."

Rutherford: "Right."

Black: "... our cable... cable television wires or our telephone wires, so they lop off all the branches?"

Rutherford: "No. And that's... that's a good point. The original Bill actually had it just for until... for public utilities. We amended it intentionally to say electric public utilities and that's come about in understanding that the cable, telephone and all of those do not have within their own process tree-trimming procedures. They are generally piggybacking the lines with electric utilities and thus, basically benefit from the..."

Black: "Okay."

Rutherford: "... electric utility doing the trimming and they..."

Black: "Well..."

Rutherford: "...themselves do not do the trimming."

Black: "That's... that's an interesting concept and I don't want to draw this out, but most public utilities now contract with large firms to do their tree trimming and cutting, et cetera. I was under the impression that telephone and in some cases, cable television, while they don't have a forestry department and I'm not sure many public utilities

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still have that either... or electric utilities. Couldn't they contract with the same company and then not be held to the same standard?"

Rutherford: "No, they could, but the point is that generally those... these... these other utilities do not have their own lines. They are generally piggybacked with the electric utility."

Black: "Okay. All right."

Rutherford: "And that was a very specific question that I brought forward to the Commerce Commission. And they have... they have reported to me that there has been no problem with other utilities. Everything that is promulgated concerns to the commission has come from electric utilities."

Black: "Well, you know, 'cause I'm from further downstate than you are and you... you lop off one of our telephone lines and we're out of party line service. I mean, one wire goes down and takes out 25 of us on the same circuit, you know, so..."

Rutherford: "I'm not that much further down or you're not that much further downstate than me and the..."

Black: "Well, all right."

Rutherford: "... and the point is, most of those are on electric lines."

Black: "If this doesn't work..."

Rutherford: "You all know what I mean?"

Black: "... you don't want to be responsible. All right. Thank you."

Rutherford: "Thank you, Representative."

Speaker Madigan: "Mr. Rutherford to close."

Rutherford: "I'd appreciate an 'aye' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting

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'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status... Mr. Clerk, what is the status of Senate Bill 1046, 1046? Senate Bill 1046."

Clerk Bolin: "Senate Bill 1046, is on the Order of Senate Bills - Third Reading."

Speaker Madigan: "Mr. Clerk, put that Bill on the Order of Second Reading. Ladies and Gentlemen, earlier in the day we had deferred the invocation, so, if the Members could please be in their chairs. If the Members could be in their chairs for the purpose of the invocation. If they could rise, the Members could please rise. We shall be led in prayer today by the Reverend Rob Roy, of the Park United Methodist Church, in Bloomington. Reverend Roy is the guest of Representative Brady. The guests in the gallery may wish to rise and join us for the invocation, and Reverend Roy."

Reverend Rob Roy: "Let us pray. Gracious and loving God, it is a truly beautiful day and there are other places we would rather be than in this room. We think about our family, and Lord, how we'd like to spend more time with them, but we have important work to do here. We have special work to do here. And Lord, I just ask that You pour Your blessings upon this group as they... as they weigh the options that is before them. As they remember what words they say. Lord, that words do have meaning and power, and the actions that this group will make, Lord, may they be remembering their promises that integrity and hope, and Lord, love will be shared through them and compassion as they seek to reach out to the people of this good state. Lord, pour Your

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blessings upon them and their family. We lift up Lord, those who are feeling ill, friends and family, people we know, colleagues, who Lord, need to feel Your healing hands. And we ask for You to surround them and hold them up and may they feel Your comfort and know that they are not alone and that they are loved. Lord, for this good work, bless these people. Help them to do the courageous and good thing. Surround them with love and remind them that they are not alone as they reach out to people to tell them that they are not alone and that someone cares. These things we pray in Christ's name. Amen."

Speaker Madigan: "The Chair recognizes Mr. Ryder for the purpose of an announcement."

Ryder: "Thank you, Mr. Speaker. I would ask the Members of the General Assembly to recognize the St. John's School, Class of 1999, 7th graders... or 8th graders in Class of 2000, on the east side. We welcome you to Springfield."

Speaker Madigan: "Mr. Turner. Mr Arthur Turner. On Senate Bill 566. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 566, a Bill for an Act to amend the Business Corporation Act of 1983. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. Senate Bill 566 is an initiative brought to me by the Secretary of State's Office, and basically, what it does is makes numerous revisions to the Illinois Business Corporation Act. These various provisions and there are some 16 of them, are pretty much agreed upon between the Secretary of State's Office and have been looked at and signed off by all interested parties. They basically just, as I say, clean up technical language

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regarding the Business Corporation Act, and I move for the favorable adoption of Senate Bill 566."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. There being no discussion, the question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Black. Mr. Black. Did you wish to call Senate Bill 1227? It's on page 5 of the Calendar. Mr. Clerk, take this Bill out of the record. Mr. Ryder. Is Mr. Ryder in the chamber? Mr. Saviano. Is Mr. Saviano in the chamber? Mr. Wirsing. Mr. Wirsing on Senate Bill 74. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 74, a Bill for an Act in relation to the Department of Agriculture. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Wirsing."

Wirsing: "Thank you, Mr. Speaker. This... this Bill was amended in committee and the owner of the Amendment, if you will, was Representative Woolard, and if it suits with the Speaker, I would ask that Representative Woolard explain the Bill."

Speaker Madigan: "The Chair recognizes Mr. Woolard."

Woolard: "Thank you, Mr. Speaker. This is the same Bill that we passed last year. This Amendment is identical. It created the opportunity for two ethanol facilities to be built in this state. I believe that this is a... more of a farmer friendly Bill than it is an industry friendly Bill. It

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would create incentives for the utilization of Illinois grain products. Would encourage your support for this Amendment."

Speaker Madigan: "The Chair recognizes Mr. Lawfer."

Lawfer: "Thank you, Mr. Chairman (sic-Speaker), Ladies and Gentlemen of the House. To the Bill. This had unanimous support of the Agriculture Committee, and I would urge a 'yes' vote."

Speaker Madigan: "The question is, 'Shall this Bill pass?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? There are two people not voting. Have all voted who wish? The Clerk shall take the record. On this question, there are 113 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Mr. Novak. Mr. Novak. Did you wish to call Senate Bill 24? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 24, a Bill for an Act to encourage the development of cogeneration and self-generation of electricity. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Novak."

Novak: "Yes, Mr. Speaker. Senate Bill 24 is the same thing as Senate Bill 23. It's a shell Bill. And as I indicated to the Body before, I would hope my colleagues would open their ears and just listen, that this is a shell Bill. There is nothing in it. We've been discussing issues on a bipartisan basis with our bipartisan Electric Utility Deregulation Committee. Mr. Persico and myself have been meeting with the interested parties. And we've been talking about cogeneration. We've been talking about

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enhancing environmental programs, and also, guaranteeing in statute, transmission and distribution improvements within the Commonwealth Edison service territory, outside the City of Chicago. So, that means all you suburban Republicans should be interested in this legislation, as well as a few suburban Democrats that are around. This is for transmission distribution outside the City of Chicago within Com Ed service territory. So, it's noncontroversial and I simply ask you to vote 'green'."

Speaker Madigan: "Mr. Persico."

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

Speaker Madigan: "The Sponsor yields."

Persico: "Representative, I know at this time of the year things move at a very hectic pace and sometimes we're not able to communicate as effectively as we would like to, so, would you be able to take this Bill out of the record and give me a little time to work on this?"

Novak: "Mr. Persico, I'd be glad to. Thank you. Mr. Speaker, could you take this Bill out of the record, Sir?"

Speaker Madigan: "Mr. Clerk, take this Bill out of the record. Mr. Hannig in the Chair."

Speaker Hannig: "Representative Ryder on Senate Bill 1114. Is Representative Ryder in the chamber? Okay. Out of the record. Representative Saviano on Senate Bill 368. Out of the record. Representative Brady on Senate Bill 668. Representative Brady. Representative Brady. Out of the record. Representative Krause on Senate Bill 1071. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1071, a Bill for an Act to amend the Public Officer Prohibited Activities Act. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Krause."

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Krause: "Thank you, Mr. Speaker. Senate Bill 1071, amends the Public Officer Prohibited Activity Act. It extends the requirement for disclosure of ownership of real property before purchased by public officials... by public entities, I'm sorry, under this proposal. Now, limited liability companies, limited partnerships must provide disclosure. The entity of the members who are entitled to receive more than 7 1/2% of the distributable income of a partnership, must be disclosed. As a result of hearings that the State Toll Highway Authority had, it was stated that limited liabilities companies, and limited partnerships, which are not currently subject to disclosure requirements, should be included. I'd be pleased to answer any questions."

Speaker Hannig: "And on that question, Representative Schoenberg is recognized."

Schoenberg: "Thank you, Mr. Speaker. I'd like to rise in support of Senate Bill 1071. Last year, a Joint House Committee of the Appropriations Committee for General Services, and Representative Morrow's counterparts with the Appropriations Committee for Public Safety, heard testimony about real estate, acquisition, and relocation for the Toll Highway Authority. And in response to some questions, it was estimated that within District 1, the Metropolitan Chicago area, that roughly one out of two of these parcels was indeed in a blind trust... parcels acquired, was indeed in a blind trust. This adds an essential element of sunshine for those who are raising their families and hoping to keep their businesses thriving within communities. And I'd rise in strong support of the measure, and I commend Representative Krause for coming forward with it. Thank you."

Speaker Hannig: "Is there any further discussion? There being

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none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there 112 voting 'yes' and 0 voting 'no', and this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, read Senate Bill 1042."

Speaker Hannig: "Mr. Clerk read Senate Bill 1042."

Clerk Bolin: "Senate Bill 1042, a Bill for an Act to amend the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Hannig: "Representative Franks."

Franks: "This is a Bill that we had called last week and taken out of the record when Mayor Daley had come. What I'd like to do is read some legislative intent of this language. With this Bill... this is the Bill about the hidden secret compartments and having a forfeiture of the vehicle if the vehicle has a secret compartment. And I'd like to read into the record the legislative intent for this Bill. 'Danger to law enforcement from weapons hidden in these secret compartments is heightened by the increasing sophistication of the installers of these compartments. These well-disguised secret compartments increasingly include the use of complex electron... electromagnetic locks and hydraulic systems. The intent of this legislation is to enable law enforcement to stop both the use of these secret compartments for unlawful purposes and hiding contraband and weapons, as well as, the creation of these dangerous compartments. This legislation is made effective by imposing both the criminal penalty and by providing for the forfeiture of the vehicle with the secret compartment. It is not the intention of this legislation to criminalize the use of existing or created spaces in a

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vehicle by a person seeking to secure their valuables from criminals. And it is not the intention of this legislation to criminalize sportsmen who legitimately transport firearms.'"

Speaker Hannig: "The Gentleman has moved for passage of Senate Bill 1042. On that question, Representative Durkin."

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

Speaker Hannig: "He indicates he will."

Durkin: "Representative Franks, last week when this Bill was brought up there was a great deal of discussion about what is or is not contraband that could be in one of these traps. How does this intent cure the questions which were linger... lingering in our minds last week?"

Franks: "Well, the intent is clear. It's to... it's to stop the use of these traps, so we can protect our policemen."

Durkin: "All right. Now, let me just ask a few questions in here. You go on and you... it speaks of certain things which you say are prohibited which should not be inside these traps. But we get into other contraband. Could you explain to me what you define as 'other contraband' in this Bill? What is 'other contraband'? What is 'contraband'? How is that defined?"

Franks: "Contraband is defined by statute for things that are illegal to possess, such as drug paraphernalia."

Durkin: "Where in the statute is there a legal definition for 'contraband'?"

Franks: "We just refer to contraband."

Durkin: "Pardon me?"

Franks: "We just refer to contraband. We haven't defined it."

Durkin: "Well, the fact is we have certain... "

Franks: "Nor have we defined firearms."

Durkin: "Certainly, we have firearms, controlled substance or

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other contraband. Is there a legal definition for contraband in the Illinois Revised Statutes right now?"

Franks: "I know there's case law. I'm not positive of whether there's something in the statutes that's explicit defining the term 'contraband'."

Durkin: "I know. Well, contraband, I think, you know... we're getting into very specific things which are prohibited or not and we talk about contraband. And in the eyes of one person contraband could be something illegal, in the eyes of another one it could not be illegal, but I'll go about to the other question. I want to get a little bit into the forfeiture aspects of this. Right now, you're saying that if this person does have this, if they are stopped and they do have something which is prohibited, under your Bill inside that automobile, the police are allowed to proceed or law enforcement is allowed to proceed, under a separate forfeiture provision for the automobile, correct?"

Franks: "That is correct."

Durkin: "And that would be a simultaneous proceeding along with the criminal proceeding, correct?"

Franks: "Yes. Yes, it would be."

Durkin: "Okay. Now, under... would that... what type of due process is going to be allowed under the civil... under the civil forfeiture proceeding? Is there going to be... does this person have a... do they have a Fifth Amendment privilege under the civil proceeding?"

Franks: "I'm sorry. Could you please repeat that question?"

Durkin: "The question is this, does a person if they... here's the situation; you got a person who's charged with a criminal... under the Criminal Code with this violation, but they have another simultaneous civil forfeiture proceeding existing. Generally, the forfeiture proceedings

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move a little quicker than criminal ones. Now, will this person... will the... do they have a right to a Fifth Amendment in the forfeiture proceeding, a Fifth Amendment privilege against self-incrimination?"

Franks: "As long as there's a possibility of criminal prosecution, one would always have a Fifth Amendment Right in a civil proceeding, and that would not be waived."

Durkin: "Well, I think I disagree with you on that. I think that the case law is established otherwise. However, okay... you have a civil proceeding which proceeds and the person chooses not to take the stand. Now... and the automobile is forfeited over to the state, however, the criminal proceeding occurs and they are found not guilty beyond a reasonable doubt. Do they have that ability to return to the court, to get the automobile back or is it forever in the hands of these state agencies?"

Franks: "We have that now and yes. Because right now there are some offenses that will give a forfeiture to the vehicle. Right now, if you are carrying cannabis or other controlled substances in your vehicle, that vehicle is subject to forfeiture. However, if you are not... you are found not guilty, then that... that would be returned to you."

Durkin: "So, you're saying that I... that doesn't speak of that in the forfeiture provisions. I think... correct me if I'm wrong, but I think that if you have a civil forfeiture hearing and the fact is, the automobile is forfeited back to the state and you're found not guilty at a later point, are you saying that you can go petition summarily and get that automobile back from the state?"

Franks: "Not summarily, but done through a hearing like it's done now. Wouldn't be changing anything that's existing in present law."

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Durkin: "All right. Last week there was some discussion on whether or not, perhaps, it would be a good idea to amend this Bill to make it a felony offense rather than a misdemeanor. Have you given that any consideration?"

Franks: "Yeah, I have. And I've spoken to the Senate Sponsor and we believe it's good as it is, but, I want to add one thing. A bright young Representative on that aisle had pretty much the exact same Bill except without the forfeiture provisions."

Durkin: "Well, it's a little bit of a penalty difference. And I'm going to tell you a little bit about the problem I have with... when you have a misdemeanor and also, with things which are felonies, which you are saying and are outlawed. You have weapons and controlled substance which are all felony offenses, but you have the... the offense is a Class C misdemeanor. What you're going to have a problem is... is that someone's going to pull over a car that's got five kilos of coke in a trap. The fact is they're going to have one felony proceeding and they're going to have a misdemeanor proceeding. When you're in Cook County, you don't merge those two cases together. So, you're going to have a misdemeanor action and a felony. You're going to have a police officer who's going to be testifying first in the misdemeanor case because that goes to trial a lot quicker than a felony and he's going to be at... put on paper first. Which is the worst thing that you ever want to do. Any prosecutor is going to tell you that you don't want to put your witnesses on paper more than once. And what you're going to do is that you're going possibly... you're going to destroy the testimony at a later point when that person testifies at some point later in the felony trial. Do you understand what I'm getting at?"

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Franks: "But that's a decision that the prosecutor makes. There's no requirement to prosecute them separately. They can do it together. And another thing, having the trap is the real kicker here because that's what forfeits the vehicle and that's what we're looking to get here. We're looking to get these vehicles with traps off the street to protect our policemen and to protect our citizens. And that's what we should be focusing on."

Durkin: "Well, that's great, but you didn't answer my question. Now, let's get back to it again. What you're doing is kind of ludicrous in the fact that we're having a misdemeanor proceeding... if you're carrying... "

Franks: "No. I did answer your ques... "

Durkin: "... if you... what the contraband or whatever you've outlawed in here is a felony and you're carrying something inside it, it should also be a felony, as well. You're going to be causing havoc and I tell you the way it's going to be implemented is that you're going to have this new law which is going to be... when it goes... when someone is charged with possessing cocaine with the intent to deliver and a misdemeanor compartment violation, they're going to have to nolle pros (sic-prosequi) or SOL that case in the misdemeanor division. It's going to be a toothless tiger because every state... no state's attorney is going to want to put that police officer on the stand at the misdemeanor trial, so at some point later he can be... it can be used against him for impeachment at the felony trial. Do you understand what I'm getting at?"

Franks: "No. I understand your argument. But I disagree for this reason, it's because the individual state's attorneys can determine how they wish to prosecute this and they don't have to do it separately."

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Durkin: "Well, that's what I'm saying is that here's what they're going to do. And I'll tell you, if anybody's ever been in the court, anybody in a large volume courthouse... see it happens all the time. You're going to have to dismiss that misdemeanor charge cause you're not going to want to jeopardize the felony... felony case which you have for the gun violation or the controlled substance violation. And you're going to put that case into jeopardy when you have that officer testifying, perhaps, a month... you know, nine months later at the misdemeanor for this Class C violation. It's going to put that subsequent felony charge in... in jeopardy. I think that if you would have made this a felony, I think it would have... it would have... it would solve a lot of problems and it would pass both chambers."

Franks: "I appreciate that, but, as again, I disagree, because I think it's up to the individual state's attorneys offices how they want to do it. I know in McHenry County, they'd prosecute it together."

Durkin: "Well, I... quite frankly... that's great. But I think where... when you have a situation where you have larger volume courthouses, you're going to run into some very bad procedural problems with this. I appreciate what you're doing, but I think that in the long run, this is going to be a... people are going to be charged with this offense and when it comes to trial, that the charges for this specific violation is going to be dismissed because they're not going to want to put that police officer on the stand twice for an offense which he's going to have to testify later, which is very much alike. Which is or like I said before, it's the weapon... it's the felony violation which they're going to testify at some point later. Thank you very much."

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Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, I... let me just ask you a few questions. And I'm not necessarily opposed to the Bill, I just think there's some drafting problems. Under current law, is it not correct that... under current law, I can have a vehicle seized if I'm stopped and a police officer finds a hidden compartment in my car with an illegal substance in it, currently, my car can be seized, correct?"

Franks: "If it's a controlled substance or cannabis."

Black: "Okay. What about an illegal firearm?"

Franks: "No. No."

Black: "All right. Now, one of the things that we didn't have time to get into... I think it was last week when you presented this. What happens to a subsequent buyer of an automobile? I go to a used car lot, I see an automobile that I like, the price is right, I buy the car. Two weeks later I get stopped, the police may be familiar with the car, I don't know. They do a check and sure enough, there's a secret compartment, that I didn't know about, in the passenger's side door. There isn't anything in the car, but there is that secret compartment. Now, am I at risk of losing my car for something that I had no prior knowledge existed?"

Franks: "That's an excellent question, Mr. Black, cause that was one of my concerns, as well. And the answer to that is absolutely not. This is an intent crime and it's... the burden is on the state to prove that you intended to have that compartment. So, if you bought a car, a used car and it had it, and you knew nothing about that compartment,

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you'd have no problem. It would not be subject to forfeiture."

Black: "What would the... assuming that I am stopped and I am a new owner and I obviously, under due process that will be established. But in the meantime, at the stop, will I be subjected to the seizure of my car and have to go through a legal proceeding or will I be stopped, they check the car registration and will I be on my way, in 15 minutes?"

Franks: "No, you could be, but again, they would have to show the intent and it's an intent crime."

Black: "How long does it take right now and I really don't know the answer to this. I do know there's often a delay when a car is purchased and the registration transferred and the plates transferred, sometimes it can take several weeks for that to get on the computer system. So, wouldn't I still be at risk if the records hadn't caught up with that transaction and the police officer calls in or for those who are in communities that have the computer in the car, it comes back to the old owner, which may be a known trafficker or a gang banger and the guy says, 'Oh, oh.'"

Franks: "I understand your... the question, but it goes to the intent of the operator. And you wouldn't have that intent, so you'd have nothing to worry about."

Black: "I... Now, one of the things that we were concerned about last week is that new cars... newer cars, particularly sport utility vehicles, have all kinds of hidden compartments built in by the manufacturer and they even advertise it. You know, when you're on the beach, put your valuables in here. I know it's... Representative Brunsvold has brought this up on the floor. Under our current firearm laws, transportation laws, unless you have a compartment in an SUV, you're technically at risk because

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the gun... you could make a case that the firearm, even though you're on your way to legally... to hunt legally, that firearm is in the back of that SUV and somebody could say, 'Well, it is in within reach.' So, technically, you're in violation of the transportation law. So, he puts the gun in a compartment, where the spare tire is hidden under the back cabinet. Now, the gun is legal. He's not doing anything illegal, but the gun is in a secret compartment. What risk do I... what risk am I assuming at that point in time?"

Franks: "None. Absolutely none. Again, it's intent."

Black: "Okay."

Franks: "This is not looking to penalize legitimate sportsmen. I'm a sportsman. I've owned guns, as well, and I put them in my trunk and transport them."

Black: "Then... I think we also talked about this last week. Let's say that my... and thank heavens my children are grown and married and on their own. But I remember what it was like to have teenage kids. Let's say your 17-year-old borrows the car and it's a top of the line Buick LeSabre and it has a hidden armrest in the backseat. And as kids are sometimes prone to do, he decides that would be a great place to hide two or three cans of beer and a pint of sloe gin. Now, he's doing something illegal, but it's my car. He gets picked up. They do a search of the car and they find alcohol in the car, could be construed in a secret compartment, that alcohol is being transported illegally by an underage driver. Am I at risk of losing my car for the inherent foolish action of my minor child?"

Franks: "That's another good question. But our Bill, the way it's written, is that the compartment has to be intended and designed to be hidden from law enforcement officials."

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When GM puts this in, in your beautiful new car, for the armrest in the back, that is not designed and intended to be hidden from law enforcement."

Black: "Well, I'll tell you, I... I'm driving a General Motors car... drove it over this week and it had something that I honestly didn't know it had until the other day. I was loading... yesterday, in fact, I was loading my car... my wife usually drives this car and I was having trouble getting everything in and lo and behold the backseat falls in from the trunk. And, honestly, I didn't know it did this. One portion of the backseat falls in the car and I'm looking at that and I thought I'd broken it, but, evidently, in these smaller cars that's a way to put elongated golf clubs or something in the car. Would that be construed as a secret compartment?"

Franks: "No, it wouldn't"

Black: "All right. Let me ask you one other question. Would there be a scenario where you got stopped, the police officer did find a secret compartment that was obviously added after the fact, not a manufacturer's compartment. It's obviously put there for some nefarious purpose, but there's nothing in it. Absolutely nothing. He brings in the dogs. No residue of drugs. No residue of gunpowder. So, we can't establish that he has ever hauled anything or put anything in that compartment, but that compartment's there. And it certainly wasn't the manufacturer's compartment. Could you then extend this law and say, 'Ah, ha. The very fact that you put this in your car means you're up to something and I'm going to seize the car.'"

Franks: "You still need intent, to be doing something illegal. If you have one... "

Black: "Wouldn't the very fact that I had built a secret

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compartment get me awfully close to the intent?"

Franks: "The fact by itself is not enough because one of the examples that was used last week is the jeweler, who might want to hide his or her wares and that's not intended."

Black: "Okay, now... and that's what I'd... I'd like to wrap up on that. There might be people who would have a body shop put a secret compartment in a car, not to hide something from the police, but to hide something from a carjacker, a car thief. Maybe one could argue that the compartment is illegal. You shouldn't have done that. And I'm hiding money or I'm hiding identification or I'm hiding my wife's jewelry on a vacation. How are we going to distinguish between my intent to hide it from thieves and or my intent to hide something from the police?"

Franks: "That's a good question. But again, the burden of proof is on the state to prove and that you have to look at it in its totality. And if you are a merchant, who happens to put a secret compartment in, as the jeweler may have done, obviously, you're not trying to hide it from the police. You're trying to protect yourselves from potential thieves. Whereas, if you are a drug dealer or some other type of criminal who puts this compartment in a car to hide drugs or to hide a weapon to use in the furtherance of the commission of these crimes, that's where we get the intent."

Black: "And you're comfortable that the courts are always on... on track and on target when we deal with intent?"

Franks: "Courts have made mistakes."

Black: "Most of the time."

Franks: "Most of the time."

Black: "Okay, I understand."

Franks: "That's right."

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Black: "Well, Representative, I... I again... I appreciate your indulgence. Mr. Speaker, to the Bill."

Speaker Hannig: "To the Bill."

Black: "You know, it's very hard to argue against the Bill. I... I heard him present this in committee. I saw the video, which was very powerful. I don't think anybody would stand up and want to defend a criminal from doing some of the things I saw in this video. But I'm really torn on whether to vote 'for' this Bill or to vote 'against' it until it's tightened up. I know the Gentleman's forthright in saying what your intent is, is going to be the key. My fear is that what we sometimes think is intent in the rather calm, if you can call this calm and quiet, environment of the House, is a little different from the adrenalin and the, for lack of a better word, the danger that exists on the street. My fear is that intent may go out the window until you get into court, maybe you can exonerate yourself or be exonerated. But in the tension on the street a hidden compartment, whether it's put there for nefarious use or maybe even put there by a manufacturer, is going to subject someone... my honest fear is that an honest motorist is going to be caught up in this and that is not our intent, but it could happen. And if it happens to you or it happens to your parents or your grandparents, you're going to take another look at this Bill. I was hoping the Gentleman could tighten it up just a little bit when he agreed to take it out of the record. Again, I quarrel... I have no quarrel with what he's attempting to do, but I think this goes a little bit beyond what he's attempting to do and my fear is that... if you're not careful, you're going to yet put on the books another way that the police can seize your car. And yes, you can go to court and you

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might get it back and you might not. Or when you get it back from the impound lot, it may not look exactly like it did when it went in. And my only fear is in our zeal to protect us from the criminal element and I share his zeal for that, that we are sometimes making it difficult if not impossible for the law-abiding citizen to feel comfortable out on the street. And it's for that reason I intend to vote 'no'. I hope the Gentleman brings the Bill back at a later date and tightens it up a little bit to make certain that we're not just adding another seizure of a vehicle to the Criminal Code. I appreciate your indulgence, Mr. Speaker."

Speaker Hannig: "Representative Cross."

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

Speaker Hannig: "He indicates he will."

Cross: "Representative, I... perhaps my memory's failing me. I know we've been working awfully hard in the last few weeks. But if my memory's correct, you had mentioned last week that we were going to work together on this and sure gave the impression by taking it out of the record that there were some problems with this Bill and I know we even talked a little while about trying to remedy some of those faults. Is there any reason why you decided to go forward with this Bill?"

Franks: "Well, I believe we did work together and we met on a few occasions. And after speaking with the original Sponsor and doing more analysis, we believe that the language, as it stands, is sufficient."

Cross: "Who's the original Sponsor?"

Franks: "That'd be Senator Lisa Madigan."

Cross: "So, you're... regardless of your intentions last week with respect to willingness to take it out of the record,

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make some changes, improve the Bill, that's all been erased?"

Franks: "We took it out of the record so we could speak about the problems that you had, address those problems, which we did. And after careful consideration and meeting, we realized that the Bill, as it stands, is sufficient and it's an excellent Bill and one that should pass."

Cross: "One of the things that we talked about, Representative, that was pointed out... and I'll, you know, make sure I qualify my statements and I think this is... there's some needs here that we all understand. Police officers, their safety's of paramount concern for all of us and there's some bad people in the world and we need to address those instances. No question about it. We need to do that. I'm all for it. I support the law enforcement community as I know everyone in this room does. But this Bill, the way it's drafted... as happens in this chamber sometimes when people care only about getting political coverage as opposed to doing a correct Bill, we go too far. One of the concerns we had last week was the definition of 'contraband' and the issue that we... I thought both agreed on was the scenario of one of our kids in our cars going out of state and then coming back with either fireworks, alcohol, cigarettes and coming back into the State of Illinois with what could be under your Bill, defined as contraband and subject... subjecting their parents' vehicle to seizure. Why don't you define 'contraband' in this Bill? It seems pretty simple that you can define what 'contraband' is."

Franks: "Contraband is defined in case law."

Cross: "Well, give me the cases that we're talking about since you want to change the law and subject everybody's vehicle

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to seizure, including the parents' vehicle that gets used in these isolated cases or maybe not so isolated when their vehicle can get seized... be seized. Give us the case law that you're talking about so we'll know."

Franks: "Representative, I appreciate your concerns and we all have those, but I really think that you're missing the point."

Cross: "I'm not missing the point, Representative. We're talking about vehicles being seized for instances that we're not... that we don't want them seized for. We're talking about peoples' vehicles being seized when they don't even know what's going on. When they let their kids use their car or someone else. We're talking about a kid... "

Franks: "And in... and in light of the recent tragedies... "

Cross: "And we're talking... "

Franks: "... we should know what our kids are doing."

Cross: "Well, let's go ahead... "

Franks: "The parents should parent."

Cross: "... let's make sure we get... "

Franks: "And you should get more involved... "

Cross: "... the press release... "

Franks: "... with what your kids do."

Cross: "... drafted just right, Representative. Let's make sure that press release looks real good for our next campaign. I apologize... go ahead."

Speaker Hannig: "Representative, would you restate your question?"

Cross: "Why don't you define 'contraband' to include or exclude instances of alcohol or cigarettes or fireworks or even that sportsman that I'm sure you're going to tell us you agree with, who maybe takes 16 fish instead of 15 and hides them on the way back from the lake. Is that contraband?"

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Is that what we're af... are we after the sportsman, now?"

Franks: "No. You have to look at intent and whether there's a secret compartment. I think you're getting very far... afield."

Cross: "Well, Representative, we're talking about changing the Criminal Code. I hope I'm asking tough questions, cause this Bill certainly goes a lot further than I think you intend it to. And if you think that's wrong to ask tough questions about a Bill that goes further than it should, I'm not going to apologize for it. Once again I ask you, what cases are you talking about where contraband is defined? Cause no one over here seems to know what you're talking about."

Franks: "I don't have the cites with me, but it's... we..."

Cross: "Well, I know you've got a staff person over there that's helping you with this Bill. Can he give you the definition of contraband as it applies in those cases? I don't need the cites."

Franks: "I guess the Black Book response would be, 'material that is prohibited by law.'"

Cross: "Okay. So, alcohol held by a 16-year-old is contraband. You'll agree with that. It's illegal for a 16-year-old to have alcohol, so it's contraband. You agree with that under your definition."

Franks: "Depending on the circumstances."

Cross: "I can't think of any other than maybe in a religious setting, but... "

Franks: "That's what I would think of."

Cross: "I don't know of that many religious ceremonies that take place in a car. Would you suggest or agree with me that fireworks that come from another state held by a 16 or 17-year-old would be contraband under this... under your

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Bill?"

Franks: "Yes, it would be."

Cross: "Okay. Would you agree that cigarettes by a minor in this state would be contraband under the definition of your Bill or the lack of definition?"

Franks: "I think you're throwing out all the discretion that our law enforcement officials have, as well as our state's attorneys, our elected state's attorneys. And you're putting this into a vacuum and I don't think you're looking at it in real life. And I'd ask you to look at it that way."

Cross: "Well, I'm... okay. Let's go ahead with... continuing my questions. Under this Bill, would cigarettes be defined as contraband? By... held by a minor?"

Franks: "Without tax stamps and held by minors, yes."

Cross: "Okay. Would that scenario with taking over their limit of fish, a hunter takes, be contraband since he or she violated the law by taking more fish than they should have over the legal limit?"

Franks: "And if that fish is in the Igloo cooler that they purchased, that is not a problem because that is not a hidden compartment."

Cross: "Why don't we just stick with contraband for a second. Assuming they took over the limit, would the fish be contraband?"

Franks: "You have to have both the compartment and the contraband and the intent to hide it from law enforcement officials."

Cross: "Let's just assume for a moment that those first elements are done and we're only talking about contraband that's... as we know that's not defined in this Bill. Would the fish, over the limit, be contraband? Yes or no?"

Cross: "I think it's yes."

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Franks: "Yes."

Cross: "Okay. So... so, we now have set up the scenario where my son or daughter, as sons and daughters do, which none of us approve of, we don't want 'em to do it, but they do silly, stupid things. They smoke cigarettes when we tell 'em, 'Don't smoke cigarettes. That's not healthy. You can die from it.' But they do it. So, our 16-year-old kid borrows our car and remember, I'm just following what's written in your Bill."

Franks: "But, in your car, have you put on a secret compartment to hide things from law enforcement officials?"

Cross: "I'm trying to get there, Representative. I'm trying to get there. Knowingly, I'm the 16-year-old kid. I don't want you to find it because I know I've been stopped by the police, so I'm going to hide it. And it says, 'knowingly installs, creates, builds or fabricates in any motor vehicle a false or secret compartment.' Now, I intend to hide those cigarettes from you as the police officer from my parent, so I find a place to hide 'em. I hide 'em under the glove compartment. I create a little safe spot back there behind the steering wheel. I hide 'em in the trunk. I hide 'em under the seat. The point is, I've hidden 'em. Under your Bill, now that that's contraband and I've intended to hide 'em, 'cause I don't want you to find 'em, under your Bill, you can now seize my vehicle. That's correct, isn't it?"

Franks: "No, you need to have intent and there has to be a secret compartment that's put on there. And, also, what you've thrown out completely, in your hypothetical, is the discretion of our elected state's attorneys and of our very fine police officers. And also, what you've totally neglected is the responsibility of the parent."

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Cross: "All right, Representative, here's what... you find... are you suggesting that parents whose kids smoke cigarettes are irresponsible?"

Franks: "No."

Cross: "No, of course you're not."

Franks: "Of course not."

Cross: "Because you know it happens in the real world."

Franks: "Sure."

Cross: "Ladies and Gentlemen, to the Bill. You're going to all vote for this. You have to vote for it. Let's be honest about what this Bill is. This is a Bill to get votes. It's a campaign piece. It's a Bill that looks like and in some respects, it's a good Bill designed to protect law enforcement. There's a certain part of this Bill that should be approved, but this Bill in its present form is poorly, poorly drafted. And when your constituent comes back to you because the state's attorney decided to seize your constituent's automobile because your constituent's kid did something wrong or stupid, go back and talk to the Sponsor of this Bill and say, 'Gosh. Why did we vote for that Bill?' Well, you voted for that Bill because if you didn't vote for it it'd come back and bite you in the next campaign. And it's gonna bite ya bad. Now, the Representative did the responsible thing a week ago. He said, 'Let's take it out of the record and try to get a little cleaner definition of contraband and a little better definition of secret compartment.' And I think he could have done that and I think this could be a very, very good Bill and a Bill that's needed. But it's... in its present form, there's some serious faults with it and I think you're all going to regret it. And I know it's going to get a hundred... over a hundred votes and I guess you don't

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have much choice. But keep an eye on this Bill, 'cause it's gonna come back and bite some of us. Thank you very much, Mr. Speaker."

Speaker Hannig: "Okay. We've had... we've had three speak against this Bill under the rules of Standard Debate. Does anyone stand in support of the Bill? Representative Fritchey."

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

Speaker Hannig: "He indicates he will."

Fritchey: "Representative Franks, this is aimed at giving another tool to prosecutors in order to crack down on illegal criminal activity, correct?"

Franks: "Absolutely."

Fritchey: "And this is one of a series of measures that we've passed over the years to give prosecutors these additional tools, correct?"

Franks: "Yes."

Fritchey: "And, ultimately, with this Bill we're going to have to rely somewhat, as we often do, on prosecutorial discretion at making sure the Bill's enforced the way we intend it to be, correct?"

Franks: "Yes."

Fritchey: "And that's all this Bill does, correct?"

Franks: "You've done it very succinctly, Representative."

Fritchey: "I think people have gotten way off the mark with this one. I think it's a well-intentioned Bill. I commend you for doing it. I suggest an 'aye' vote by everybody. Thank you."

Franks: "Thank you."

Speaker Hannig: "We've had three speak against. We've had two speak in favor. Representative Monique Davis, in favor of

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the Bill?"

Davis, M.: "I just wanted to ask a couple of questions and I'll then decide."

Speaker Hannig: "We will give you an opportunity then ..."

Davis, M.: "Thank you, Mr. Speaker, I..."

Speaker Hannig: "Representative, to ask a couple of questions. Two questions."

Davis, M.: "First of all, Representative, it says that if a person knowingly drives a car with a hidden component in it, they have a Class C misdemeanor?"

Franks: "Yes, Ma'am."

Davis, M.: "So, what kind of jail sentence is that?"

Franks: "It's 30 days. And I also believe there's a fine of, is it \$1500."

Davis, M.: "And what... how can the judge determine if this person knew it had that kind of compartment?"

Franks: "The burden is upon the state to prove it and the judge... that's why, I guess, they pay him the big bucks to make those decisions."

Davis, M.: "Now, if the person doesn't have anything illegal in these compartments, if there's nothing illegal there, is it still a Class C misdemeanor?"

Franks: "No, because the police would still have to prove the intent. And if there's nothing there, it'd be very difficult for the police to prove the intent."

Davis, M.: "Would the person be in jail while the police is approving this intent? My fear..."

Franks: "Again, it's at his discretion... it would be discretionary."

Davis, M.: "Okay. I... Mr. Speaker, I'm going to be really blunt. I think this is another or it will be another 'driving while black' instrument and as much as I support

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the apprehension of drug dealers and those who use vehicles to transport drugs, I don't believe that because a person's car has certain pockets or so forth, that he or she should be charged with a crime. I just... I just don't think so. I don't think so. I mean... "

Franks: "The purpose of the Bill, Representative..."

Davis, M.: "I mean my grandsons go to school in the southern state. Now, they may buy a car down there and they don't know anything about what the compartments have. They just bought a little old car that they can drive to Chicago. Now, they can come through Chicago, come through Illinois, be stopped and because this car has some components or pockets in it, they didn't know about, you can arrest my..."

Franks: "No."

Davis, M.: "... black grandsons and I don't want that to happen. So, I'm gonna vote 'no'."

Franks: "Well, Representative, there isn't intent. You need to have an intent if you did not... if you didn't know about the compartment, it's not a problem. And really the intention of this Bill is to get guns out of neighborhoods where kids are getting killed."

Speaker Hannig: "Okay, Representative, we're looking for one additional person to speak in favor of the Bill before we close. Representative O'Brien, would you like to speak in favor of the Bill?"

O'Brien: "Thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

O'Brien: "I rise in support of this Bill and I think it's very simple. With all of the advertising done by car manufacturers, by the very definition of false or secret it can't be something that the manufacturer installed in the

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vehicle because they're advertising touts the different compartments and different things that are in the vehicle. The video tape that we saw in the House Transportation Committee speaks very strongly to the need for this legislation. These are compartments specifically designed to hide weapons, to hide drugs. And what happens is, a law enforcement official makes an arrest, they may even find the compartment, they find those weapons, but then that vehicle goes right back out on the street and those same law enforcement officials are at risk. The citizens, the young kids on the street just walking back and forth to school are at risk because we don't have a mechanism to get those vehicles off the street. And I don't know any parent who's going to send their child to another state, maybe to get fireworks or maybe that's going to have cigarettes or maybe have an occasional beer, that's going to have taken their vehicle and created a secret compartment to allow that activity to occur. And if they did, then they certainly are up to something a little different than just smoking cigarettes or drinking an occasional beer. This is a very, very serious situation and I think we've tried on this floor to twist it and make it a political issue, when it is not and it certainly was not to the law enforcement official that came and testified on behalf of the Bill. And I want each of you to think about that when we take this vote. And I certainly hope there are at least 100 votes in favor of this Bill. I will be one of them and I urge each of my colleagues to vote 'yes', as well."

Speaker Hannig: "Now, we've had three speak in favor and four speak against and Representative Franks, to close."

Franks: "Thank you. I appreciate the attention that you've given this Bill. This Bill passed the Senate 58 to 1 and when I

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took this to the Judiciary Committee, it passed unanimously 23 to 0. Because they saw that video. They saw how compelling it was when a person wearing a seemingly onyx ring reached their hand behind a seat that was reinforced with steel, but instead of being onyx, it was a magnet. And within a second an Uzi submachine gun was in that person's hands. We must all work together to end the violence in the homes and the community and society. That is our job as citizens, it's our job as parents. Now, when I go home, maybe next week, and my kids ask me what I did I'm going to tell them that I tried to make Illinois safer, and to protect our citizens and to protect our police officers. What are you going to tell your kids? I ask an 'aye' vote."

Speaker Hannig: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 85 voting 'yes' and 15 voting 'no', and this Bill having received a Constitutional Majority is hereby declared passed. Representative Jerry Mitchell, for what purpose do you rise?"

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

Speaker Hannig: "State your point."

Mitchell: "Ladies and Gentlemen of the House, if you'll look to your left in the gallery, I have a group of students, along with their teacher, Mr. Jeff Coon, they're here from Ronald Reagan Middle School, in Dixon, Illinois, and they're going to serve as Pages tomorrow. Give them a warm welcome."

Speaker Hannig: "Welcome to Springfield. Representative Shirley Jones, for what reason do you rise?"

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Jones, S.: "Mr. Speaker, I have a special person in the House today; the vice chair of the Democratic Party, Iola McGown."

Speaker Hannig: "Welcome to Springfield. Representative Saviano, on Senate Bill 906. Out of the record. Representative Turner, for what purpose do you rise?"

Turner, J.: "Inquiry of the Chair."

Speaker Hannig: "Yes, Representative."

Turner, J.: "Yeah, Mr. Speaker, I'm just wondering what rules the Speaker is currently operating under? I had my light on for 25 minutes on the last Bill and was never given an opportunity to speak to it. The Speaker announced that there had been a number in opposition and a number of proponents. And nevertheless, the Speaker called upon two members of your own party and never called on me and gave me a chance to speak to the last Bill. What rule is it that the Speaker can cite to me to justify the action that it just took?"

Speaker Hannig: "Representative, we were working under the rules of Standard Debate and there were four people that actually spoke against this Bill. But I limited the number in favor to those that is specified by the rules which is three."

Turner, J.: "Yes, Mr. Speaker..."

Speaker Hannig: "And Representative, if you wish that we should call you ahead of your Leadership team which is generally the custom of the Chair, if that's what you want, we would be happy to do that."

Turner, J.: "I'm sorry Mr. Speaker, I didn't hear you. Are you saying I'm not qualified to make an objection to the Chair, I need to go through the Leadership? Is that what you're saying it was?"

Speaker Hannig: "No, Representative, I'm saying that in matters

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of recognition that it's my policy, generally, to recognize the Member, Members of the respective Leadership teams first. But, if you're designated as a point person on this Bill, I'd be happy to recognize you first, Representative, if someone would indicate that to the Chair."

Turner, J.: "I apologize for not being on Leadership, however, I have to point out, as a matter of fact, to the Chair and to the Speaker, that the Speaker had announced that there were three persons in opposition and no more would be called upon. Subsequently however, the Speaker did call upon a person from your side of the aisle who did speak in opposition. And my light was on for 25 minutes and I don't understand how the Speaker can present to the floor that you followed your own rules."

Speaker Hannig: "Thank you, Representative. Representative Brosnahan, on Senate Bill 7. Out of the record. Representative Novak, on Senate Bill 284. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 284, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this Senate Bill."

Novak: "Mr. Speaker, point of inquiry, Sir. Mr. Speaker, point of inquiry."

Speaker Hannig: "Yes, state your point."

Novak: "I was wondering why Representative Brunsvold's name is not a cosponsor on this Bill with me, since this is from his district?"

Speaker Hannig: "Mr. Clerk, is Representative Brunsvold listed as a Sponsor?"

Novak: "Thank you. Ladies and Gentlemen of the House, Senate Bill 284 that passed the Senate unanimously deals with a very tiny glitch in the Electric Utility Deregulation Law

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that we passed in 1997. The Bi-state Commission which is made up of... of municipalities in the Quad Cities Area that Representative Brunsvold and Representative Boland represent, most of those utilities... most of those communities have utility taxes and we used a base year when we went from the gross receipts tax to the consumption tax as far as kilowatt hours are concerned. We used a base year that had a negative impact on their receipts for their General Revenue Funds. What this Bill does is changes that base year so... so it ensures them, henceforth, that they do not have a negative impact on their funds. This has been cleared with the Department of Revenue and I know of no opposition to this legislation. Be more than happy to entertain any questions."

Speaker Hannig: "Representative Cross."

Cross: "Thank you, Mr. Speaker."

Speaker Hannig: "Representative Stephens."

Cross: "Well, I... he's been in Leadership longer."

Stephens: "Has this been cleared with Leadership?"

Cross: "We're concerned, Mr. Speaker, that perhaps Representative's light... Representative Turner's light switch is in a secret compartment and you didn't see it."

Speaker Hannig: "Representative..."

Stephens: "Mr. Speaker, my light's still on. Who has the floor?"

Cross: "See what happens when you pass these Bills?"

Stephens: "Mr. Speaker, what's going on here?"

Speaker Hannig: "Representative Cross."

Cross: "Yes."

Speaker Hannig: "Representative Cross is recognized. Do you have a question or comment on the Bill?"

Cross: "Well, I'd like to ask a few. Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

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Cross: "Sorry, Ron. Representative, who has this, Brunsvold or Novak?"

Novak: "Is your... your tie looks red, Representative, but I am the Chief Sponsor of this legislation and Mr. Brunsvold is my cosponsor."

Cross: "Who's going to answer the questions, assuming they're articulate or intelligent?"

Novak: "Well, I'll try to do my best since I played a small role in the Electric Deregulation Law."

Cross: "You're the one that passed that Dereg Bill?"

Novak: "Representative Persico and I did, yes. The one that gave you a 15% rate reduction for your constituents."

Cross: "You don't want to debate that again. Representative, is there any opposition to this Bill?"

Novak: "Mr. Cross, I do not believe so, Sir."

Cross: "Representative Brunsvold, is there any opposition to this Bill? There is the suggestion, either Representative, that this Bill could result in a tax increase for some electrical customers throughout the state. How would you, either one of you, address that question? And Representative Novak, I'll ask you first."

Novak: "Thank you. That is not true. What this does is change the base date upon which the calculations, when we went from a gross receipts tax prior to the deregulation law, to a more of a consumption tax, which in effect, had the affect of revenue neutrality. This had a negative impact on the receipts of those municipalities that had utility taxes. We changed the base, changed the base rate, the base year I should say, as it relates to the new tax scheme. And in this way the municipalities do not lose any revenue."

Cross: "Who's... what would be, I guess I'm trying to figure out

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in looking through the Bill, why... who initiated this, Joel or Phil or both?"

Novak: "Mr. Brunsvold indicates the Bi-state Metropolitan Planning Commission, which is made up of the Mayors of Moline, Rock Island, Milan; all the cities that have utility taxes."

Cross: "How many cities are there with a utility tax?"

Novak: "About a half a dozen, about six, Representative Cross. Oh, in that area, yeah about six."

Cross: "How many state... how many statewide?"

Novak: "Oh, quite a few. My home community of Kankakee has a utility tax, but this only affects those municipalities in the Western part of the state in the Quad Cities Area."

Cross: "Representative, why wouldn't it apply to the other electric companies?"

Novak: "I'm sorry, go ahead."

Cross: "No, I'm sorry. Why wouldn't it apply to any of the other electric companies?"

Novak: "Just because... because Mid America Energy, I believe, and Commonwealth Edison are the two service providers in that area of the state."

Cross: "So, does it only apply to Mid America?"

Novak: "Mid America Energy which is based in Davenport, Iowa, is a very large service provider in the Western part of Illinois. And the reason, because Mid America merged with another corporation and pursuant to a Commerce Commission order, they had to lower their rates. So, by lowering the rates and going to a consumption tax, under the new law there was going to be a precipitous drop in income to those communities that impose a municipi... a municipal electric tax."

Cross: "What kind of drop?"

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Novak: "A precipitous drop in income."

Cross: "That's very impressive. Can you define precipitous?"

Novak: "Don't ask me to spell it."

Cross: "All right. I see that Representative Black has his light on. Mr. Speaker, I think I'm going to defer to him, since Representative Turner is not out here. Thank you."

Speaker Hannig: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This as Mr. Novak has said, only pertains to the Quad City Area, actually, my district and Representative Boland's district. And deals with an early date, an early reduction in the utility rates by Mid America Energy. If the original Dereg Bill would have... would have been passed the year prior when it was started, then this would not have happened. When they changed and went to the next year, changed the date one year forward, that caused a problem with the reduction and how much the tax was. So, this is simply to try to make the communities whole as the Bill had indicated they should be. And I... I can't disagree with that, that they should not be the only one in the state that received a reduction. So, this date would only affect my area and Representative Boland's area and address a problem, a very narrow problem with the utility dereg. So, I would stand in strong support of this legislation."

Speaker Hannig: "Representative Black."

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

Speaker Hannig: "He indicates he will."

Black: "Representative, the issue at hand is that this could happen to any community. In the case of the Quad City Area you had a company buy out the established provider as I

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understand it."

Novak: "It was a merger, Representative."

Black: "Okay."

Novak: "And pursuant to the merger, before the merger was approved by the commission, one of the contingencies was that a rate decrease shall be put into effect."

Black: "And I think that's the crux of the issue. Was not the rate decrease approved by the Illinois Commerce Commission?"

Novak: "Yes it was, Sir."

Black: "Then for those people in positions that you and I and Representative Brunsvold are not in, it could be construed that since the rate decrease was established by the Commerce Commission or validated by the Commerce Commission, that a vote on this Bill could be construed as increasing the rate."

Novak: "No, I disagree with that. No, I mean, that might be an interpretation of an individual, but this keeps..."

Black: "Well, it could be the interpretation of individuals on either side of the aisle and all I'm trying to establish is... semantics can sometimes be the real devil in anything that we do."

Novak: "Okay."

Black: "I don't have any problem with the Bill, but what I'm concerned about, in fact, Phil, can you take this out of the record for 30 seconds? I just need to come over and talk to you for about 30 seconds. We'll get right back to it."

Novak: "Sure, no problem, no problem. Take this Bill out of the record, Mr. Hannig (sic-Mr. Speaker)."

Speaker Hannig: "Out of the record at the request of the Sponsor. Mr. Clerk, what's the status of Senate Bill 1?"

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Clerk Bolin: "Senate Bill 1 is on the Order of Senate Bills - Third Reading."

Speaker Hannig: "Would you return that to the Order of Second Reading at the request of the Sponsor? Mr. Clerk, what's the status of Senate Bill 544?"

Clerk Bolin: "Senate Bill 544 is on the Order of Senate Bills - Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading. Mr. Clerk, Senate Bill 1168, what is the status of that Bill?"

Clerk Bolin: "Senate Bill 1168 is on the Order of Senate Bills - Third Reading."

Speaker Hannig: "Return that to the Order of Second Reading at the request of the Sponsor. Mr. Clerk, on Senate Bill 349, what is the status of that Bill?"

Clerk Bolin: "Senate Bill 349 is on the Order of Senate Bills - Third Reading."

Speaker Hannig: "Mr. Clerk, return that to the Order of Second Reading at the request of the Sponsor. And Mr. Clerk, what is the status of Senate Bill 668?"

Clerk Bolin: "Senate Bill 668 is on the Order of Senate Bills - Third Reading."

Speaker Hannig: "Mr. Clerk, return that to the Order of Second Reading at the request of the Sponsor. Representative Monique Davis, did you wish to be recognized for a point of personal privilege?"

Davis, M.: "Thank you, Mr. Speaker. I really wanted to introduce Pat and Harry Daley. Pat was from one of the public schools and Harry was here to get an award for Brookwood High School that was receiving an award, but they had to get over to where the awards are being given. But, thank you, Mr. Speaker."

Speaker Hannig: "Thank you, Representative. Mr. Clerk, what is

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the status of Senate Bill 801? Rep... Representative Saviano... okay, Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 801, a Bill for an Act to amend the Collection Agency Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hannig: "Third Reading. Mr. Clerk, read Senate Bill 19. Mr. Lang."

Clerk Bolin: "Senate Bill 19, a Bill for an Act regarding child support enforcement. Second Reading of this Senate Bill. Amendments #1 and 2 were adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hannig: "Mr. Clerk, let's hold that on the Order of Second Reading. Representative O'Brien, on Senate Bill 26. Representative O'Brien. Out of the record. Representative Stephens, on Senate Bill 53. Representative Stephens, do you wish to have that moved? There is an Amendment I'm told in the Rules Committee, but go ahead and move it? Okay. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 53..."

Speaker Hannig: "Excuse me, Mr. Clerk, out of the record. Representative Reitz, on Senate Bill 171. Representative Reitz. Out of the record. Representative Hoffman, on Senate Bill 205. Excuse me, 203, Representative Hoffman. Okay. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 203, a Bill for an Act to amend the Vehicle Code. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Hoffman, has been approved for consideration."

Speaker Hannig: "Representative Hoffman."

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Hoffman: "Yes, Mr. Speaker, Floor Amendment #2, essentially cleans up the Bill to make sure that there can be certain laws that can be made by local municipalities if they relate to issues such as traffic safety or noise."

Speaker Hannig: "And on that question, Representative Cross."

Cross: "Will the Sponsor yield?"

Speaker Hannig: "He indicates he will."

Cross: "Jay, ABATE, ABATE, is there support of this?"

Stephens: "Yes."

Cross: "In fact, this is their agreement, is it not?"

Stephens: "Yes, it's theirs."

Cross: "Okay, I just wanted to clear that up for our side of the aisle. Thank you."

Stephens: "Yes."

Speaker Hannig: "The question is, 'Shall the Amendment be adopted?' All in favor say 'aye'; opposed 'nay'. The 'ayes' have it and the Amendment is adopted. Any further Amendments?"

Clerk Bolin: "No further Amendments. A home rule note request has been requested on the Bill as amended, and that note has not been filed."

Speaker Hannig: "So, Representative Hoffman, the Bill will remain on the Order of Second Reading. Mr. Clerk... Representative Gash on Senate Bill 215. Out of the record. Representative Ryder, on Senate Bill 224. Out of the record. Representative Granberg, on Senate Bill 235. Out of the record. Senate Bill 287, Representative Burke. Out of the record. Representative Brunsvold, for what reason do you rise?"

Brunsvold: "Mr. Speaker, just to let the Body know that Jesse White's Tumblers will be down in the rotunda on the first floor at 3:00 this afternoon. And if you've not seen them

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in action you ought to go down and take a look at the tumblers that Jesse White has and has really taken all over this state. So, once again, 3:00 down on the first floor rotunda, Jesse White Tumblers. Thank you, Mr. Speaker."

Speaker Hannig: "Representative Hartke in the Chair."

Speaker Hartke: "Clerk for an announcement."

Clerk Bolin: "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 Hartke: "Mr. Clerk, what is the status of Senate Bill 27?"

Clerk Bolin: "Senate Bill 27 is on the Order of Senate Bills - Third Reading."

Speaker Hartke: "Place that Bill back on Second for the purposes of an Amendment. Senate Bill 310, Representative Hannig. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 310, a Bill for an Act in relation to health benefits for retired teachers. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 311, Representative Garrett. Excuse me, for what reason does Representative Black seek recognition?"

Black: "Yes, Mr. Speaker, would you welcome with me former Representative, now Senator, hasn't been heard from since he left the chamber; John Cullerton in the back of the chamber. What a delight to have him back. Isn't that wonderful? Former Representative Cullerton, now Senator Cullerton, a lovely fellow. We miss him a great deal."

Speaker Hartke: "Welcome to the chamber the famous Senator Cullerton. Representative Garrett. Mr. Clerk, read the Bill."

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Clerk Bolin: "Senate Bill 311, a Bill for an Act to amend the Civil Administrative Code of Illinois. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 321, Representative Hoeft. Representative Hoeft in the chamber? Out of the record. Senate Bill 355, Representative Osmond. Out of the record. Senate Bill 356, Representative Meyer. Representative Meyer in the chamber? Out of the record. Senate Bill 384, Representative Jones, Shirley Jones. Out of the record. Senate Bill 385, Representative Jones, Shirley Jones. Out of the record. Senate Bill 391, Representative Meyer. Out of the record. Senate Bill 392, Representative Dart. Out of the record. Senate Bill 415, Representative Stroger. Out of the record. Senate Bill 441, Representative Cowlshaw, Mary Lou Cowlshaw. Senate Bill 441. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 441, a Bill for an Act to amend the Public Community College Act. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Woolard, has been approved for consideration."

Speaker Hartke: "Representative Woolard, on Floor Amendment #1 to Senate Bill 441. Representative Woolard. Representative Cowlshaw, would you like to handle that Amendment?"

Cowlshaw: "Where's Representative Woolard?"

Speaker Hartke: "He's right there, but we don't seem to find the Amendment."

Cowlshaw: "Oh, you can't find the Amendment, I... it is a bit elusive. It's one of those kinds of Amendments, Mr. Speaker. According to my analysis, Amendment #1 to Senate Bill 441, sponsored by Representative Larry Woolard, amends

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the Illinois Cooperative Work Study Program Act and the Public Community College Act to require the Board of Higher Education to assure that a representative number of grants support cooperative work study programs that support work experiences for students in academic programs related to information technology, removes the requirement the board of a community college have a prior approval before entering into an installment loan arrangement with a financial institution for the purpose of borrowing money to buy sites and either buy or build and equip buildings and improvements having to do with information technology; removes the provision that allows the board of the community college district to enter into the installment loan arrangement for the purpose of transferring funds to the Illinois Building Authority. This is... this is, there is no controversy. There are no opponents. This is more... more of a cleanup thing than anything else, and it was recommended for approval by the committee."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 441?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 has been adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Erwin, has been approved for consideration."

Speaker Hartke: "Representative Erwin, on Amendment #2."

Erwin: "Let's see, I forget which one this is."

Speaker Hartke: "It's Amendment #2."

Erwin: "Amendment #2, this... Amendment #2 is actually a Bill, encompasses the language in a Bill that passed the House earlier. It would allow two-year public universities and

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there are only two of them: Governors State and the University of Illinois at Springfield, just will allow them to participate in the Graduation Incentive Grant Program in the Board of Higher Education. I believe that this passed unanimously or on an Agreed Bill List when it was in the House. And I would move for its adoption."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 441?' 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: "Floor Amendment #3, offered by Representative Erwin, has been approved for consideration."

Speaker Hartke: "Representative Erwin."

Erwin: "Thank you. House Amendment #3 is an Amendment for Governors State University also, had been a House Bill that passed unanimously to permit them to have part-time students be eligible to become student trustees."

Speaker Hartke: "Is there any discussion? Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Yes, Representative, or excuse me, Mr. Speaker, would the Sponsor yield for a question on the Amendment?"

Speaker Hartke: "She indicates she will."

Black: "Yes, Representative, does this Amendment only apply to community colleges?"

Erwin: "Representative Black, this Amendment only applies to Governors State University. It only amends their part of the statute. It was an issue raised in a presidents meeting with all of the public college presidents. Actually, community college folks were there, too. Since Governors State has so many part-time students, it

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effectively, the way the statute is written now for student trustees, makes more than half of their student body ineligible to become a student trustee. It was actually a request of the student body and the president and the board. It only applies to Governors State University."

Black: "Representative, I don't... I don't... I don't want to make a formal inquiry of the Chair, but aren't we getting into issues of germaneness with these Amendments that don't relate to the Community College Act?"

Erwin: "You know... Thank you, Representative Black, for raising that question and thinking ahead to exactly the question you would be asking. Amendment #1 replaces everything after the enacting clause with the following. It is a... we also changed it to an Act concerning higher education. So, in being sensitive to the single-subject issue, Representative Black, and while trying to accommodate the community colleges, actually, came in with the first Amendment which was sort of late, too. And knowing that we had some cleanup things, we changed it to an Act concerning higher education, and our feeling is that the three separate Amendments would then be germane."

Black: "All right. Representative, did you say Floor Amendment #1 strike the enacting clause? Cause my records does not show that. It simply amends the Cooperative Work Study Program and Public Community College Act."

Erwin: "Actually, Representative Black, Amendment #1 which I'm looking at right now, Amendment #1 to Senate Bill 441 replacing the title with the following: 'An Act concerning Higher Education and by replacing everything after the enacting clause with the following.' So, we actually changed the title as well."

Black: "Okay, Representative, I'm having trouble following it,

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but if you say it strikes everything after the enacting clause and then becomes... then amends the Higher Education Act, not just the Public Community College Act?"

Erwin: "Again, Representative Black, I'm reading from the Amendment that was filed."

Black: "Okay."

Erwin: "Amendment #1 was..."

Black: "Would that be Representative Woolard's Amendment? So, we're on the same thing?"

Erwin: "That is Representative Woolard's Amendment #1. Amendment #1 amends Senate Bill 441 by replacing the title with the following: 'An Act concerning Higher Education' and by replacing everything after the enacting clause with the following. So we, in anticipation of your inquiry and sensitive to the single subject we did change the title."

Black: "Okay. Staff tells me that we have the wrong analysis, so I'll defer to what you're doing and I appreciate the Chair's indulgence. Thank you."

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

Skinner: "Yes, I wonder if the Representative could define 'part-time' for us? Could you define..."

Speaker Hartke: "Could you repeat the question?"

Skinner: "Could you define 'part-time student'? How many hours?"

Erwin: "Representative, you may know, you may know that for purposes of the MAP grant, there is a definition in this statute that deals with six credit hours. But, in the existing statute for student trustees, the statute reads, 'must be a full-time student'. Now, there is not a definition of what a full-time student is, but in other interpretations in higher education they do use six or you know, it does change depending on the purposes. So, all

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we've done with this Amendment is strike 'full-time'. Mind you, this only applies to Governors State University, and now it just reads, 'and must be a student enrolled at all times during his or her term of office'."

Skinner: "Does that mean that if one were taking a one hour course, one could be a student trustee?"

Erwin: "You know, Representative Skinner, I don't, truthfully, want to get into deciding that. As I said, this is was a request of the student body, the board, and a president of a public university that does a terrific job educating, particularly adults, which are the new majority in higher education today. So, adults who work and may have children, particularly single moms, do not have as easy a time carrying the full loads that an 18 to 22-year-old does. Governors State University happens to have more... excuse me, could you guys move out of the way a little bit? Governors State University happens to have more adult students and working adults than any other college in the state. So, this was the purpose for their requesting this."

Skinner: "Would you be willing to stipulate that a student would have to be carrying at least two courses in order to be a... eligible to be a student trustee?"

Erwin: "You know, Representative Skinner, it's fine with me. I mean, I don't know what... what the stipulation means. I mean, I'm looking at the statute right now, full-time students isn't defined. So, you know, why would we have to further stipulate? My assumption here is that in order to want to run and be a student trustee you're pretty darned involved in the institution. So, I don't... I don't know that I feel the necessity to have to impose further restrictions on them. Again, this is a request of the

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student body, the board, and the president of the university. No other institutions had any difficulty with it and I just don't want to micromanage what they want to do here."

Skinner: "Well, Representative, being a trustee on a junior college board ought to... on a junior college board which I'm most familiar, certainly means that they are deeply involved in their college. Now, I don't know how you'd be deeply involved in your college if you're carrying one course. I mean, it sounds like you're barely attending."

Erwin: "Representative Skinner, first of all if that were the case, then I would suggest to you that you would have wanted to do an Amendment. You would have to go through and now define in every statute for every public university in the state what you believe to be a full-time, a part-time, what you think for the purposes of this it might be that much for MAP it's another amount. I mean.. I guess the point here is that there isn't a definition here for full-time. So, all we're trying to do is accommodate people who are involved, who carry as many credits as they can while they are working, raising children, and going to school. So, I just think that this is not necessary to further stipulate anything, and the fact is that Amendment #3 has already passed out of here unanimously as a full Bill all on its own. So, I'd be delighted to ask the..."

Skinner: "So, when logic..."

Erwin: "...president of the college to engage in this with you, but at this point in time, I would appreciate your support."

Skinner: "When logic doesn't work, use embarrassment, 'cause we've already voted for it."

Speaker Hartke: "Further discussion? Representative Giglio. Do

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you stand in opposition to the Amendment?"

Giglio: "I'm not sure, yet, Mr. Speaker."

Speaker Hartke: "Sponsor will yield."

Giglio: "Representative Erwin, who brought this to your attention? Why is it necessary?"

Erwin: "Okay. Representative Giglio, for a couple of times and I know it's noisy in here, Governors State University has a lot of working adults who are going to school."

Giglio: "I'm familiar, I represent a number of constituents who attend there."

Erwin: "Right, and because the statute... because the statute requires that to be eligible to be a student trustee you must be a full-time student."

Giglio: "I understand that."

Erwin: "It was... it was the request of the president of the university, the board of the university and the student government body of the university that this..."

Giglio: "By what, due to what..."

Erwin: "...this change be made. Therefore, a Bill was sponsored and passed by Representative Novak earlier in the Session."

Giglio: "Representative, were you asked by way of resolution passed by the student body, by way of referendum by the student body, by a simple correspondence from the president, by some kind of formal communication?"

Erwin: "Yes, Representative Giglio, at a meeting in Representative... that Representative Wirsing called for public college presidents, the Board of Higher Education, the Community College Trustees Association, Paul Wolfe, the President of Governors State University and a member of their, it was a student trustee, I can't remember the name, quite honestly. But at that meeting, this request was made by... by Governors State University, a student and the

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president. And the other public college presidents around the table said, 'We don't have a problem with it.' The request was made quite directly. I happened to be there. It was drafted, Representative Phil Novak was the lead Sponsor. I think Representative Scully, McCarthy, there was a whole group of others that were on it."

Giglio: "Okay, thank you, Representative. To the Amendment."

Speaker Hartke: "To the Amendment."

Giglio: "It... I question that it comes before us without any formal notification, without a formal request from the student body, from the board, without an adopted Resolution. I represent, again, a number of constituents who attend Governors State University and I, quite frankly, have never heard from anyone on the issue asking me that we need to amend state statute to include part-time students. And in recognizing Representative Skinner's mar... I agree that this could be special legislation written for one student who is enrolled in one class per semester and I think that's wrong. The trustee position is a very important position and I would urge the Members of the General Assembly to strongly give this consideration prior to their vote. Thank you."

Speaker Hartke: "Further discussion? Seeing that... the Chair recognizes the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Well obviously, we've reached a stage in the Session or the day when we haven't got anything else to talk about. This Bill passed in the House in the form of House Bill 1523, 109-0. It passed in the Higher Education Committee in the House, unanimously. It passed again when its... in this form... in the form of Floor Amendment #3 to Senate Bill 441, unanimously. This was requested by

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Governors State University, and so, we're going to spend 30 minutes talking about something that everybody in this chamber knew about. At least if they didn't know about it, they voted on it before. It passed. It's good public policy and for us to spend a half an hour debating something either means that we haven't got anything else to do or we want to reiterate issues that don't need to be reiterated. We need to vote on this Amendment, approve it, and get on with the business of the House."

Speaker Hartke: "Further discussion? The Chair recognizes the Gentleman from DeKalb, Representative Wirsing, on the Amendment."

Wirsing: "Thank you, Mr. Speaker. I just, also, stand in total support and I... I laud the former Representative exactly what he said. It puts it into perspective. This is good policy. This is a direction. This has been well debated, well discussed, and stands here now with that kind of background, that kind of history and I'm just encouraging everyone to fully and completely support what's being proposed here."

Speaker Hartke: "The question is, 'Shall the House adopt Amendment #3 to Senate Bill 441?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 321, Representative Hoeft. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 321, a Bill for an Act to amend the Illinois Health Facilities Planning Act. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hoeft, has been

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approved for consideration."

Speaker Hartke: "Representative Hoeft. Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. The Floor Amendment #1 is trying to fill a need. Illinois has zones in which we have medical needs that are not met and part of the reason is because of the fact doctors can't form cooperatives together. We can't have agreements placed between hospitals in order to meet these unmet needs. The Illinois Health Facilities Planning Board has for a number of years wanted to initiate a study. It has not occurred and we would like to put this into law that would require them to take a look at these unmet needs and ask the question of whether the antitrust laws are interfering in the health care planning of the State of Illinois. I know no opposition and everyone has agreed that this is something that would be beneficial for the health planning area. I'll take any questions."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 321?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 460, Representative Lang. Out of the record. Senate Bill 496, Representative Novak. You have an Amendment in Rules, out of the record. Committee Report."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measures were referred, action taken on May 11, 1999, reported the same back with the following recommendations:

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'direct floor consideration' for House Amendment #1 to Senate Bill 79, House Amendment #1 to Senate Bill 272, House Amendment #2 to Senate Bill 287, House Amendment #1 to Senate Bill 384, House Amendment #1 to Senate Bill 385, House Amendment #1 to Senate Bill 496, House Amendment #2 to Senate Bill 648, House Amendment #2 to Senate Bill 658, House Amendment #2 to Senate Bill 680, House Amendment #3 to Senate Bill 680, House Amendment #2 to Senate Bill 725, House Amendment #1 to Senate Bill 749, House Amendment #1 to Senate Bill 786, House Amendment #2 to Senate Bill 786, House Amendment #2 to Senate Bill 800, House Amendment #4 to Senate Bill 849, House Amendment #1 to Senate Bill 1014, House Amendment #1 to Senate Bill 1029, House Amendment #2 to Senate Bill 1030, House Amendment #6 to Senate Bill 1032, House Amendment #2 to Senate Bill 1112, House Amendment #1 to Senate Bill 1148, and House Amendment #1 to House Joint Resolution #10."

Speaker Hartke: "Take Senate Bill 496 out of the record, please. Senate Bill 507, Representative Ryder. Ryder. Out of the record. Senate Bill 556, Representative Woolard. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 556, a Bill for an Act concerning education. Second Reading of this Senate Bill. Amendments #1 and 2 were adopted in committee. No Floor Amendments. No Motions filed."

Speaker Hartke: "Third Reading. Senate Bill 575, Representative Turner. Art Turner. Mr. Clerk, read the Bill. Out of the record. Senate Bill 666, Representative Moore. Andrea Moore. Out of the record. Senate Bill 215, Representative Gash. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 215, a Bill for an Act to amend the School Code. Second Reading of this Senate Bill. No

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Committee Amendments. Floor Amendment #1, offered by Representative Gash, has been approved for consideration."

Speaker Hartke: "Representative Gash, on Floor Amendment #1."

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

Speaker Hartke: "Withdraw Floor Amendment #1. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. For what reason does the Gentleman from Vermilion, Representative Black, seek recognition?"

Black: "You want the real reason, Mr. Speaker, or a good reason? The real reason is I had to get up out of my chair for a second, but the good reason is I need to ask an inquiry of the Chair about Senate Bill 215."

Speaker Hartke: "State your inquiry."

Black: "Thank you. I could not hear the Sponsor's intent on Amendment #1. Did she withdraw Amendment #1 to Senate Bill 215?"

Speaker Hartke: "Yes, she did."

Black: "A wise course of action. Thank you very much."

Speaker Hartke: "Senate Bill 962, Representative Brunsvold. Representative Brunsvold, 962. Out of the record. Senate Bill 1011, Representative Tenhouse. Out of the record. Senate Bill 1079, Representative Schoenberg. Out of the record. Senate Bill 1131, Representative Holbrook. Out of the record. Senate Bill 224, Representative Righter. Out of the record? Out of the record. Senate Bill 356, Representative Meyer. Out of the record. Senate Bill 355, Representative Osmond. Out of the record. Senate Bill 391, Representative Myers. Out of the record. On page 5 of the Calendar, appears Senate Bill 79. Representative

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Delgado. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 79, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Delgado, has been approved for consideration."

Speaker Hartke: "Representative Delgado, on Floor Amendment #1."

Delgado: "Right, Mr. Speaker, thank you. On Senate Bill 79, Floor Amendment #1, Amendment #1 was an agreement with a variety of parties that would eliminate the term 'clerical, white collar, or professional employees' under the Day Labor Services Act. This was a technical and it eliminated any kind of criminal penalties for an agency that might have been in violation. Floor Amendment #1 was an agreement with Representative Parke and others who were concerned with the... and I understand now, Representative Winkel, in regards to eliminating the terminology of 'white collar temporary workers'."

Speaker Hartke: "Is there any discussion? Representative Black."

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

Speaker Hartke: "He indicates he will."

Black: "Representative, on the... on the Amendment and I remember talking to you about this before. The Amendment narrows the scope of a day laborer as to somebody who goes out onto a work site or a manufacturing site, generally, what you and I would consider to be hard physical or manual labor as opposed to somebody who goes to operate a computer terminal or staff a receptionist desk. And that, this definition then narrows what you're attempting to do in the Bill, correct?"

Delgado: "That is correct, Sir."

Black: "So, with this Amendment, day laborer, you're excluding

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those kinds of white collar professional clerical jobs as opposed to, I think, the abuses you're trying to get at."

Delgado: "That's correct, Representative."

Black: "Okay, okay."

Delgado: "From... our intention is to address the worker, the common, the person walks into a day laborer has gym shoes on and shorts and they want to send him on a dock working with heavy steel. That would not be conducive to that worker nor to the contract or that factory because obviously, that person isn't properly dressed to take on that job."

Black: "Okay, so, so with the, if your Amendment is added to the Bill then it appears that you've cleared up most, if not all, of the opposition that the temporary employment agencies had, correct?"

Delgado: "That is correct, Sir."

Black: "It's a good idea and a good Amendment. Thank you for your indulgence."

Delgado: "Thank you, Representative Black."

Speaker Hartke: "Further discussion? Question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 79?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 6 of the Calendar, appears Senate Bill 287, Representative Burke. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 287, a Bill for an Act to amend the Illinois Dental Practice Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Burke, has been

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approved for consideration."

Speaker Hartke: "Representative Burke."

Burke: "Thank you, Speaker. This is rather a technical matter. There is no opposition to it, agreed language between the Illinois State Dental Society and SERS. It has to do with the major corporations in the state employing dentists to operate out of their facilities. Be happy to answer any questions."

Speaker Hartke: "Is there any discussion? Representative Black."

Black: "Thank you very much, Mr. Speaker. A question of the Sponsor."

Speaker Hartke: "He indicates he will."

Black: "Representative, the only thing and I don't think I, let me make it clear, I don't stand in opposition to the Amendment. I'm just questioning the process. Floor Amendment #2 becomes the Bill, correct?"

Burke: "Yes."

Black: "And it's a substantive Bill and it was cleared from Rules Committee right to the floor. Isn't that an unusual practice?"

Burke: "I don't know, I've been around here a little while, Representative, it's not been... "

Black: "You've been around a lot longer than a little while, Representative."

Burke: "It's not all that unusual to me."

Black: "Well, it all depends on who's the questioner and who's answering the questions, I think. I just... generally speaking, when an Amendment becomes the Bill, it has a committee hearing. Because then we don't know without benefit of a committee hearing who might, in fact, have registered in opposition, who might in fact registered in support. But, you know, you're not on the Rules Committee."

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So, I just wanted to call attention to the fact that the Amendment becomes the Bill and I think the right thing to do is to, Mr. Speaker, if you'll allow us the privilege when we get to it on Third Reading, we might have some additional questions. But, as far as I know we stand in support of the Amendment, but since the Amendment didn't go to committee that may change depending on when the Sponsor calls the Bill. But the Amendment looks good, sounds good, might be good, we just wish it had gone to committee for a full hearing. But I do appreciate the Sponsor's indulgence and yours as well, Mr. Speaker."

Speaker Hartke: "Further discussion? Representative Skinner."

Skinner: "Did you say the Illinois State Dental Society approved this Amendment?"

Speaker Hartke: "Representative Burke."

Burke: "I'm very sorry, Speaker, I didn't hear the question."

Skinner: "Did you say that the Illinois State Dental Society approves this language?"

Burke: "Yes."

Skinner: "Who made the agreement in approval?"

Burke: "What individual?"

Skinner: "Yes."

Burke: "I couldn't tell you that."

Skinner: "Well, I know that my..."

Burke: "This is, this is their initiative."

Skinner: "...my local dentists are very concerned that corporations will take over the dental profession. And so I'm very surprised that the Dental Society is in favor of this Amendment. And I'd like to track back who purports to speak for them on this..."

Burke: "This is the Illinois State Dental Society's initiative."

Skinner: "Well, I will make some phone calls to some local

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dentists and try to track it back that way. Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill... Floor Amendment #2 to Senate Bill 287?' 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."

Speaker Hartke: "Third Reading. Senate Bill 496, Representative Novak. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 496, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Novak, has been approved for consideration."

Speaker Hartke: "Representative Novak."

Novak: "Yes, Mr. Speaker. First of all, could you add Representative Brent Hassert's name to this Bill?"

Speaker Hartke: "Proceed."

Novak: "Thank you. Floor Amendment #1 becomes the Bill. And essentially, this is an agreement between the waste industry, specifically with landfills and the Illinois Department of the Environmental Protection Agency, as well as, the Governor's office. It deals with siting landfills or expanding landfills that were in a hundred year flood plains. This became a very contentious issue, specifically the area in, I believe, Representative Holbrook's district, where there is a landfill on an island and has been there for a number of years. Miraculously, during the floods of 1993 that inundated the Mississippi River, this landfill withheld tremendous pressures from this river, but, it

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became a... an environmental objective of the previous Governor's administration. And so, over the months it has taken a... long meetings to hammer out an agreement that has finally been acceptable to both parties, dealing with landfills and flood plains and any possible expansions. Be more than happy to entertain any questions."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 496?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 680, Representative Hamos. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 680, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Hamos, has been approved for consideration."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. Floor Amendment #1 is identical to House Bill 1846 which we already passed unanimously in the House. And this will provide for certain TANF targeting and customer service improvements, agreed to by the Department of Human Services after a lengthy set of negotiations that really look at how well the Department of Human Services workers are serving and as in customer relations functions with TANF recipients. And I ask for a favorable roll call or approval."

Speaker Hartke: "Is there any discussion? The Chair recognizes

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Representative Black."

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

Speaker Hartke: "She indicates she will."

Black: "Representative, Floor Amendment #1 combines, as you said, some language from House Bills that we sent over to the Senate. Now, do you have any indication that the Senate will now... since they didn't act on the House Bill, it's still in Rules, even though it passed the House unanimously. Are we simply adding an Amendment that the Senate will not concur with and then endanger the underlying Bill? Have you talked to anybody in the Senate? My concern is that we amend a Bill with the language that the Senate refused to let out of Rules Committee and unless you've cleared this with the Senate, we're just endangering the underlying Senate Bill."

Hamos: "I appreciate that, Representative Black, and that's something that I wouldn't want to do either. I am going to be offering three Amendments to Senate Bill 680 and as I understand it, each of them were Bills that we passed unanimously in the House. They are not opposed in the Senate. As I understand it, the Senate Rules Committee is something that no one can quite get a handle on, control, or understand. And we hope that on its return trip, these three Amendments will indeed be acceptable."

Black: "Okay, and again, I don't stand in opposition to the Amendment. I just wonder if your intent is to put this in a Conference Committee or whether you have some indication that the Senate will act on the Bill as amended on a concurrence, since they didn't let the Amendment language out of the Senate Rules Committee. I have some interest in the underlying Bill. That's the only reason I ask."

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Hamos: "No, I really appreciate that. My interest is not in putting this into Conference Committee. If... I mean our interest is in trying to get these Amendments back on and then trying to work a little harder to get them out of the Senate Rules Committee."

Black: "All right, fine. Thank you, Representative."

Speaker Hartke: "Further discussion? The question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 680?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #2, offered by Representative Hamos, has been approved for consideration."

Speaker Hartke: "Representative Hamos."

Hamos: "Thank you, Mr. Speaker, Ladies and Gentlemen. Again, Floor Amendment #2 is identical to a House Bill that Representative Pat Lindner introduced and we passed in the House. And this provides for a domestic violence option, a waiver from certain TANF work requirements in situations where the Department of Human Services finds that there is domestic violence in the home. And again, this was agreed to by the Department of Human Services. And we're hoping that on a return trip it will get more favorable consideration in the Senate Rules Committee."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 680?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #2 to Senate Bill 680 has been adopted. Further Amendments?"

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

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Coulson, has been approved for consideration."

Speaker Hartke: "Representative Coulson. Representative Coulson. Representative Coulson in the chamber? On Amendment #3. Representative Coulson."

Coulson: "This Amendment is identical to House Bill 2206 which passed the House unanimously, thank you. This Amendment updates the states list of legally qualified immigrants eligible for financial, food, and medical assistance. And it also, has a sunset date that... it repeals the provisions regarding services to noncitizens and removes that date."

Speaker Hartke: "Further discussion? Or any question? If not, the Lady moves the adoption of Floor Amendment #3 to Senate Bill 680. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #3 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 786, Representative Parke. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 786, the Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Parke, has been approved for consideration."

Speaker Hartke: "Representative Parke."

Parke: "Mr. Speaker, I would like Amendment #1 tabled."

Speaker Hartke: "Withdrawn."

Parke: "Is there... I have an Amendment 2. Can you tell me the status of Amendment 2, please?"

Speaker Hartke: "Mr. Clerk."

Clerk Bolin: "Floor Amendment #2, offered by Representative Parke, has been approved for consideration."

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Speaker Hartke: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Members of the House. Amendment, Floor Amendment 2 is a technical Amendment. It clarifies that one of the members of the micro-enterprise institute shall be the chair and that the numbers were a mistake in Amendment 1. So, we now, will make it that there'll be 11 members of the committee. And I would ask that the Body accept this Amendment."

Speaker Hartke: "Is there any discussion? The Gentleman moves for the adoption of Floor Amendment #2 to Senate Bill 786. 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."

Speaker Hartke: "Third Reading. Senate Bill 800, Representative Kosel. For what reason does Representative Saviano seek recognition?"

Saviano: "Yes, Mr. Speaker, we have House Amendment #2 which is sponsored by me, to this Bill."

Speaker Hartke: "Okay."

Saviano: "The Sponsor is... the Sponsor of the Bill is in agreement with it."

Speaker Hartke: "Mr. Clerk, call the Bill."

Clerk Bolin: "Senate Bill 800, a Bill for an Act to amend the Illinois Dental Practice Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Saviano, has been approved for consideration."

Speaker Hartke: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Floor Amendment #2 to Senate Bill 800 is a Bill which takes out the authority for dental assistants to administer

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anesthetics or nitrous oxide. That was put in in the original committee Amendment, we've negotiated with the Dental Society and removed that. And also, we became a little more specific on the educational requirements for dental assistants which the department will dictate on what training they must go through to accomplish their tasks. And I would ask for Floor Amendment #2 to be adopted to Senate Bill 800."

Speaker Hartke: "Is there any discussion? There... seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 800?' 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."

Speaker Hartke: "Third Reading. Senate Bill 849, Representative Lang. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 849, a Bill for an Act regarding mental health. Second Reading of this Senate Bill. Amendments 1, 2, and 3 were adopted in committee. Floor Amendment #4, offered by Representative Lang, has been approved for consideration."

Speaker Hartke: "Representative Lang."

Lang: "Thank you, Mr. Speaker. I move for the adoption of Amendment #4 and this would add as a qualified examiner, a licensed clinical professional Counselor, with a masters or doctoral degree in counseling or psychology."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to Senate Bill 849?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor

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Amendment #4 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1032, Representative Leitch. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1032, a Bill for an Act concerning tax increment financing. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. Floor Amendment #4, offered by Representative Capparelli, has been approved for consideration."

Speaker Hartke: "Representative Leitch."

Leitch: "Thank you, Mr. Chairman (sic-Speaker), I'd like to move for the adoption of Amendment #4. This is a Bill that extends the limit of... the time limit of a TIF in Rosemont."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #4 to Senate Bill 1032?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. And Floor Amendment #4 is adopted. Further Amendments?"

Clerk Bolin: "Floor Amendment #5, offered by Representative Leitch, has been approved for consideration."

Speaker Hartke: "Representative Leitch."

Leitch: "I'd move to table Amendment #5."

Speaker Hartke: "Amendment #5 is withdrawn. Further Amendments?"

Clerk Bolin: "Floor Amendment #6, offered by Representative Leitch, has been approved for consideration."

Speaker Hartke: "Representative Leitch."

Leitch: "I'd like to move to approve Amendment #6. Amendment #6 further refines what was intended in Amendment #5 and I'd move for its approval."

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 #6 to Senate Bill 1032?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #6 to House... Senate Bill 1032 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1112, Representative Turner. Representative Turner, John Turner. Out of the record. Senate Bill 1148, Representative Osmond, Tim Osmond. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1148, a Bill for an Act concerning economic development. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Morrow, has been approved for consideration."

Speaker Hartke: "Representative Osmond, could you handle that Amendment for Representative Morrow?"

Osmond: "I believe so, Mr. Speaker."

Speaker Hartke: "Okay, Representative Morrow or Osmond."

Osmond: "What we'd like to do, the House passed by a vote of 114-0 the Illinois African Trade Program which is run through DCCA. And we would like to add this onto the original Bill 1148."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1148?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. On page 5 of the Calendar,

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appears Senate Bill 19, Representative Lang. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 19, a Bill for an Act regarding child support enforcement. Second Reading of this Senate Bill. Amendments 1 and 2 were adopted in committee. No Floor Amendments have been approved for consideration. No Motions filed."

Speaker Hartke: "Representative Lang."

Lang: "Mr. Speaker, I think there's an Amendment on this that's been assigned to the Judiciary Committee for tomorrow. So, take it out of the record."

Speaker Hartke: "Out of the record. Senate Bill 26, Representative O'Brien. Mary K. O'Brien, would you like to call Senate Bill 26? Out of the record. Senate Bill 272, Representative Wait. Mr. Clerk, read the Bill. Out of the record. On page 6 of the Calendar, appears Senate Bill 384. Shirley Jones, would you like to call that Bill? Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 384, a Bill for an Act to amend the Public Utilities Act. The Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Shirley Jones, has been approved for consideration."

Speaker Hartke: "Representative Jones."

Jones, S.: "Senate Bill 384 is just a technical change to send it back to the Senate. I 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 Floor Amendment #1 to Senate Bill 384?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Senate

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Amendment... Floor Amendment #1 to Senate Bill 384 is adopted. Further Amendments."

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 385, Shirley Jones. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 385, the Bill has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Representative Shirley Jones, has been approved for consideration."

Speaker Hartke: "Representative Jones."

Jones, S.: "Senate Bill 385 is a technical Amendment that I would like to send back over to the Senate and I ask for your favorable vote."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 385?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Motion is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 272, Representative Wait. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 272, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Wait, has been approved for consideration."

Speaker Hartke: "Representative Wait."

Wait: "Thank you, Ladies and Gentlemen of the House. Floor Amendment #1 just clarifies the Bill that came over from the Senate. Basically, this deals with the expiration on these prepaid phone cards. A lot of times it seems like

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the people buy the cards and they expire the same day they... they buy them. So, this would just say up front that the people have to know what the expiration date is on it when they buy the card."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 272?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 to Senate Bill 272 is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 648, Representative Cross... Krause. Representative Krause. Out of the record. Senate Bill 658, Representative Parke. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 658, a Bill for an Act to create the Orthotics, Prosthetics, and Pedorthics Practice Act. Second Reading of this Senate Bill. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Parke, has been approved for consideration."

Speaker Hartke: "Representative Parke."

Parke: "Thank you, Mr. Speaker. Floor Amendment #2 is a technical Amendment that has been brought forth by staff, by DPR, and the State Medical Society. And I know of no opposition to this Bill... this Amendment."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 658?' 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?"

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Clerk Bolin: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1029, Representative Ryder. Out of the record. Senate Bill 1030, Representative Ryder. Out of the record. Senate Bill 725, Representative Fowler. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 725, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #2, offered by Representative Fowler, has been approved for consideration."

Speaker Hartke: "Representative Fowler."

Fowler: "Yes, Mr. Chairman (sic-Speaker), what this Amendment does, it states that the money for the Aquaculture Bill shall come from the General Revenue Fund instead of as originally discussed in the Sales Tax Fund."

Speaker Hartke: "Is there any discussion? Any questions? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 725?' There is someone seeking recognition. Representative Lawfer, from Jo Daviess, for what reason do you seek recognition?"

Lawfer: "Will the Sponsor yield?"

Speaker Hartke: "He indicates he will."

Lawfer: "Representative, this is a change you said in the funding for that. Is that the... end result the same amount of money?"

Fowler: "Yes, Representative Lawfer, it is the same amount of money."

Lawfer: "And what is that amount then annually?"

Fowler: "One million dollars."

Lawfer: "This overcomes the people that were opposed because originally we're using sales tax, is that correct?"

Fowler: "That is correct."

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Lawfer: "I see no reason not to support this Comend... Amendment.
Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 725?' 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."

Speaker Hartke: "Hold that Bill on Second Reading. Senate Bill 1014. Mr. Madigan. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1014, a Bill for an Act concerning the State Treasurer. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Speaker Madigan, has been approved for consideration."

Speaker Hartke: "Representative Scott."

Scott: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Apparently there are some negotiations going on with the Treasurer, and on behalf of the Senate, they ask that we just pass a technical Amendment to this Bill so that we can send it back to the Senate and keep some negotiations going with the Treasurer. So, this is on behalf of the Senate that they're just asking us to send it back to them in this form."

Speaker Hartke: "Representative Black."

Black: "Yes, inquiry of the Chair, Mr. Speaker."

Speaker Hartke: "Shhhhhhh. Please, it's getting a little noisy."

Black: "Yes it is."

Speaker Hartke: "Mr. Black."

Black: "Inquiry of the Chair."

Speaker Hartke: "State your inquiry."

Black: "I... I've been here long enough to recognize Speaker

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Madigan's voice. That was not Speaker Madigan's voice I heard over the speaker presenting an Amendment in the Speaker's name. Is the Speaker aware of this chicanery?"

Scott: "I sure hope so, Representative Black."

Black: "Oh, there he is. I was wondering who was doing that."

Speaker Hartke: "Representative Scott was handling the Amendment for the Speaker who is..."

Black: "Well, I don't remember... I don't remember the Chair indicating that to us. His name doesn't appear on the board. There was no leave of the Body. Are we getting careless in the afternoon, Mr. Speaker? Would you like to ask for leave of the Body for Representative Scott to present a very technical Amendment on behalf...?"

Speaker Hartke: "Let's just take this Bill out of the record until we have it as..."

Black: "That's a good idea, Mr. Speaker. Thank you."

Speaker Hartke: "Representative Black."

Black: "Yes, Mr. Speaker. Buoyed by my recent success, I'd like to make another inquiry of the Chair, if I could."

Speaker Hartke: "State your inquiry."

Black: "Yes, looking at the Calendar and the Official Calendar that was presented to us back in January, as presented by the Speaker. We were to be in Session all this week, Tuesday right through the weekend. And the Calendar, today's Calendar, shows us in Session on Saturday the 15th and Sunday the 16th. Now, when we go four or five days in a row, I have to go to the Rent-a-Suit Store and buy some extra clothes. But, the rumor on the floor is, is that we'll not be in Session on Saturday and Sunday. Is the Chair in a position to enlighten the lowly Members as to what the schedule might be for Saturday and Sunday?"

Speaker Hartke: "Representative, you've been around here long

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enough to know that there are rumors around the floor all the time."

Black: "Oh, all the time, yes."

Speaker Hartke: "And until you hear official word from this podium on your inquiry..."

Black: "When... well..."

Speaker Hartke: "...that's all they are, is rumors."

Black: "I understand that, and that's why I asked."

Speaker Hartke: "You don't believe rumors do you?"

Black: "No, absolutely not, Sir."

Speaker Hartke: "Okay, then forget that rumor."

Black: "Okay. Then, I want to get the official story, because this is Tuesday afternoon, and by Wednesday, I'm going to have to go to the Rent-a-Sportcoat Store. And if we're not going to be here on Saturday and Sunday, then I can go home and do my laundry."

Speaker Hartke: "The purpose of the original Calendar was to give you fair warning that you will probably have to go to the Rent-a-Store or bring another suit."

Black: "Oh, Mr. Speaker, I... that saddens me. I... do you think perhaps tomorrow we could get some official word?"

Speaker Hartke: "I will try to have an official word for you tomorrow."

Black: "You're very kind, thank you."

Speaker Hartke: "Are we ready to go with... on page 20 of the Calendar, appears House Joint Resolution 10. Representative Slone. Mr. Clerk, read the Resolution."

Clerk Bolin: "House Joint Resolution #10, Floor Amendment #1, offered by Representative Slone, has been approved for consideration."

Speaker Hartke: "Representative Slone."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen. House

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Floor... House Joint Resolution 10, is the Resolution that would... is in effect... recreate the House Smart Growth Task Force with Senate Membership and some additional members from the administration from a number of agencies. The Floor Amendment, reflects language that we have worked on in order to reach agreement with the home builders and realtors. And I would ask for your favorable consideration."

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

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

Slone: "Certainly, Mr..."

Speaker Hartke: "Representative Black."

Black: "Yes, will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Black: "Thank you. Representative, is there anything in the Amendment that would require the expenditure of money, i.e. expenses, per diem, anything at all that would require the expenditure of state funds?"

Slone: "Mr. Black, I believe that the legislative Members, as with any other, you know, formal type task force, would be entitled to per diem when serving on the task force, but other than that, we don't anticipate any other expenditures."

Black: "Okay. And, forgive me, I don't have the Resolution in front of me. The Amendment references legislative Members so that there would be funds expended? Does the Amendment reference legislative Members?"

Slone: "I believe so. It says that..."

Black: "Oh, I see."

Slone: "I think it already says that..."

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Black: "I just got a copy."

Slone: "Yeah."

Black: "Actually, the Amendment becomes the Resolution, correct?"

Slone: "That's correct, yes."

Black: "Okay."

Slone: "Thank you."

Black: "Well, let me just... so, what you're creating then... Mr. Speaker. Mr. Speaker."

Speaker Hartke: "Yes."

Black: "Would questioning the Resolution be in order since the Amendment becomes the Resolution? I find it difficult to just address the Amendment since the Amendment actually becomes the Resolution. I don't know whether the parliamentarian wants me to confine my remarks to the Amendment or to the Resolution, since they're one and the same."

Speaker Hartke: "Address the Amendment, if it becomes the Resolution."

Black: "Well, I'll do the best I can. Thank you, Mr. Speaker, you're very helpful today."

Speaker Hartke: "I try."

Black: "Representative, in the Amendment, you're creating the 24 Member, Illinois Growth Task Force, correct?"

Slone: "Right."

Black: "And those appointments are divided equally among the four Leaders of the two chambers, right?"

Slone: "No, Sir."

Black: "Okay."

Slone: "There would be up to 24 Members, but there would be 12 legislative Members. And those would be appointed equally by... yes, three by each of the Leaders."

Black: "Okay. And, who appoints the 12 nonvoting members?"

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Slone: "The Members of... the legislative Members then would appoint up to 12 nonlegislative members."

Black: "I see."

Slone: "Public members from the indicated areas of interest; agriculture, environment, planning, real estate, and so on."

Black: "Is it your intent under the Amendment that the smart growth... I'm sorry, the Illinois Growth Task Force, will hold meetings statewide, and their recommendation will... no, I can't, we don't know what the recommendation will be. But obviously, it appears that the Amendment is to address growth statewide, not in any particular area?"

Slone: "That's correct."

Black: "And the Resolution will have no force of law, correct? Just a series of recommendations, right?"

Slone: "The Resolution or the task force findings? I'm not sure... "

Black: "The task force finding will have no... nothing in the task force report can be construed as law or rule. It will just be a recommendation to the General Assembly, correct?"

Slone: "That's right. Yes."

Black: "Okay, I appreciate your answering the questions. Thank you. And thank you, Mr. Speaker."

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

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

Speaker Hartke: "She indicates she will."

Lawfer: "Representative, I haven't had a chance to see the Resolution and so on. The Resolution that we worked under the Smart Growth Task Force a year ago, someone had a mission. Does this Resolution have a mission then as

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such?"

Slone: "It has a number of... you know, it has the usual whereas clauses and then it has... yes, it has a number of... of objectives that it's suppose to try and do research and look into and hold hearings and try and get some answers back to the Governor and General Assembly. Yes, it does."

Lawfer: "Are they similar to the ones of the last Resolution?"

Slone: "Yes, they are quite similar, but we tried to make them not exactly the same because we tried to build on what we had done the last time."

Lawfer: "I think the one Resolution... or one part of the mission that interests me that... on the last one was to protect agriculture land from urban sprawl. Is that continued in this Resolution?"

Slone: "Yes, it does. As... to look into how we can do a better job of doing that, yes."

Lawfer: "In other words, it does sound like this Resolution is very much similar to the one last year. Does this also... this is a House Joint Resolution then, you anticipate it going over to the Senate and they becoming a part of this?"

Slone: "We would hope so, yes."

Lawfer: "Thank you very much."

Slone: "Thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to House Joint Resolution #10?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. And the Floor Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "On page 12 of the Calendar, appears Senate Bill 1014. Representative Madigan. Mr. Clerk, call the Bill."

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Clerk Rossi: "Senate Bill 1014 has been read a second time, previously. No Committee Amendments. Floor Amendment #1, offered by Speaker Madigan, has been approved for consideration."

Speaker Hartke: "In Speaker Madigan's absence, is there leave of the Body to have Representative Scott hear that Amendment? Leave is granted. Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As I said briefly before, on behalf of the Senate, they had asked that we keep this Bill alive. This is just a technical Amendment to add an immediate effective date. The Bill will concern matters that need to be done on behalf of the Treasurer. So I just ask that you allow us to keep this moving."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1014?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 749. Representative Scott. Take that Bill out of the record. Senate Bill 1029. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1029 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Ryder, has been approved for consideration."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. The Amendment that I propose, sets an effective date that removes opposition that was expressed in committee. I had indicated that I would hold

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these Bills, although I would like to see this date sooner. This is the best negotiation that I could accomplish at this date. We'll see what happens in the Senate. Thank you."

Speaker Hartke: "Is there any discussion? The question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 1029?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And Floor Amendment #1 is adopted. Further Amendments?."

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 1030. Representative Ryder. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1030, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Ryder, has been approved for consideration."

Speaker Hartke: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Amendment is also a result of committee recommendations, and it does indicate the recommendation of a specific statutory cite when promulgating rules through the Joint Committee on Administrative Rules process. We would have liked to have seen it tighter. There was opposition to that, and this is the best that we could accomplish at this stage."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 1030?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 749. Representative

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Scott. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 749, a Bill for an Act amending the Illinois Business Brokers Act of 1995. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1, offered by Representative Scott, has been approved for consideration."

Speaker Hartke: "Representative Scott."

Scott: "Thank you, Mr. Speaker. Floor Amendment #1 is some language that was suggested by the title insurance companies. It removes their opposition and makes this a Bill that has no opposition at all, and I'd ask for your support."

Speaker Hartke: "Is there any discussion? Seeing no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #1 to Senate Bill 749?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair the 'ayes' have it. And Floor Amendment #1 to Senate Bill 749 is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. Senate Bill 648. Representative Krause. Representative Krause. She in the chamber? Representative Krause, would you like to call your Bill? Out of the record. Representative Krause, your Amendment has come out of Rules. That has been approved. Would you like to call that Bill? Representative Krause. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 648, the Bill's been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Krause, has been approved for consideration."

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Speaker Hartke: "Representative Krause."

Krause: "Floor Amendment #2 amends the underlying Bill for charter schools, by deleting the provision that was in the original Bill, which would have provided for the expansion of the maximum number of charter schools by an additional 15. This Amendment now would delete that provision, and in addition, it would provide that if House Bill 230, which provides that local school boards can set up their own charters, did become law, then the transition impact aid, that is provided in the underlying Bill, would not be paid for any charter schools created by a local board of education."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Floor Amendment #2 to Senate Bill 648?' 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 Rossi: "No further Amendments."

Speaker Hartke: "Third Reading. You sure you don't want to keep that on Second? Third Reading. Mr. Clerk, committee announcements."

Clerk Rossi: "The following committees will meet on Wednesday, May 12th. At 8:30 a.m., the Computer Technology Committee will meet in Room 122B. At 9 a.m., the Higher Education Committee will meet in Room 118. Also at 9 a.m., the Elections and Campaign Reform Committee, will meet in Room D-1. At 9 a.m., the Judiciary I - Civil Law Committee will meet in Room C-1. The following committees will meet at 9:30 a.m.: the Elementary and Secondary Education Committee in Room 114; the Environment and Energy Committee in Room D-1; the Executive Committee in Room 118; and the

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Urban Revitalization Committee in Room C-1."

Speaker Hartke: "Does any Member have an announcement they'd like to make? The Chair's preparing to adjourn shortly. Mr. Clerk, Agreed Resolutions."

Clerk Rossi: "House Resolution 255, offered by Representative Durkin; House Resolution 256, offered by Representative Giles; House Resolution 264, offered by Representative Kosel; House Resolution 265, offered by Representative Lang; House Resolution 267, offered by Representative Gash; House Resolution 268, offered by Representative Hannig; House Resolution 269, offered by Representative Hannig; House Resolution 271, offered by Representative Schoenberg; House Resolution 272, offered by Representative Schoenberg; House Resolution 273, offered by Representative Schoenberg; House Resolution 275, offered by Representative Giles; House Resolution 276, offered by Representative Schoenberg; House Resolution 277, offered by Representative Andrea Moore; House Resolution 278, offered by Representative Andrea Moore; House Resolution 279, offered by Representative Andrea Moore; House Resolution 280, offered by Representative Andrea Moore; House Resolution 281, offered by Representative Andrea Moore; House Resolution 282, offered by Representative Andrea Moore; House Resolution 283, offered by Representative Andrea Moore."

Speaker Hartke: "Representative Pugh now moves for the adoption of the Agreed Resolutions. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Agreed Resolutions are adopted."

Clerk Rossi: "Introduction of Resolution. Senate Joint Resolution #3, offered by Representative Mitchell, is

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assigned to the Rules Committee."

Speaker Hartke: "Representative Lang now moves that the House stand adjourned until the hour of 10 a.m., on Wednesday morning. 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, allowing perfunctory time for the Clerk. Representative Leitch, do you have an announcement to make?"

Leitch: "Yeah, I had intended to vote 'yes' on Senate Bill 311, and I'd ask the Journal to reflect that."

Speaker Hartke: "The Journal will reflect your wishes. The House stands adjourned."

Brunsvold: "Just like to remind the Members, after talking to the Park District, the game is still on for tonight. The diamond is playable. Like everybody to know that, so the game starts at six, like the players out there by about five o'clock, and we can get a little practice in before we start. If we get some more rain, I can't guarantee we're gonna play, but right now, everything is go. So, see you out to Lincoln Park at about 5:00, diamond #1. And the Senate's still in Session, so they ought to be tired. That's good."