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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

60th Legislative Day

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Speaker Madigan: "The House shall come to order. The Members shall be in their chairs. We shall be led in prayer today by Lee Crawford, the Assistant Pastor of the Victory Temple Church in Springfield. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Pastor Crawford: "May we all pray. Most precious God, with weary minds and tired bodies, we come so humbly before You, yet in the spirit of Your word. I'm reminded that it says, 'that to seek, ye shall find, that if we would knock, the door shall be open, that if we would ask, that it shall be given unto us.' So, precious God, I come before You, asking that the strength of God, that it would sustain them. I come asking this morning that the power of God, that it would preserve them. I ask that the hand of God, that it would protect them. I ask that the ways of God would direct them. So, I ask that the grace of God and the power of His most precious spirit would be with them this day and forevermore. Amen."

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

Krause - 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 Representatives Capparelli and Pugh are excused today."

Speaker Madigan: "Mr. Poe."

Poe: "Yes, Mr. Speaker, let the record show that Representative Wojcik and the rest of the Republicans are present."

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Speaker Madigan: "Thank you, Mr. Pugh. Mr. Clerk, take the record. There being one... there being 115 Members responding to the Attendance Roll Call. There is a quorum present. Mr. Clerk."

Clerk Bolin: "Introduction of Resolutions. Senate Joint Resolution 39, offered by Representative Lang. This Resolution is referred to the Rules Committee."

Speaker Madigan: "Okay. Is Mr. Winters in the chamber? Did you wish to call Senate Bill 941? Mr. Clerk, read Senate Bill 941."

Clerk Rossi: "Senate Bill 941, a Bill for an Act amending the Local Governmental and Governmental Employees Tort Immunity Act. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 941, deals with the Tort Immunity Act. Is agreed language, basically, from the version that came over to us from the Senate, there was one provision that was trying to detail exactly how it could be spent and there was quite a bit of controversy in that section, so that section was removed. What is left in the Bill is two, two major provisions. One, as I explained yesterday, is to set up a... an annual report of expenditures from the Tort Immunity Fund with specific detailed accounting of how the money is being spent. The other section is a preamble that the General Ass... saying what the General Assembly is trying to use this fund for. We would be happy to answer any questions."

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?' Those in favor signify by voting 'yes'; those opposed by voting 'no'."

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Have all voted who wish? Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? There are two people who have not voted. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. This Bill having received a Constitutional Majority is hereby declared passed. Representative Wyvetter Younge, did you wish to call House Resolution 376, on page 11 of the Calendar? Representative Younge."

Younge: "Thank you, Mr. Speaker. House Resolution 376 urges and encourages the General Assembly to continue discussions with the Illinois Community College Board and the Board of Higher Education and in the communities involved in the dissolving of Metropolitan Community College to continue their discussions towards the creation of a new college district. The basic facts are that in October of 1998, the Illinois Community College Board dissolved Metropolitan Community College because of a lack of getting audits and the improper enrollment figures and a bad business system. The Speaker formed a task force made up of the Members of the House to look into and to investigate the facts and circumstances and the task force has come to a, a conclusion that there should be work towards the recreation of a community college district in District 541 area. Representative Woolard has asked the question as to whether or not the Illinois Community College Board, Dr. Simple, thinks that the people, the voters, should have an opportunity to get their district back and he said that that was his desire. So, the intent here of this Resolution is for the Board of Higher Education, the Illinois Community College Board, and Members of the General Assembly, and the communities, the taxpayers to

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work together, to map out and describe a district that will best serve the educational needs of the people of that district. Therefore, I ask you to pass this Resolution and characterizing this discussion, these discussions, so that there can be the best resolution to this challenge."

Speaker Madigan: "Mr. Holbrook."

Holbrook: "Thank you, Speaker. This district has a long and sordid history. I encouraged and supported the takeover of this district by the Illinois Community College Board, for the sake of the students of that area and the taxpayers of Illinois. When Illinois Community College Board set up classes and began running that institution, I encouraged that and supported it, because that was what was needed for those students and for the taxpayers of Illinois. When Southern Illinois University became involved at this campus, I encouraged that and supported it for the students in that district and the taxpayers in Illinois. And now that the Illinois Community College Board wants to continue these discussions, I encourage that and I also support it for those students and for the taxpayers of Illinois. The Illinois Community College Board supports this. The Board of Higher Ed. supports this, and Southern Illinois University supports this. This is what's needed to make sure that we end up having a successful college at that campus, 10 or 20 years from now. And on that basis, I support this and I hope you all will, also. Thank you."

Speaker Madigan: "Mr. Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this Resolution. I think that Representative Younge, once again, has championed the issue of the constituents she represents. Without question, there was a need for some involvement with the

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Community College Board and SIU. SICCM, a group of community colleges throughout Southern Illinois who have collectively worked in this community. But I think each and every one of us recognize that local control is something that is important to every area of local government in this state. All this says, is that we encourage the community college system in that community to continue to negotiate and ultimately find resolution that will allow the local people to be involved in the management of this community college district, when the time was right, when they can be responsible and responsive to the needs of those kids in that area. I encourage each and everyone of you to join us in supporting Representative Younger in the resolution of an issue that's very important and dear to her and her community."

Speaker Madigan: "Mr... Representative Crotty."

Crotty: "Thank you, Mr. Speaker. I'm not going to go over what everyone else has said already this morning, regarding this Resolution. But, I do want to stand in strong support of Wyvetter Younger in her efforts to serve her community. There's nothing worse than to lose an educational establishment and to encourage the discussions and I want to thank Wyvetter Younger for not giving up on this issue. So, I again, lend my support and hope that my colleagues would do the same."

Speaker Madigan: "Mr. Biggins."

Biggins: "Yeah. Thank you, Mr. Speaker, and I also rise in support of this Resolution. The Audit Commission upon which I sit, we had an audit down there last year, we had a public hearing about the situation regarding the then existing community college and the system we found there was deplorable. The Community College System Board made

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the... made the right decision. The administrators actually laughed when they were told, when they were asked, 'well, we couldn't even audit you because your papers were so bad, you couldn't even come up with a conclusion.' And the chief administrators actually laughed. And Representative Younge was there and I think she was as distressed about this as any member of that commission was. So, this is the right move, the right time to move in the direction to reestablish this community college district and to replace it with administrators that know how to run an institution. And I rise in support of this Resolution."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. Like all of those before, I stand in strong support of this Resolution. Basically, I think, Mr. Speaker, there are two issues. One is, that Representative Younge is being an advocate for her own constituency and we have always respected as a great tradition of this chamber that when one of us is seeking something to be helpful to our own folks back home, we support one another in those efforts. I think we should do that now, for Representative Younge, who has been a marvelous advocate for her district. And secondly, Mr. Speaker, if there is any area in Illinois that we ought to be doing everything that we can to be sure that there is a community college, that there are all kinds of educational opportunities, it certainly is Representative Younge's district. We all have given speeches about the importance of education, that it is the secret to every success that anyone can ever experience. I think it is wonderful that Representative Younge has persevered all these years in her attempts to assure that there is the kind of community college for her constituency that they not only deserve,

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but they certainly need, education being the secret to everything, probably accounts for her perseverance. I congratulate her and I stand in strong support of this Resolution."

Speaker Madigan: "Mr. Harris."

Harris: "Thank you, Mr. Speaker. I, too, rise in support of this Resolution by Representative Younge and I commend her for doing an excellent job and I hope that she would keep up the good work. Thank you."

Speaker Madigan: "Representative Younge to close."

Younge: "I thank you, Mr. Speaker. I appreciate all of the remarks and I move for the passage of House Resolution 376."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. Those in favor of the adoption of the Resolution vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 'ayes', 0 voting 'no'. And the House does adopt the Resolution numbered HR376. Mr. Clerk."

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 Madigan: "Mr. Clerk."

Clerk Bolin: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s was/were referred, action taken on May 27, 1999 reported the same back with the following recommendations: 'direct floor consideration' for the following Conference Committee Reports. Conference Committee Report #1, for House Bill 134. Conference

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Committee Report #1, for House Bill 523. Conference
Committee Report #1, for House Bill 542. Conference
Committee Report #1, for House Bill 1278. Conference
Committee Report #1, for Senate Bill 19. Conference
Committee Report #1, for Senate Bill 27. Conference
Committee Report #1, for Senate Bill 53. Conference
Committee Report #1, for Senate Bill 392. Conference
Committee Report #1, for Senate Bill 1202. 'Direct floor
consideration' for a Motion to recede from House Amendment
#2, on Senate Bill 958. And 'direct floor consideration'
for House Resolution 366."

Speaker Madigan: "Supplemental Calendar."

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

Speaker Madigan: "Representative Cowlshaw. Representative
Cowlshaw. Do you wish to call a Conference Report on
House Bill 134?"

Cowlshaw: "Yes, Sir, Mr. Speaker."

Speaker Madigan: "Proceed."

Cowlshaw: "Thank you. Mr. Speaker, Ladies and Gentlemen of the
House. House Bill 134 was passed out of this chamber with
a 100% 'yes' vote. I am grateful to all of you, because
all of you voted for this Bill, when we sent it to the
Senate. It was then discovered that there had been a
technical error in the drafting of this Bill and
consequently, we needed to get that technical error
corrected. That has now been done and this Bill, which
provides that any properties owned by nationally chartered
veteran's organizations, which would be for example, the
VFW, the American Legion, and so forth, who own properties
for their local hall or their post home, that as of next
year, the equalized assessed valuation of those properties
would be reduced by 85% and then would be frozen at that

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EAV and would remain there indefinitely. We all understand the need for this legislation. We have VFW and American Legion posts throughout the state, some of which are already on the market to be sold, because the veterans who are members of those entities can no longer afford to pay the property taxes. We also all understand how property taxes work. We know that local governments submit a levy, the levy is then extended to determine a tax rate, if the tax rate is not in excess of some law, that is exactly what happens, and, in fact, the levy is provided. The numbers of dollars that unit of local government asked for is what it gets. I asked the county officials where I live to determine for me what the additional cost would be to my husband and me if this Bill was law, and I was told that our property taxes, annually, would increase by seven-eighths of one cent. Ladies and Gentlemen, we are more than willing to pay seventy-eighths... seven-eighths of one cent each year to enable the American Legion and the VFW posts to continue to have a home. I would ask, in particular, that we might remember that next Monday a lot of us will be going places and making speeches. I can think of no news you could take to your veterans and those they love, than the fact that you had enabled them to keep their American Legion hall, their VFW post, the place where they meet together and renew their friendships, their recollections, their patriotism. I appreciated your support, previously. I will particularly appreciate it today, in anticipation of Memorial Day. Thank you, Mr. Speaker."

Speaker Madigan: "Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker. I just simply rise to support the Lady's Motion. As she indicated, all

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of us voted for it. This has been on the ballot, I think at least twice in the last 15 years, passed both times by a majority vote, just didn't reach the constitutional mandate of the extraordinary majority of those voting on the question. It's long overdue and I hope it gets the unanimous vote."

Speaker Madigan: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. Will the Sponsor yield to some questions?"

Speaker Madigan: "The Sponsor yields."

Biggins: "Earlier this year, we passed a measure out of the Illinois House to increase the ability of those veteran's organizations to increase their payouts from certain gambling operations that may occur in them. Have you had a chance to value or review the effectiveness of that legislation? Has it helped the veteran's halls? I think it specifically applies to pull tabs."

Cowlshaw: "Yes, Representative Biggins. The likelihood of that provision enabling these places to pay these skyrocketing property taxes, it seems to me, it might be a little help, but it would not be sufficient to the need. The other thing I need to mention to you, Sir, and I think this is also very important, certainly to anyone who lives in the vicinity of Quincy, Illinois. Many of these veteran's posts hold fund-raising events throughout the year, some of them involving things like pull tabs, and if there is any proceed from that endeavor, that is not necessary to be spent for property taxes, they donate it to the veteran's home in Quincy. I am told that any number of the items that are really needed at the veteran's home in Quincy have been provided, over the years, by donations from veteran organizations throughout the state, who have fund-raising

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events and fried chicken dinners, and pull tabs, and whatever, at their local posts. I would point out as well, that those contributions to the veteran's home in Quincy, not only make living there a lot more pleasant for the veterans who are there, they're also a relief on the proper... on the taxes that the state would have to appropriate, in order to support that home in Quincy."

Biggins: "Okay, but the measure that passed out earlier this year did not have unanimous support in this House to allow them to increase their payouts and pull tabs. You're asking for unanimous support on this Res... this Bill and I will vote for this Bill. I just wanted to remind you and everybody else, that it did not have unanimous support in this chamber. Secondly, will this apply to those VFW halls that hold 'Las Vegas Nights' on their premises, gambling events during the year? Will they get the same tax break?"

Cowlshaw: "Absolutely."

Biggins: "I have no further questions."

Speaker Madigan: "Representative Cowlshaw to close."

Cowlshaw: "On behalf of every veteran whom we will all be seeing next Monday, I would ask for your support for the Con... First Conference Committee Report on House Bill 134."

Speaker Madigan: "The Lady moves for the adoption of the First Conference Report on House Bill 134. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does adopt Conference (sic-Committee) Report #1 to House Bill 134. And the Bill having received a Constitutional Majority is hereby declared passed. Mr. Mautino, do you wish to call House Bill 523? Mr. Mautino."

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Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move adoption of Con... the First Conference Committee Report to House Bill 523. This Bill, as was discussed yesterday, contains the provisions agreed with the Senate, which would allow nonhome rule units of local government to impose a local sales tax. This rolled in the underlying Amendments, exempting food and drug, and also set the dates that this tax could not be imposed, if passed by front door referendum until after 2002 and I'd appreciate an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the report. Is there any discussion? There being no discussion, the question is, 'Shall the House adopt the Conference Report?' 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? There are 3 people who have not voted, 2 people. There are 2 people who have not voted. Have all voted who wish? The Clerk shall take the record. On this question, there are 65 'ayes' and 50 'noes'. The House does adopt the First Conference Committee Report on House Bill 523. And the Bill having received a Constitutional Majority is hereby declared passed. Representative Cowlshaw, do you wish to call House Bill 542? Representative Cowlshaw."

Cowlshaw: "Yes. Thank you, Mr. Speaker. House Bill 542 is another of those Bills that passed out of this chamber by a 100% 'yes' vote. I thank you for your support of this measure previously, and seek your support again today for the Conference Committee Report. When this Bill passed from this chamber, it did one very simple thing. It simply exempted fund-raising events that are held by PTA's and

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similar organizations that are entirely volunteer groups working in support of a school, consisting of both parents and teachers. It exempts them from having to pay the state sales tax. I think, Mr. Speaker, if there is any merit in the argument that the state does not adequately, financially support its schools, and I do believe there is merit in that argument, then it certainly doesn't make very much common sense, that on the one hand we do not appropriate sufficient funds to support our schools, that on the other hand, we turn around and collect sales taxes from the volunteers who are trying to raise money on their own to support their local schools. Clearly, all of my colleagues agreed with that, because you all voted to see to it that those fund-raising events held by those groups of parents and teachers, in support of a school, whether private or public, should be exempt from the sales tax. However, Mr. Speaker, I do need to let everyone here know that there is one additional provision in this Bill that is now a part of the Conference Committee Report, that was not a part of this Bill originally, and when it was passed here. There is now a provision in this Bill that in the event that somebody wishes to donate, that is donate an automobile to a school, for some type of school purpose. Now, that might be for a driver-education program or for whatever legitimate purpose the school or school district may have for that vehicle. In the event that the vehicle is donated, there would be no sales tax charged, either to the school district or to the individual donating the vehicle. Here again, I think, Mr. Speaker, that someone who is willing to donate as something as valuable as a vehicle, probably should at least not be in the position of having to pay sales taxes. That's what the Conference

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Committee Report does. It's good for schools. And, Mr. Speaker, I would like to point out that I talked to the Department of Revenue about this several times and they have virtually no idea how much they do or do not collect in sales taxes on these types of events. And hence, we probably don't have any idea whether this is gonna mean that there's any significant loss in state revenue. But if we're ever going to be able to sustain that and become accustomed to it, these times which are very good, where the economy is thriving, when the amount of revenue that is rolling into the state coffers is at an unprecedented height, this is the time to do it. I would be glad to answer any questions. Thank you."

Speaker Madigan: "Mr. Hartke."

Hartke: "Yes. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hartke: "Representative Cowlshaw, I was interested when you added that last comment about donating of automobiles to the school and the sales tax would be exempt. Would that apply to the coach of the basketball team, as well?"

Cowlshaw: "Would that apply to what?"

Hartke: "Right. If some dealer wanted to give the coach a car to use, donate it to the school, but it's for the coach, would that be a legitimate school purpose?"

Cowlshaw: "For what purpose is the coach going to use the vehicle?"

Hartke: "Well, I guess to and from school, basketball practice, track practice."

Cowlshaw: "I would suppose that if the school or the school district recognizes that there is some need for that, then of course, it would be exempt. But, this is simply a personal arrangement between the donor, who is strongly

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seeking to get his son on the basketball team and the coach, then I would suppose it wouldn't qualify for this exemption."

Hartke: "Okay, I, I was, I was just curious."

Cowlishaw: "Yes. Well, I certainly appreciate your question, Sir. Thank you."

Speaker Madigan: "Representative Cowlishaw to close."

Cowlishaw: "Thank you very much, Mr. Speaker. It seems to me that we're doing something here that we should have done a long time ago. I am very pleased to be able to sponsor this and to have this Conference Committee Report before us, in such a timely fashion. For that, Mr. Speaker, I want to thank you, personally. I want to thank you for calling the Conference Committee Reports on House Bills 134 and 542. I would ask, humbly, if perhaps we could have the same vote on this one, that we had on 134? Thank you."

Speaker Madigan: "The Lady moves that the House does adopt the First Conference (sic-Committee) Report on House Bill 542. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 115 people voting 'yes', 0 voting 'no'. The House does adopt the First Conference (sic-Committee) Report on House Bill 542. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Steve Davis. House Bill 1278."

Davis, S.: "Yes. Thank you, Speaker, Ladies and Gentlemen of the House. Conference Committee Report on House Bill 1278, makes it unlawful for anyone to possess any amphetamine manufacturing chemical with the intent to manufacture methamphetamines or the salt of an optical isomer, methamphetamine, or an analog thereof. It also defines

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'methamphetamine manufacturing chemical'. This term includes chemicals or substances containing any of various specified chemicals listed in the amendatory language. It specifies penalties that vary, based on the amount and type of the substance possessed. It also creates an exception to offenses relating to the chemical breakdown of illicit controlled substance. Provides that those provisions do not apply to the manufacture of methamphetamine, or to the possession of any substance containing an immediate precursor or immediate chemical, intermediary possessed with the intent to manufacture methamphetamine or any salt of an optical isomer or methamphetamine, or an analog of methamphetamine. And I believe also, that there was a technical correction on some spelling of, of some of the precursors. I would move for the adoption of the First Conference Committee Report to House Bill 1278 and would be happy to answer any questions."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference (sic-Committee) Report and the Chair recognizes Mr. Durkin."

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

Speaker Madigan: "Yeah."

Durkin: "Representative Davis, we've only seen this about eight times this Session, so please be patient with me. Just one question, you're removing an inference. The Senate Judiciary Committee recommended that an inference be removed from the, I believe it was Senate Amendment #2."

Davis, S.: "Yes."

Durkin: "Could you explain to me what that inference was removed and why?"

Davis, S.: "Okay, Representative. It's my understanding that what the inference did, it creates a... what the Amendment

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did, it creates an inference that a person who possessed any amphetamine, methamphetamine manufacturing chemical, intended to use the entire amount of such substance to manufacture meth or salt of an optical isomer of meth, if such substance was found in close proximity to a drug manufacturing equipment or drug manufacturing facilitator, suitable for assisting in the manufacture of meth or salt of an optical isomer or methamphetamine. Apparently, there, there was some problem with that provision of the Amendment."

Durkin: "Well, you couldn't have explained it any better to me, Representative. Could you explain to me, as briefly, what a 'precursor' is, under this Bill? I'm a little bit confused."

Davis, S.: "Representative, a 'precursor' is basically, the chemical that is used in the manufacture of... it's a chemical used in the manufacture of methamphetamine."

Durkin: "Boy, I tell you, that's one of the best responses I've heard in the past six months, and because of that I'm going to wholeheartedly support your Bill and I'm going to ask the rest of the Members of this House to vote 'green' on this one. Great job."

Davis, S.: "Thank you, Representative."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference (sic-Committee) Report. 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 115 people voting 'yes', 0 voting 'no'. The House does adopt the First Conference (sic-Committee) Report on House Bill 1278. And this Bill having received a Constitutional Majority is hereby declared passed. Mr.

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Clerk, on page 2 of the Calendar, on the Order of Senate Bills-Third Reading, there appears Senate Bill 1103. What is the status of that Bill?"

Clerk Rossi: "Senate Bill 1103, is on the Order of Senate Bills-Third Reading."

Speaker Madigan: "Put that Bill on the Order of Second Reading. On page 9 of the Calendar, on the Order of Conference Committee Reports, there appears Senate Bill 24. Mr. Novak. Mr. Novak, on Senate Bill 24."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I now move that we adopt the First Conference Committee Report on Senate Bill 24. Ladies and Gentlemen, Cochairman Persico and myself that chair the Electric Utility Deregulation Committee for the last three years, are proud to present this Bill. Two years ago, we passed an historic... we passed historic legislation that began the restructuring of the electric utility industry in Illinois. That Bill was signed into law by former Governor Edgar and the market is taking place... it is taking shape in this state. On October 1st of this year, the large industrial consumers will begin to shop on the open market, as well as many of our... millions of our constituents in our district have realized significant rate decreases as a result of that original Deregulation Bill. And as promised two years ago, we said we would come back and fine-tune some of the aspects of the law, since it's such a complex and complicated piece of legislation. So, that is the purpose of this Bill here today. Mr. Persico and I would like to share some of the presentation with respect to the components of this... of this Bill. First of all, I would like to indicate to the Body that in an historic attempt to look and promote clean energy and alternative energy

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resources and energy efficiency and energy conservation, Unicom Corporation, the parent of Commonwealth-Edison, under this Act, will be required to donate one quarter of a billion dollars... one quarter of a billion dollars into a clean energy community trust fund which would be a 501(c)3. This is an unprecedented and historic gesture by any utility in the entire United States of America to put such a massive amount of money into a fund to be administered by an independent board of trustees, wholly separate from the control of Commonwealth-Edison. This board of trustees would be six voting Members; four of those Members would be appointed by the Leadership in each caucus, in each chamber and then the final two Members would be appointed by the Governor. These dollars would be used to allocate to units of local government, to private organizations, to charitable organizations, to educational organizations, to environmental organizations to use to promote clean energy technology, alternative energy projects, environmental enhancement programs for the life of this trust. Now, the trust... this trust is such a... of a massive scale that just imagine that the interest it will earn over the next few years will be enough to fund many, many projects, not only... this is... this does not apply to the Commonwealth service territory, this applies to the entire State of Illinois. Now, within this \$250,000,000 commitment from Unicom, \$25,000,000 will be directly made towards the univer... Southern Illinois University, with respect to coal projects, clean coal projects. And then another \$25,000,000 will be able to be accessed through this committee to enhance these coal projects. So, that's \$50,000,000 total for the enhancement of clean coal projects. The purpose of the trust, once again, is to

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enhance energy efficiency projects. You know, under the current law, we have two funds that are still operating. Those funds are not impacted at all, negatively, by this trust that's being created. Those funds are deposited into two accounts. They raise \$30,000,000 from the utilities over ten year periods... over a ten year period and the other program raises \$50,000,000. So, those are not gonna be impacted. They will continue to work. Another component of the Bill, with respect to this trust fund, is that for the next seven years, upon the effective date of this Act, the Citizens Utility Board will be able to access \$1,000,000 per year under certain restrictions in how they use their dollars and we can get into that, from this trust fund. Now, the Consumer (sic-Citizens) Utility Board has been a consumer advocacy organization created by this Body, by the Illinois General Assembly, over ten years ago. And they have fought for consumers in the Commerce Commission and in the other areas of the public... of the public way, with respect to supporting consumer rights. CUB will be restricted from using any of this money for fund-raising, for lobbying, for litigation in the courts, for television or any other media advertising. They will primarily use this money for operations, consumer education and advocacy and litigation before the Commission, not before any type of civil or criminal body. In addition to that, there is a commitment from Unicom with respect to all... all of us Legislators that reside and represent our constituents in the Commonwealth-Edison service territory. As you know, the City of Chicago signed a very, very agreeable and lucrative franchise agreement with Com-Ed recently. It made Com-Ed commit vast amounts of sums of money, over a billion dollars, to improve the infrastructure within the

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City of Chicago with respect to reliability. Reliability means the safe and operable deliver of power to your constituents through their transmission and distribution systems. What this second component that I'm talking about does, is that provides a written commitment in law that Commonwealth-Edison will spend at least \$2,000,000,000 to improve our infrastructure in our communities outside the City of Chicago. So, what does that mean? That means the remaining part of Cook County, that remain... that means the... all collar counties in every area where Com-Ed provides electric power. This, again, is unprecedented. This is all part of the commitment from Unicom, the new corporation, the new management that wants to make sure that we have safe and reliable electricity in the future. I will now yield to my colleague, Representative Persico, to speak about some other components."

Speaker Madigan: "Mr. Persico."

Persico: "Thank you, Mr. Speaker and Members of the General Assembly. Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Persico: "Representative, before I explain the remaining part of the Bill, I would like to put in for legislative intent, this question. Is the amendatory language on line 765 through 766, of Senate Bill 24, intended to impact the ability of a nonresidential delivery service customer to sell or assign the option, described in the subsection of electric utility, as well as to an alternative retail electric supplier?"

Novak: "Yes."

Persico: "Thank you. Representative Novak did a very good job of explaining the certain aspects of this Senate Bill 24. What I would like to do is to explain some other aspects."

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This is a very balanced Bill. A very hard negotiated Bill over the last eight weeks, especially the last three weeks, in intense negotiations. One of the aspects of the original Deregulation Bill was in the years 2007 and 2008, that Commonwealth-Edison and other utilities would be able to go back to the Commerce Commission to extend the CTC charge, that's the transition charge that we will be paying when we get into a competitive marketplace. This legislation, Senate Bill 24, will no longer allow them to petition the ICC to do this. Another part of the original Deregulation Bill, as of last August, you receive... every residential customer, especially in the Com-Ed territory and the Illinois Power territories, received a 15% rate reduction. This was a very important aspect of the original Deregulation Bill. The other part was in the year or May 2002 residential customers would receive another 5% rate reduction. This rate reduction has been moved up seven months. So rather than receiving the last rate reduction on May 2002, they... residential customers will now receive a... in the Com-Ed territory, a rate reduction October 1st, 2001. This will be approximately \$75,000,000 that Com-Ed will no longer be able to earn and will give back to the residential customers. Another aspect... there were immediate access dates for certain industrial and commercial users. The first one takes place October 1st of this year where any industrial user over 4 megawatts could go out and buy and shop for electricity. And then with a one-third of the remaining ones able... eligible at that time. The next eligible date was October 1st, 2000. What this Bill is going to let them do, is the next third move up six months from the original date of the Deregulation Bill. For the other third of the industrials and

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commercials... or the industrials to move up six months earlier and the last third remaining industrial users can move up three months earlier than December 31st, 2000. A final aspect of this Bill is the earnings cap... a modification of the earning cap. According to the original Deregulation Bill, they were able to... Illinois Power and CIPS and Com-Ed and CILCO, were able to earn so many percentage points over the Treasury Notes. What has happened in the past two years is Treasury Notes have gone down and this has impacted these utilities and what they can earn. So, this legislation provides a 2% increase for Com-Ed, CIPS, Illinois Power and CILCO from the original Deregulation Bill. The focus of this piece of legis... or this aspect of this legislation is to allow these companies to compete in the new and competitive world. This is earnings that they will be able to use, to go out and buy other power plants, let's say... or other generating capacity and able to compete in the new world. So, as I mentioned in my opening remarks, this is a very balanced Bill. Each side negotiated extremely hard. Each side were able to receive many of the aspects that they would like to see in this Bill. And I would urge an 'aye' vote on Senate Bill 24 and would be happy to answer any questions you might have."

Speaker Madigan: "Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I have a potential conflict of interest on this Bill and I'll be voting 'present'."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Mr. Persico yields."

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Persico: "Yes."

Black: "Representative, you briefly mentioned the earnings cap increase that's in the Bill. And you said that earnings cap increase would be 2%."

Persico: "Correct."

Black: "If we increase the earnings ability 2%, how much money are we talking about, just on Com-Ed?"

Persico: "According to figures that we received from the ICC, I believe it's about a hundred million a year, not quite a hundred million a year. I think they said 47,000,000 for each percentage point, so that would be \$94,000,000 a year over the next five years."

Black: "So, you know, when we're in that kind of money, if we round it off to a hundred million a year, that's close, right? And how many years would they be able to access this hundred million dollars?"

Persico: "Five years."

Black: "If you... if we did not raise the earnings cap and they somehow made \$500,000,000 over the next five years, where would that excess money go under the current law?"

Persico: "Representative, I'm not an accountant or an economist, but part of the original Deregulation Bill allowed that any earning... excess earning capacity would be shared with the utilities and the customers on a 50/50 basis. However, especially in the... in terms of Commonwealth-Edison with their nuclear power plants, which are book valued at \$9,000,000,000 and the market value of about \$2,000,000,000, they would be able to write off these assets and we would... they would never reach that earning capacity where it would be shared on a 50/50 basis. So, what this really does is allow them to earn in order to stay competitive, because one of the problems that they

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will be looking into when we... you know, when we go into a competitive marketplace is that a major corporation, one of the few remaining corporations in Illinois, would be very... primed for a takeover from another company. And what I'm trying to do and what we're trying to do in this piece of legislation is to give them the capacity to grow and allow... and not have another company come in and move the corporate headquarters and the thousands of jobs, Illinois jobs, which are entailed in a takeover such as that."

Black: "Well, I... and I understand that and I... and certainly that's... that's part and parcel of the concerns of the Bill. But is it not true, according to the Commerce Commission, that if in fact, they made millions of dollars over their earnings cap, that a goodly portion of that money would have to be refunded to consumers under existing law, right?"

Persico: "Under existing law, that is the case. That is what's stated in the case and it would not change in this... in this legislation, either and I... unless, they, you know, if they re... if they exceeded their earnings cap. But, however as I mentioned, as an accountant they would be writing down their nuclear power plants and this would never... they would never hit this capacity... this excess earning capacity. And to, you know, to give you another indication, CUB, which is always looking out for the residential customers, always realized that they would never reach that capacity and by moving up this access date for seven months, this is a much better deal as far as CUB is concerned 'cause this is \$75,000,000 guaranteed over that seven month period that residential customers will receive."

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Black: "Well, according to the Commerce Commission figures there would be a refund due and payable to consumers if the earnings cap was exceeded under existing law. And surely, surely, the benevolent utility companies wouldn't use an accounting gimmick to not pay a refund or a rebate to consumers. They wouldn't do that, would they? I've... I've not known them to do that in their history."

Persico: "I think any company, whether you're a utility or not, is trying to do what is best for their shareholders and to be able to compete in a very competitive world out here."

Black: "And I... I have no qualms about them trying to use every prudent precaution to protect their shareholders' interest, but at what point do we protect the shareholders' interest as opposed to the consumers' interest. I know it's a fine balancing act they have to maintain, but I think the average person on the street would say that when you invest in this utility that's the risk you take. But when you're a captive consumer, until choice actually becomes the law of the land, you should not have to assume a risk for devaluation of plants and equipment. And if you're due a refund, you would expect a refund."

Persico: "Representative, as I mentioned in my opening remarks, this is part of the... that was part of the ongoing negotiations with all the interested parties. And this is one that the Citizens Utility Board was felt was much more in favor of the customers, the residential customers especially, because they are guaranteed \$75,000,000 in return whether or not Commel-Ed (sic-Com-Ed) writes down their nuclear power plant. This is a guaranteed savings to residential customers of \$75,000,000. The other aspect was the not being able to go back to the Illinois Commerce Commission for the years of 2007 and 2008 to extend the

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transition charge which may... moves us even faster into the competitive marketplace."

Black: "Well, thank you. Thank you very much, Representative. To the Bill, Mr. Speaker and Ladies and Gentlemen of the House. This is a very complicated Bill and I have a great deal of respect for the two Sponsors and they've done an exhausting amount of work in the last two or three years on a very complex issue, that of deregulation. You need to look at this Bill very carefully and vote your district or your conscience or your understanding of the Bill. I'm just... I'm at a point in my life where I'm very leery of any utility telling me they're going to save me money. The last time I heard that is when the cable TV company in my area was bought out by a larger cable TV company and what used to cost me \$26.00 a month, now costs me \$33.00 a month. So, I'm still trying to figure out the savings and the economies of scale and I would submit to you that some of that may be in this Bill and it may not. There may be an actual savings to the consumer, but I've learned over the years that when somebody comes to the General Assembly and tells me they're going to save me money, I have to look at the Bill very carefully and I think we all need to do that before we vote."

Speaker Madigan: "Mr. Burke."

Burke: "Thank you, Speaker. Will the Sponsor Novak yield for a question?"

Speaker Madigan: "Mr. Novak."

Burke: "Representative Novak, could you tell us what are the labor requirements applicable to the cogeneration facilities for which Senate Bill 24 makes provision?"

Novak: "Thank you, Mr. Burke. Senate Bill 24 explicitly provides expanded cogeneration and self-generation options to

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electric customers with the opportunity for third-party financing and operating arrangements. We have made certain, however, that in situations involving third-party owners or operators the employees who will be installing, operating and maintaining such facilities in Illinois will have the requisite knowledge, skills and competence to perform that work in a safe and responsible manner. As the General Assembly found in Section 16-128(a) of the Electric Service Customer Choice and Rate Relief Law of 1997, the reliability and safety of the electric system has depended on a workforce of skilled and dedicated employees equipped with technical training and experience. For this reason, Senate Bill 24 requires that third-party owners or operators of these cogeneration facilities and self-generation facilities built after January 1, of 1999 demonstrate the qualifications of the workforce used, including information as to the employees' completion of an accredited or recognized apprenticeship program for the particular craft, trade or skill or specified years of employment with an electric utility performing the particular work function and that the third-party owner or operator is licensed to do business and bonded in Illinois."

Burke: "Thank you, Representative Novak."

Speaker Madigan: "Representative Reitz."

Reitz: "Thank you, Mr. Speaker. This legislation provides an opportunity, I think, to save coal mining jobs. Federal Clean Air Act has devastated the coal mining industry in Illinois. I come from coal mine; worked 17 years in an underground coal mine. And this legislation is going to provide an opportunity for us to help save some of those. There's \$25,000,000 that's going to SIU. Our intent is to

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work with them to set up a board to try and use this for projects to keep people working, not additional research. Another 25,000,000 has been dedicated toward clean coal research through the additional money in the trust fund. I think this is going to help. We can... and our intent is to try and clean up the environment and put people back to work and keep people working at the same time. As we've negotiated this Bill, we did not get everything we had wanted and had wished and there were a number of us. It was a bipartisan effort, Legislators from Southern Illinois working on this and working in good faith with all the parties involved. As I said, we ,you know, we did not get everything we wanted, but at... this whole process is an art of compromise. We have a chance here to access close to \$50,000,000 to keep people working. I appreciate the Sponsors' efforts on trying to help us and trying to work through this. We have a number of commitments from people in this process that we think will help save jobs, help people in my district, help people in a number of districts throughout this state. I appreciate that. And as I said, we have... we just have an opportunity here to save some jobs that do... to access some funds that will help us fight the effects of the Clean Air Act Amendments of 1990... 1990 that have been visited on us here in Illinois. So, I'd appreciate your assistance and I'd respectfully request an 'aye' vote."

Speaker Madigan: "Representative Ronen."

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

Speaker Madigan: "Proceed."

Ronen: "Representative Novak, I just wanted to ask... first, a few questions about the environmental trust fund that's being set up."

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Novak: "Yes."

Ronen: "And... it's my understanding that that's \$250,000,000 that will put... be put into this fund."

Novak: "Well, the total... the total amount of the fund, Representative Ronen, is \$250,000,000, exclusive... excuse me, \$250,000,000 total, then 50 of that million... 50 of that amount will go towards the coal industry with their project. So, there will be a \$200,000,000 fund for environmental projects."

Ronen: "Okay. And the 50,000,000 that will be used for coal, will that be used to buy scrubbers to make the coal clean? I mean what's the anticipation there?"

Novak: "Mr. Speaker. Can I have... just a little bit of order? I... she asked me a question and I... could not hear her correctly, Sir. Thank you. Could you ask that again, please?"

Ronen: "Sure. The \$50,000,000 that will be used to clean the coal what... is that to put new scrubbers... I mean... what's the plan for that?"

Novak: "We had met with all the coal Legislators in our Body, on both sides of the aisle. There's about... at least eight, I think co... Legislators here in our Body... in this Body that represents the coal industry. So, you know, the Clean Coal Institute has been in effect for many years. It was their consensus, first of all, to have the \$25,000,000 outright contribution from Com-Ed, go to the uni... Southern Illinois University and have the trustees of that university manage that fund with the input directly from the Legislators. And then the other 25,000,000 that would... that they would be able to access, they'd have to come before this trust... this board of trustees with specific project requests. Could they be for scrubbers?"

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Yes. Now, it takes over a hundred and fifty million dollars to install a scrubber on one unit in a power plant. So, they've had discussions with the Governor's Office with respect to try and access federal money from the Department of Energy and other revenue sources. So we think this is a good help... this is good help for them."

Ronen: "So, this... this is a small portion of what it would take to really make the coal clean?"

Novak: "Yes."

Ronen: "A very... "

Novak: "Yes."

Ronen: "... small portion. Secondly, so the \$200,000,000 is in the trust fund and when that is given out or... do we just give that out or are we giving out the interest on that 200,000,000, so there's something in reserve."

Novak: "Well, as I indicated, if I had a bank account with \$200,000,000 in it, I'm sure I would find one heck of a brokerage house to take care of my money. So, if you can just imagine even if you added five... if it just earned 5% per annum. You can imagine how much 200 or \$250,000,000 is going to earn within a year. So, I'm sure there will be many community groups all over the State of Illinois, environmental groups, educational groups, alternative energy groups, that will be coming before this board with proposals. Rules and regulations will be adopted by the members of this board to make sure that the money is spent wisely and it'll be a voting board. It'll be six members... "

Ronen: "So, it'll just be... it'll be a one time... "

Novak: "Yes."

Ronen: "... of money in there... "

Novak: "Right."

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Ronen: "... and when that money runs out, that's the end of it."

Novak: "Right, but when that money runs out, it's gone. But, you know, the Joyce Foundation has been around for a long time. The McArthur Foundation has been around for a long time. And as I understand it, this is just about on the same level or maybe even more than the Joyce or McArthur Foundation. So, with good financial managers that will be utilized to invest this money, I think a lot of projects can be funded just on the interest alone."

Ronen: "Okay. Now, this board, you say, is going to be making these decisions."

Novak: "Yes."

Ronen: "And that the board, as I understand it, is made up of four Legislators appointed by... "

Novak: "Well, no. No, not necessarily."

Ronen: "Oh."

Novak: "There are six members to this board. The board will receive compensation, I believe, up to \$20,000 for a minimum of five years... for the maximum of five years. There will be an executive director that will make \$25,000."

Ronen: "Is the... "

Novak: "Okay... "

Ronen: "... executive director... "

Novak: "Now... "

Ronen: "... a voting member of the board?"

Novak: "Well, let me just finish. If a Member of the General Assembly is appointed to this board, let say from the Democratic Caucus or the Republican Caucus in their respective chambers, they serve without compensation."

Ronen: "Right. I understand that."

Novak: "And their only remuneration (sic-remuneration) is

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reimbursement for expenses."

Ronen: "I... no, I understand that. But... so, I thought there was a requirement that four members of this board be Legislators."

Novak: "No. Four members of the board will be appointed by the Leadership, so... "

Ronen: "I understand. Okay."

Novak: "... that could be a private citizen."

Ronen: "Okay. Okay. What do you think the Leaders will do? What's... what's your anticipation?"

Novak: "What is my anticipation? Well, I would suspect there might be a few people interested in serving on this board. And then again, I would suspect there might be a few private citizens interested in serving on this board. This is... as I indicated, I don't know if I can find another word that equates with unprecedented and historic because this is something that is totally unique to our state."

Ronen: "So, we're talking about a board that will be paid the... the... who what... and how was the chairman of the board selected? Would he... "

Novak: "The chairman of the board... the interim chairman of the board will be appointed by the Governor."

Ronen: "Uh... huh... "

Novak: "And that person will serve until the chair is appointed and elected amongst the members themselves at a public meeting."

Ronen: "And then the members select the chair. Is that what you said after that?"

Novak: "Yes. The members will elect the chair."

Ronen: "And the chair receives \$25,000... "

Novak: "Correct."

Ronen: "... a year. And the... all the other non-Legislators on

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the board receive \$20,000... "

Novak: "Correct."

Ronen: "... a year."

Novak: "There are.. there are also caps, Representative Ronen.. "

Ronen: "Uh... uh... "

Novak: "... on administrative costs. I think it's \$500,000 for the first year and \$1,000,000 for the second year, is that correct? Yes."

Ronen: "Okay."

Novak: "So, we've got some fairly reasonable restrictions built into this trust fund."

Ronen: "And are there any guidelines for picking the go... the gubernatorial?"

Novak: "Projects, you mean?"

Ronen: "Members."

Novak: "I'm sorry, Ma'am?"

Ronen: "Are there any guidelines, I mean... on what basis will the Governor be selecting people?"

Novak: "Well, as I... as I understand, one of the... one of the two members that will be appointed outside the General Assembly will be an individual from the Environmental Law and Policy Center."

Ronen: "That individual's already been selected?"

Novak: "Well... not right now, but... "

Ronen: "That's the anticipation."

Novak: "Yes."

Ronen: "Now, I also thought that there was... there was a gubernatorial appointment of a financial person that... a nonvoting... "

Novak: "Correct. That would... "

Ronen: "... that would be a utilitist. A utilitist."

Novak: "Right... "

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Ronen: "Oh... let me go back. Now, the environment... the environmental person that you mentioned, isn't that going to be appointed by the... is that the Governor or is that the... or is that Com-Ed that makes that appointment?"

Novak: "Environmental person will be appointed by the Governor."

Ronen: "Okay. And the... "

Novak: "Com... Com-Ed actually will have the input to appoint the other person from... "

Ronen: "The other person... "

Novak: "... Environmental Law and Policy Center."

Ronen: "Com-Ed will appoint the Environmental Law and Policy Center person? Is that what you said?"

Novak: "Yes."

Ronen: "And that's a voting member?"

Novak: "Yes."

Ronen: "Okay. And now the Governor can al... or Com-Ed also appoints a financial person who is not a voting member?"

Novak: "Yes. Com-Ed wishes to have a financial person as an advisor to this board."

Ronen: "Sounds like a good idea."

Novak: "I think that's reasonable. Com-Ed will have no control over this board, none whatsoever. Once this money is deposited their hands are off. But we will have advisory committees on this board to advise with respect... "

Ronen: "And then who does... who does the board then respond to? Who are they responsible to once they're appointed?"

Novak: "Their board is... their board is responsible to the communities that come before their committee to... "

Ronen: "Pardon me... "

Novak: "... try and access... "

Ronen: "I can't hear you. I'm sorry."

Novak: "They don't report to anyone."

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Ronen: "So, they're not responsible to anybody, this board."

Novak: "No. And they serve for a period of... five years... five years. So, it's not in perpetuity. They serve for five years. Now, should the Leadership... let's say, the Speaker or the Minority Leader in this chamber continue the appointment for another five years? That's up to them."

Ronen: "Okay. Now, there's another part of this Bill that funds the Citizens Utility Board. How does that work?"

Novak: "Yes."

Ronen: "Is that part of this \$200,000,000?"

Novak: "Yes. Yes, Representative Ronen. Out of this two hundred and some odd million dollars the Citizens Utility Board will be able to access \$1,000,000 per year for seven years. After that seven years, they are free to come before the board and submit requ... proposals and requests for additional funding. But in the Bill, it is mandated and required that they receive 1,000,000 and to use this money with certain restrictions. As I indicated, no television advertising. No media advertising. No fund raising. No soliciting. No membership drives and things like this. They would use it for consumer advocacy. They would use it for consumer education. They could be... they could use it for litigation in... before the commission, not before civil or criminal courts."

Ronen: "That sounds pretty restrictive to me. What... what... isn't part of consumer education using the media? I mean... isn't that... isn't that a big part of it all?"

Novak: "Well, I would... I would... let's look at it... let's put it this way. Consumer education is a very broad concept. The way the Citizens Utility Board has operated in the past has usually been mailers and fliers, things like that. That has been their limited budget. This is not a lot of

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money for them. Because, you know, a million dollars is a lot, I guess, but in order for an organization to be effective they are a statewide organization. They have a board of directors that serve without compensation. They have a small staff, so if they have to do any legal research and things like this, you know... "

Ronen: "You're saying the... the... they serve without compensation, the Citizens Utility Board?"

Novak: "The board of directors does."

Ronen: "The board... "

Novak: "But, as the executive director... "

Ronen: "... are we talking about this... the million dollars will pay for staff operations... "

Novak: "Yes."

Ronen: "... correct?"

Novak: "Correct."

Ronen: "Okay. But... but... but we're saying, 'We'll give you a million dollars, but we don't want you to raise money to... to do other things. We don't want you... '"

Novak: "That was the agreement. That was the agreement with all chambers... both chambers is that this money... they'd have access to this money and... but the access... the use of this money would have some restrictions."

Ronen: "So, what can they do with this money?"

Novak: "They can do a lot. They can stay in existence."

Ronen: "Well... "

Novak: "And that's important to them."

Ronen: "... and we understand that. They can... they can open their office doors and they can answer the phones."

Novak: "They can keep their office doors open."

Ronen: "But... but how... but insofar as advocacy and insofar as making... being the public watchdog, what can they do?"

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Novak: "They can... you know, they can... "

Ronen: "That they can just do it... "

Novak: "They can hold press conferences... "

Ronen: "... if they don't make too big a deal about it... "

Novak: "They can do statewide mailings... "

Ronen: "... because they don't talk to... What?"

Novak: "They can do statewide mailings. They can hold press conferences. They can interact with their Legislators like they do now. This offers an opportunity for them to continue."

Ronen: "Well, then maybe I don't understand what the restrictions are. Tell me again what the restrictions are."

Novak: "The restrictions are: Number one, they can't use any of this money to file suit in a circuit court. They can use the money for litigation purposes before the Commerce Commission in a proceeding... like they do now."

Ronen: "Let me stop you there. Have they in the past filed suit in circuit court?"

Novak: "I don't know. I have no idea."

Ronen: "I presume they... they... could they do that out of other monies?"

Novak: "Yes, they could. But not out of these."

Ronen: "And what's the rationale for not allowing them to use public monies for this?"

Novak: "Well, the rationale is this is... this is a private corporation's money. This is not taxpayers' dollars. There's not one taxpayer dollar in this Bill."

Ronen: "Right. Right."

Novak: "It's private money."

Ronen: "So, we're using corporation money... "

Novak: "It's ratepayer money. It's our money."

Ronen: "Right."

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Novak: "From our ratepayers."

Ronen: "And the purpose of CUB is to then what? What do you see as the purpose of CUB? Why are we funding CUB? What do we want them to do?"

Novak: "CUB, I think... I think, many of us would agree in this chamber, has been a very effective consumer advocacy group for our citizens. It has been statutorily empowered a number of years ago. It is authorized to put mailers and inserts in our driver's license renewals, to advise consumers about what's going on in public utility law. It represents consumers, the little person. It represents the 'mom and pop' drugstore and your neighbors and my neighbors before the Illinois Commerce Commission, fighting what they see and what many of us feel may be excessive rate increase requests or other utility maneuvers that... that consumers would be negatively impacted by. So, they are a viable force and they... "

Ronen: "Okay."

Novak: "... should remain to exist in this state."

Ronen: "They will remain in existence. I... I... I hear you on that. So, the million dollars they get will be renewable every year based on what? Just... "

Novak: "Seven years."

Ronen: "I mean they... they don't have to do anything to get the million. Just... "

Novak: "Correct."

Ronen: "... every year they'll get... "

Novak: "They have... "

Ronen: "... a million dollars."

Novak: "... they have to submit... they'd have to submit a report to the board on how the funds are expended, more or less, an audit."

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Ronen: "Okay. Thank you, Representative, for your very clear answers. To the Bill, Speaker. This is a... puts me, for one, and maybe other Members in a very hard situation. There doesn't... there doesn't seem to be too many groups now that are opposing this, most are neutral. I... I have serious concerns about what we're doing to diminish or emasculate the ability of the Citizens Utility Board to be a strong advocacy arm. I think this is the wrong way to keep them alive. I think it ensures that they'll be less likely to be a strong voice and it... that really concerns me. But... and we're in a situation here where all the advocacy groups are saying, 'we want you to do this', but these are the advocacy groups that are benefiting... benefiting directly from the utility. It's a very, very unusual situation and I'm sorry we have to be in this position right now. And I, for one, am going to be watching closely to make sure that CUB isn't in any way compromised and that they can continue to be a strong advocate, but I think, to do that we need to find other ways for them to be not just alive, but viable. I'm also concerned about the Environmental Fund. The amount of money we're spending for coal seems to be a drop in the bucket to be able to really address the problem. So, I'm not sure we're doing anything more than lip service and continuing a fantasy that we can in fact, change the situation in the coal mines. This is also an unusual situation in that we're creating a board, a paid board overlooking all of this. So, I hope, this obviously is going to pass. But I hope we can watch it closely and maybe revisit this next Session after we have some... some concrete evidence of... of how it's worked and what it's done. So, thank you, Speaker."

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Speaker Madigan: "Representative Andrea Moore."

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

Speaker Madigan: "The Sponsor yields."

Moore, A.: "Representative Novak, for a point of clarification. Many of us are enthused about the fund for clean energy that is going to be set up by Commonwealth-Edison. And I think it's really important that we understand and give direction through legislative intent as far as... when the rule-making process goes and when the... when the fund is actually set up. I think we clearly need to make statements about what our intention is for this fund, because the statute actually has several different directions. And so, I would like to know from you, is the priority and the primary purpose of the Illinois Clean Energy Community Trust to support the development, improvement and implementation of energy efficiency and renewable energy projects and programs?"

Novak: "Representative, yes. The clear intention is that it is the primary use, but I want to underscore this, but not limited to, the support and development and implementation of energy efficiency renewable energy projects and programs. That is the priority."

Moore, A.: "But it is the primary purpose."

Novak: "Correct."

Moore, A.: "Thank you. To the Bill, Ladies and Gentlemen. The issue of whether or not the coal issue has been adequately addressed in this legislation, I think it's important to understand that the ratepayers that are involved in providing monies for coal in this particular legislation are Northern Illinois ratepayers. And 50 mil... potential \$50,000,000 is an extraordinary amount of money to assist with this program and to put a little perspective on that,

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the subsidies that Illinois does, for coal, amount to a considerable amount of money. We have grant programs that operate through DCCA and over the last three years, the State of Illinois has expended approximately a hundred and thirty-eight million dollars for grants for infrastructure for coal. We also provide income tax credit and sales tax exemptions and last year that amounted to over \$700,000 a year for coal. We also have an estimated tax loss for exemptions for personal property and sales tax that was almost \$4,000,000 a year for coal. And so, Illinois has made a strong commitment to try and to assist with the problems that the coal industry has had and it goes without saying, that Commonwealth-Edison, in making this commitment, has also recognized that Illinois needs support across the state and not just in our ratepayers area. I think that they are to be commended for that. However, my point in clarifying this issue is the primary purpose of the fund and what it's for and I appreciate you clarifying this, Representative. I do appreciate the fact that six months earlier our constituents in this rate paying area will be receiving that 5% reduction. I think we are still among the highest in the country, as far as our rates, and that 5% will certainly assist us and I appreciate the fact that you were able to negotiate that. There are several other areas of the Bill that I think are excellent. Is it a perfect Bill? No, it is not a perfect Bill. We rarely have such a thing in this chamber, but it is certainly one that I can support."

Novak: "Thank you. Mr. Speaker?"

Speaker Madigan: "Yes, Mr. Novak."

Novak: "Mr. Speaker, when this debate started some time ago, Representative Persico had asked me a question for

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legislative intent and I responded inappropriately. Can I have Mr. Persico ask me that question, again?"

Speaker Madigan: "Mr. Persico."

Novak: "Thank you."

Persico: "Yes. Representative Novak, let's try it again. Is the amendatory language on lines 765 through 766 of Senate Bill 24 intended to impact the ability of a nonresidential delivery service customer to sell or assign the option described in the subsection to an electric utility as well as to an alternative retail electric supplier?"

Novak: "Mr. Persico, nothing in the amendatory language is intended to preclude a nonresidential delivery service customer from selling or assigning the option described in the subsection to an electric utility or from establishing an agency relationship with an electric utility."

Speaker Madigan: "Mr. Leitch."

Leitch: "Will the Gentleman yield?"

Speaker Madigan: "The Sponsor yields."

Leitch: "Phil, yesterday, you and Mary Kay were describing, with great urgency, the problem created for school districts in areas where the nuke plants are coming to decommissioned status."

Novak: "No... it's not. I'm sorry. Go ahead."

Leitch: "Well, why... why would this Bill not address that problem?"

Novak: "Representative Leitch, in 1997, Senate Bill 56, Senator Mahar was the Chief Sponsor of that and I was over here. At cre... that was a trailer Bill to the original Dereg Bill that provided for a property tax... property tax force tax... property tax task force to study the impending problem of when the market opens up in this state where the... and the price of power and how that will affect the

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value of the plant. So, the subject that we discussed yesterday was a separate matter. This... none of this in this Bill has anything to do with that question."

Leitch: "Well, nevertheless, the state was being asked to pick up a hundred million dollar tab over time. Why should the taxpayers of Illinois have to pick up that tab and not the utility companies? Why are they not participating in this?"

Novak: "Well, once again, the task force that I served on, Representative Leitch, we decided that would be a separate Bill. The recommendations of that task force are extraneous to what is in... to what is... discussed in this Bill, today. And that is another complex issue we have to deal with. That deals with the nuclear power plants being devalued, as well as the question of assessment increases on coal fire plants... or fossil fuel plants."

Leitch: "I, I agree it's a very complex question but it's also a very expensive one. And one that without question will be landing on the doorstep of Illinois taxpayers to confront. So why in the world would we continue to hand economic benefits to utility companies until these important issues have been resolved?"

Novak: "Mr. Leitch, you are asking me a question that, that it's sort of, I could give you a semi answer because the other, the other complicated issue is dealing, once again, with how local property tax or local taxing districts are impacted by a significant decrease in, in the valuation of power plants. Now... the task force, I thought, put a reasonable package together and Representative O'Brien discussed that very, very succinctly yesterday to provide for a ramp down. This was discussed with the Governor's Office, who has a... who has approved the recommendations

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of the task force. So... it is another subject. Where, this is not, it has no relation to what we're doing in this Bill. And maybe, maybe you don't accept that but, these negotiations were totally separate from what was being negotiated and discussed as far as the task force, Representative Leitch."

Leitch: "I agree that they were totally separate. I guess I just cannot understand for the life of me, why in the world they would be separate. Because the impact on these communities, the impact on the taxpayers, not only in those districts, but inevitably on the taxpayers of Illinois, is going to be extraordinary. And to continue to provide these major economic benefits to the utilities without a concurrent agreement for them to participate in resolving these problems, I guess is, something perhaps we would just disagree about. But, I think it would be most appropriate to hold this Bill and to take another look at that very, very critical problem that soon will be staring us all in the, in the face here in the General Assembly. Representative, is the Illinois Commerce Commission in favor of this proposal?"

Novak: "As I understand, the language dealing with ... the earnings test and the decommissioning provision with, for Illinois Power, they are neutral on it. They have reviewed it and they are neutral."

Leitch: "So, that's better I guess than two years ago when there wasn't a single member of the Illinois Commerce Commission who... supported the proposal that became the alleged deregulation of electricity in Illinois. I have a number of other questions, but in the interest of time I won't pursue them, but I do have a couple of more comments. How is the, factored, how is it factored in this equation if at

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all, that the assets that were represented to be worth 1.5 billion dollars and upon which we based that delicate economic balance that was in the deregulation of electricity Bill, can now be sold for \$4,000,000,000, does that not... how does that impact and how is that a motivation for this Bill?"

Novak: "Representative Leitch, as I think many of us were understood under the original law that was passed in 1997, it was a give and take process. This... refinement of the current law is another give and take process. You know, Commonwealth-Edison, once the power plants are approved by the Commerce Commission, once to say are going to realize a substantial profit. They understand that. Probably beyond their comprehension. There was a bidding war going on between two large utilities to buy these. The bidding war probably was precipitated by the fact that the, that Illinois was going to become a very competitive energy market, once the market opened up. So what has occurred is that Commonwealth-Edison decided well, we need to give some back. We asked them, you give some back. We're going to allow you, we're going to allow you to realize a substantial profit. We want you to give something back. They're giving things back in the form of a... accelerated rate decrease for their customers. No other utility is doing that in this state. They're giving things back by forming a \$250,000,000 trust fund. No other utility is doing in that... doing that in this state. They are giving more cogeneration opportunities for businesses to build, unlimited in size. No other utility volunteered to do that in this state. So, it is give and take. We think that it is a reasonably balanced Bill and that's my answer."

Leitch: "Well, I would think that that would be appropriate for

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the utilities since they reap this tremendous windfall and unlike Illinois Power who had to sell their 4.4 billion new plant for 40 million bucks, I think you could make a case and comment on a step-up..."

Novak: "I think it's, I think it's, Dave I think it's 20,000,000..."

Leitch: "... 20 million bucks? Well whatever, it's only money. But the... it will shock no one in this chamber that I have very grave concern about this Bill. I think it's totally inappropriate to be funding CUB out of, out of these funds. CUB was a great advocate for the, for the Bill and in my view, at the great sacrifice, the consumers of Illinois. I think that this is a very inappropriate step. And, Ladies and Gentlemen, please listen. It will not be very much longer before we will be confronted by school districts and units of government who are covered by these, and in these nuke plants, and coal fire plants and in the course of these changes where you are going to be asked to foot the Bill on behalf of the taxpayers of Illinois. And until that issue is at least discussed and at least put forward in a responsible fashion, you are making a very, very expensive and major mistake to proceed on this matter, and with that I would thank you very much."

Speaker Madigan: "Representative Mautino."

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

Speaker Madigan: "The Sponsor yields."

Mautino: "Okay, Representative Novak, a few weeks ago a lot of the manufacturers, and in the case of LaSalle and Bureau County some of our heavy industrial factories that were interested in cogeneration, were opposed to the legislation. Concern was, was during the peak usage time, they were having to do plant shutdowns. They wanted to put

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facilities to cogenerate on their properties and the language of the original Dereg Bill was unclear on third-party ownership. Has that been resolved? What's the status, for example, if LTV Steel or one of those would like to put in a cogeneration facility to help them through the high usage times?"

Novak: "Representative Mautino, thank you for asking that question. During the entire process of negotiations with Vince and myself, Com-Ed and the other utilities went along with substantially broadening the definition of cogeneration, including self-generation. Cogeneration is a little steam and electricity. Self-generation is usually a turbine powered probably by the burning of natural gas. We've broadened the definition of, for its own use, under this Bill a third party can come in and build and lease. Now the plant can be sized to an unlimited amount of capacity. In other words, if you build a cogeneration plant and you only need 100 megawatts for your, for your machinery process, you could build, you could build a merchant plant and it can, it can create 400 megawatts. You can sell that 300 megawatts only on the wholesale market. That was the agreement."

Mautino: "Okay, thank you."

Novak: "By that, they don't pay the CTC."

Mautino: "Thank you."

Speaker Madigan: "Representative Slone."

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

Speaker Madigan: "The Sponsor yields."

Slone: "Mr. Novak, one of the many lobbyists who has been working on this Bill, told me yesterday that the... the trust fund projects would be split approximately evenly between economic development projects and environmental type

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projects, is that accurate?"

Novak: "That is not correct..."

Slone: "Can you..."

Novak: "The original, some of the original language, some of the drafts that were originally circulated, had some other clauses and phrases that were in there that were unrelated to the environment, and Mr. Persico and I insisted that they be deleted."

Slone: "So, now the... purposes for which the funds may be used are limited to, what, energy efficiency projects?"

Novak: "Energy, just, just to capsulize or... alternative energy, energy conservation, energy efficiency and environmental enhancement. So, that's basically the framework from which to work with."

Slone: "Okay... with respect to the earliest, the earlier reduction, the additional 5% that Commonwealth-Edison is giving back to..."

Novak: "Yes, yes."

Slone: "... it's consumers, if you will, a few months earlier than they would otherwise have had to do under the original proposal. Is it still the case that Commonwealth-Edison is by far the highest cost utility in this state?"

Novak: "I think with the accelerated 5% will be pretty close to the Midwest average maybe a few percentage points or couple tenths of percentage points above. But, you know, the market is going to open up very soon. So, we're going to see these things, the price of power's, according to competition is going to go down. That is our... that's what we're working towards."

Slone: "Okay. Thank you, Mr... Mr. Novak..."

Novak: "Thank you..."

Slone: "To the Bill."

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Novak: "Thank you, Representative."

Slone: "To the Bill. I think that... what we have here with respect to CUB and the trust fund is a very small fig leaf for a very large rip-off and I would urge a 'no' vote."

Speaker Madigan: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen. I rise in support of the Conference Committee Report. I've heard some comments on the floor today that would lead one to believe that some of the Members here don't trust the people involved in the negotiations surrounding Senate Bill 24. But, I think regardless of what you think about the trust of the parties, the fact is that the Bill says what it says. And here's what it says. It says that, there'll be approximately \$74,000,000 for residential ratepayers in savings through accelerated rate reductions. It says there'll be \$250,000,000 contributed by Com-Ed for environmental benefits and clean coal projects, which is why the Environmental Law and Policy Center supports this Bill, \$2,000,000,000 for reliability enhancements. This Bill will protect jobs, it is why the IBEW supports this Bill. And I think that's a critical issue, as well as the support of ... the coal, the coal miners in Illinois. The Bill also provides for \$250,000,000 in new state taxes as Com-Ed divests itself of some facilities, and perhaps as important as all of it is, this Bill will provide sufficient money to save the Citizens Utility Board. Now say what you will about that body, Citizens Utility Board has done much to save residential ratepayers in the State of Illinois millions and millions of dollars. So I think when you take a look at everyone who's involved in these negotiations and the different types of entities who sometimes don't get along too well, who have come to the

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table and signed off on this plan, a plan that will bring environmental soundness to the utilities industry, a plan that will bring increased reliability to the electrical service in Illinois and a plan that will save CUB. I think altogether while not perfect, is certainly a Bill that will advance our cause in Illinois to protect residential ratepayers while allowing Com-Ed to do the work they need to do. So, I would recommend an 'aye' vote."

Speaker Madigan: "Mr. Morrow."

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

Speaker Madigan: "The Sponsor yields."

Morrow: "Yes, Representative Novak, since many of our colleagues are so concerned about the moneys being given to the Citizen Utility Board, could you state, for what purpose, for what purposes that CUB cannot use this money for?"

Novak: "Yes... if you let me look at the statute or the Bill, I will read it verbatim. 'The funds for CUB', this is from our analysis, Representative Morrow, 'are to be used to provide consumer education on utility services and prices and on benefits and methods of energy conservations. The funds may not be used to support the following; lobbying, fund raising, advertising or other marketing efforts regarding a public utility, solicitation of support for or advocacy of a particular position regarding any specific utility or utilities docketed proceedings. CUB must file a yearly report with the trust that sets forth the amount for... of any expenditures for representation of the interest of utility consumers for the ICC, the Federal Energy Regulatory Commission and the Federal Communications Commission and for providing consumer education on utility prices and energy conservation.'"

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Morrow: "Thank you, Mr. Novak. So in other words, CUB won't be able to 'wine and dine us' Members, here in the General Assembly."

Novak: "No, as I understand it Representative, they usually 'brown bag' it down here."

Morrow: "They usually 'brown bag'. I'm one of the few Legislators here that when I first came down here I wanted to pass a Bill to get rid of CUB. And the reason why I wanted to pass a Bill to get rid of CUB is the way that they used to lobby and try to pressure certain Members to vote on their issues. But I'm proud to stand in support of not only Senate Bill 24, I'm proud to stand in support of CUB. Because when we worked on the Electric Deregulation Bill three years ago, one of the issues that I wanted to see put in that Bill, was the money for LIHEAP, the low energy assistance plan for low income people. CUB stood by me step by step. CUB is the only group out here fighting for the 'little guys'. And the one thing that I, that does trouble me about the funding mechanism for CUB, is that there is only one utility funding CUB. Now some of the utilities have problems with this language about CUB. Some of the utilities are neutral about CUB. Well, my response to them is put your money where your mouth is. All utilities should be in this arena and all utilities should give a certain amount of their profits to CUB, so that CUB can fight on the behalf of the 'little guy'. You know, last week I made a mention about this has been the Session of the 'fat cats'. Well, this is a Bill that takes care of the 'little guys' and I'll proudly stand in support of Senate Bill 24. Thank you."

Speaker Madigan: "Representative Julie Curry."

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

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Speaker Madigan: "The Sponsor yields."

Novak: "Yes."

Curry: "Representative Novak, can you tell me is it the intent of the new Section 16-114.1, that the selling utilities specific obligation to make decommissioning contributions or to buy insurance and to purchase a specific amount of the plant output, must be included in either the agreement to sell the plant or in the related power purchase agreement between the selling utility and the new owner?"

Novak: "Representative Curry, the answer is 'yes'."

Curry: "Thank you very much."

Speaker Madigan: "Representative Wyvetter Younge."

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

Speaker Madigan: "The Sponsor yields."

Younge: "Representative Novak, would you talk in greater detail about the availability of the fund to develop alternative energy from the standpoint, would organizations and entities outside of the Com-Ed service area be eligible, are these statewide funds that are being set up and in specifically... what will they be for?"

Novak: "Would you like to give me, for me to give you an example? All right, let's say a park district in Decatur or in Champaign is going to build a new pavilion. They have the money for it. And let's say that they would like, instead of installing a traditional gas heat or electric heat system, let's say they would like to install some new a photovoltaic cell or let's say some solar energy panels. They would be eligible to come before this board and submit a proposal for assistance. Let's say a Lion's Club or an exchange club or some other charitable organization wants to do a recycling or energy project in the community... to let's say educate school kids about energy conservation."

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They could come before this board and request funding to help finance their projects. So there's a, there's a wide variety of opportunities that can be utilized to help educate the consumer about energy conservation, energy efficiency. And in addition, actually, promote energy efficiency and conservation, as well as, put projects in place in areas all over the State of Illinois."

Younge: "The group could be located anywhere in the State of Illinois?"

Novak: "Yes, Ma'am. This fund... groups from all over the entire state are eligible to access or request funds before this board."

Younge: "Thank you."

Speaker Madigan: "Mr. Novak to close."

Novak: "Yes, Mr. Speaker, Ladies and Gentlemen of the House. Representative Persico and I, ask you to adopt Conference Committee Report #1 to Senate Bill 24."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference (sic-Committee) Report. 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? Have all voted who wish? There are two people who have not voted. Have all voted who wish? The Clerk shall take the record. On this question, there 84 'ayes', 29 'noes'. The House does adopt the First Conference Committee Report on Senate Bill 24. And this Bill having received a Constitutional Majority is hereby declared passed."

Speaker Madigan: "On the Order of Con... of Nonconcurrency, there appears Senate Bill 958, Mr. Winters."

Winters: "Thank you, Mr. Speaker. I move to recede from House

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Amendment #2 on Senate Bill 958."

Speaker Madigan: "The Gentleman moves to recede. You've all heard the Motion. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. All right, the Gentleman has moved to recede. Those in favor of the Motion will vote 'aye'; those opposed, Mr. Black, Mr. Black."

Black: "Yes, thank you, Mr. Speaker. And not, not to delay the process, I'm just as anxious as you to condue, conclude our business. But, could the Gentleman briefly explain what he is receding from?"

Speaker Madigan: "Mr. Winters."

Black: "And what would be left after he recedes from the Amendment?"

Winters: "Yes, what is left of this is to make the conservation district, specifically in McHenry County, have the same provisions of land ownership that... downstate forest preserves have. The... the Amendment that we are receding from is one that would call for the election rather than appointment of the McHenry County Conservation District Trustees."

Black: "Representative, I have some correspondence on this issue from the Vermilion County Conservation District. And they were concerned that this action might have some impact on their operation. Is it your understanding that this would apply to Conservation Districts statewide?"

Winters: "I believe it, is written so that it is only of counties under 300,000 inhabitants contiguous to a county of over 2,000,000 inhabitants. So that would be limited to McHenry County."

Black: "Okay. Fine. Thank you very much."

Speaker Madigan: "Mr. Skinner."

Skinner: "Well, Mr. Speaker, there was a Bill that passed earlier

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this year, unanimously in this House, which the State Senate refused to consider. And that Bill is the contents of House Bill, of House Amendment #2. House Amendment 2 would require that all of the members of the McHenry County Conservation District Board be elected. This Bill was jointly sponsored by Representative Franks and myself. I certainly do not agree that we ought to dump this Amendment because the State Senate doesn't think that voters ought to be able to approve of boards that are spending \$12,000,000 a year issuing \$23,000,000 worth of nonreferendum bonds in the last, in the last three years. So I certainly intend to vote 'no' and hope that you will join me."

Speaker Madigan: "Mr. Winters."

Winters: "To close, I simply ask for the recession of the House from Amendment 2. Thank you."

Speaker Madigan: "The Gentleman moves to recede from the Amendment. Mr. Cross. The question is, 'Shall the Gentleman's Motion be adopted?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. This is final action. Please be advised this is final action. 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 73 people voting 'yes', 42 people voting 'no'. The House recedes from... from House Amendment #2. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Cross."

Cross: "Thank you, Mr. Speaker. If I could have just a second to announce a school district or a school here from my district, the fourth grade class from Bardwell School in Aurora are up... they're up in the balcony. So if we could welcome them. Thank you."

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Speaker Madigan: "Representative Klingler. Is Representative Klingler in the chamber? Mr. Lang, do you wish to do Senate Bill 19? Mr. Lang. Mr. Hoffman. Senate Bill 27."

Hoffman: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I... I move that we adopt the First Conference Committee Report to Senate Bill 27. This is, this initiative has passed unanimously. What essentially, what it would do is establish a task force to look at the issue of retaining assistant state's attorneys and assistant public defenders. The only changes that we made is, we made some changes to the makeup of the task force, hence the Conference Committee Report. I ask for a favorable vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference (sic-Committee) Report. Is there any discussion? There being no discussion, the question is, 'Shall the Gentleman's Motion be adopted?' 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 114 people voting 'yes', 0 voting 'no'. The House does adopt the First Conference Committee Report on Senate Bill 27. And the Bill having received a Constitutional Majority is hereby declared passed. Mr. Stephens, do you wish to call Senate Bill 53? Mr. Stephens."

Stephens: "Thank you, Mr. Speaker. I would move to adopt Conference Committee Report #1 to Senate Bill 53. The, the effect of the Bill, we sent it to the Senate with two Amendments. We're receding from those Amendments. The underlying Bill had to do with extending the life of the TIF district in Breese, Illinois. That language is already

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on the Governor's Desk. In addition, to the underlying language in the Conference Committee Report, we also have language from the TIF Association that has to do with disclosure of information to the municipal clerk. And furthermore, language having to do with the Joliet Arsenal and Representative O'Brien, the effect of her Amendment is included in the Conference Committee Report. This provides that an economic development project area, may include an improved or vacant area that is partially within or contiguous to a closed military institution or installation, and that military installation would, would describe the land at the Joliet Arsenal. I would be glad to answer any questions. I would move the adoption of the Conference Committee Report."

Speaker Madigan: "The Gentleman has moved for the adoption of the Conference (sic-Committee) Report. Is there any discussion? There being no discussion, the question is, 'Shall the House adopt the First Conference (sic-Committee) Report on Senate Bill 53?' 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 111 people voting 'yes', 1 person voting 'no'. The House does adopt the First Conference Committee Report on Senate Bill 53. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Klingler. Is Representative Klingler in the chamber? Klingler."

Klingler: "Thank you, Mr. Speaker. I wanted to recognize in the gallery, the group from Grant Middle School, but I believe that they've gone. But that, that government class was here earlier. Thank you."

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Speaker Madigan: "Okay. Thank you. Mr. Lang on Senate Bill 19."

Lang: "Thank you, Mr. Speaker. I move that the House adopt the First Conference Committee Report. This is a Bill that deals with child support and penalties for nonpayment of child support. We had added, in the House we had added several Amendments that embodied Bills that had gotten out of the House. Didn't go anywhere in the Senate Rules Committee. The Senate nonconcurred. The only items they would agree to in addition, were some provisions of Representative O'Brien's Bill, House Bill 531, relative to suspension of drivers license and also some provisions of Representative Franks' Bill, (sic-House Bill) 2617, relative to the same issue. Some of the other items Senator Hawkinson did not agree to, and therefore, this is a compromise approach. But Senate Bill 19, even without the Amendment, is an excellent Bill. It punishes the most egregious offenders in the area of child support. And I would urge your adoption on the Conference Committee Report."

Speaker Madigan: "Mr. Black."

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

Speaker Madigan: "Sponsor yields."

Black: "Representative, does it still have underlying language in the, the Conference Committee Report did not wipe out the fact that you could become a felon for failure to pay child support, is that still in there?"

Lang: "Yes, the portion of Senate Bill 19, that was Senator O'Malley's original Bill, except for some changes and some of the dollar amount is intact. You can still become a felon for failure to pay your child support."

Black: "All right, now, I remember we had this discussion

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earlier, I think. Is there, is there sufficient due process rights? The reason I ask that, there are so many people listed by the department as delinquent or in, even arrearage of child support. That upon investigation are discovered, 'Oh my goodness we have made a mistake.' And these mistakes are not one or two, Lou, they are hundreds. And, and my only fear is, I deal with many of these cases in my district office and, and after six months of effort, somebody that they had garnisheed, wages, issued all kinds of orders on, were in fact found to be current in their child support payments. And I just want to make sure that there's some reasonable due process where a person who is current but the system shows them in arrearage, is not going to be facing felony charges, when in fact, they're not even delinquent in their child support."

Lang: "As you know, I share your concern and that concern might be a little more relevant if we had left the portion in this Conference Committee Report about publishing the names of delinquent child support obligors on the World Wide Web. That is not in this."

Black: "Okay."

Lang: "So for someone to be a felon under this Bill, they would have to be adjudicated by a court to be in arrears of substantial amount of money over a substantial period of time. And the court will have had to make a determination in the courtroom that the person can afford to pay, but has refused to pay. And so that is the due process. It is not automatic by any means."

Black: "All right. I, I, think this probably is sufficient protection in the Bill. I, I wished we had addressed the issue of, that the Child Support Committee would have liked to have gotten into. And that is a complete overhaul of

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the system."

Lang: "I share that view with you."

Black: "But, unfortunately it looks like its been postponed until the fall. So, I, I do appreciate the work you've done in the Bill and I thank you for answering the questions."

Lang: "Thank you."

Speaker Madigan: "Mr. Lang to close."

Lang: "I would ask adoption of the report."

Speaker Madigan: "The Gentleman moves for the adoption of the First Conference Committee Report on Senate Bill 19. 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 115 people voting 'yes', 0 voting 'no'. The House does adopt the First Conference Committee Report on Senate Bill 53. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Dart. Is Mr. Dart in the chamber? Mr. Dart, do you wish to do Senate Bill 392."

Dart: "Yes. Senate Bill 392, I move that we adopt the First Conference Committee to Senate Bill 392. This is a Bill that passed out of here unanimously. The Attorney General's Office asked if we'd make two technical changes to the Bill to define the charitable trusts that are underneath this Bill and also to make clear that the individuals described in this Bill must also register under the existing law now. The Bill at it's heart though would require individuals who are raising money under the name for somebody else's child, not their own child, would have to make certain reporting requirements so that we know that the money is actually going to the child. As I mentioned before, this passed unanimously and I'd appreciate a

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favorable vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Committee Report. 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 114 people voting 'yes', 0 voting 'no'. This Bill, the House does adopt the First Conference Committee Report on Senate Bill 392. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Mautino on Senate Bill 1202."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move that the House adopt the First Conference Committee Report to Senate Bill 1202. This Conference Committee Report contains the underlying language. The original Bill, which said that if a sheriff leaves office, then the deputy sheriff would fill that vacancy, until the appointment comes from the, from the county board. And likewise with the office of coroner, the deputy coroner would fill that office until, if there was a vacancy until appointment by the county board. Basically, because sheriffs don't want to be coroners, coroners don't want to be sheriffs, makes sense. The other language says that in the area of contracting for police services, the county board must do this in agreement with the advice and consent of the sheriff before structuring or accepting a contract for additional services. I'd appreciate an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the Conference Report. Mr. Black."

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

Speaker Madigan: "Sponsor yields."

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Mautino: "Certainly."

Black: "Representative, for purposes of understanding the, the Senate action, requiring the advice and consent of the sheriff..."

Mautino: "Okay, if I, if I could for just one second..."

Black: "Does it mean, does he mean he has to say, 'yes we will or no we won't?'"

Mautino: "He would have to give advice and consent. So he would have to say 'yes' or 'no'. Correct."

Black: "All right. So if it..."

Mautino: "Now the reason this, I should of said this in my opening statement, the reason this is being done is, that was the law up until 1986 in the Municipal Code. That got changed. So we've got two conflicting sections. Right now, county boards do not have police powers, so they cannot go ahead and grant these. I spoke to some downstate state's attorneys and judges who are of the same opinion, that if the county board contracted for these services and the sheriff said, 'I really don't have the manpower to provide them', they took it to court, the county board in that situation would lose because they don't have that authority anyway. So it restates it to what it was in 1996(sic-1986)."

Black: "All right. So, you're, you're telling me if a county board, the legislative entity of a county government enters into an agreement with a very small community, ... and in my county there are many of those who ... don't have any police officers on their, can't afford a police officer to patrol their community. So if the county board enters into a contract with this small community, that we will provide a sheriff's deputy to patrol eight hours a day, whatever it is, you're telling me that this gives the sheriff absolute

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veto power over the legislative branch of the county, if the sheriff says, 'no, I'm not going to do that', that's the end of the issue?"

Mautino: "Yes. That legislation, but that is what the current law and practice is."

Black: "All right. Okay. The staff, the staff is telling me that we have no background on any '86 law that would indicate that we have a dual practice here. That the county..., I was under the impression having served on a county board, that the legislative branch certainly could enter in to such contracts. Now to do so without the involvement of the sheriff, would be counterproductive. But if I understand the Senate action, you're putting an elected county official in a position to veto, an absolute veto power, over the actions of the legislative branch of the, of the county. Isn't that rather precedent setting?"

Mautino: "No. Actually that is, what it has been, and that's, my information is that is, that is what it had been prior to the rewrite ... And it does make sense. As I said the judges that I talked to on this, in looking at this language, had made the statement to me that if a case came up where the county board wanted to commit a certain, let's say we're going to go ahead and take care of Mark, Illinois and the sheriff says, 'I don't have the manpower to do that. It's going to cause me to leave other areas, of the counties which I am responsible for...'"

Black: "Okay."

Mautino: "uncovered to put my people into the city, I can't do that."

Black: "Well..."

Mautino: "If he took it to court, then the odds are, on there are at least, what the impression that I received from the

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state's attorneys and the judges that the sheriffs would prevail."

Black: "All right. Do... do other elected county officers; the treasurer, the circuit clerk, do they have similar powers? If the county board directs that all elected county officials will use white letterhead with a picture of the courthouse on it, for example, would an elected county official under current law, I don't know the answer to this, have the power..."

Mautino: "Nor, do I Sir, that's..."

Black: "to say, 'No, I'm using blue paper. I don't like the ... I'm going to use my own paper and instead of the courthouse picture, I want my picture on the letterhead.' Do they have that kind of authority as elected county official?"

Mautino: "That I don't know..."

Black: "I don't either."

Mautino: "I'm only familiar, actually with the language in this Bill and where this came from."

Mautino: "Okay. Well, let me ask you one more question. Because I'm familiar with, with what some sheriffs do, Frank, I'm sure you've heard of this. Many will enter into agreements with like county fairs or festivals. And they will enter into what's called a hire back arrangement. They will take off-duty deputy sheriffs, let them patrol the county fair or a festival and then the money comes back. It's a hire back procedure. Now, does the county board have the authority to say, 'Look, we don't want you out negotiating these kinds of security/hire back procedures.' I just wonder if we're going to see a fight on this issue between county boards and sheriffs?"

Mautino: "Well, the metro, just to tell you who is in support of this..."

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Black: "Yeah, that would be helpful. I don't have that information."

Mautino: "The Municipal League is in support of it, as are the township officials. Because they may be entities that are contracting with this."

Black: "Right."

Mautino: "The metro counties are in support of it. Obviously, the Sheriffs Association, you're going to pick that but..."

Black: "Okay. All right. So..."

Mautino: "But, I mean, they are, they have seen the language. And I made sure that I ran it by all of them before, bringing this forward."

Black: "Okay. All right. I was just curious. I spent ten years in the county board and I honestly didn't know that there had been some kind of law indicating just the opposite. So, I'll defer to your judgement and I appreciate your willingness to answer the questions. Thank you."

Mautino: "Thank you, Sir."

Speaker Madigan: "Representative Pankau."

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

Speaker Madigan: "Sponsor yields."

Pankau: "The, it says in the, on my computer here, that this Bill is intended to prevent a county from contracting to provide additional police protection, that the sheriff is not equipped to provide. Is that correct?"

Mautino: "Yes, that's the intent."

Pankau: "Well, there's a situation in the township that I am from, Bloomingdale Township in Du Page County. We have twice had referendums on the ballot to allow the township through an intergovernmental agreement to contract with the county to provide additional police service in the area, because the homeowners want it. They want the extra

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protection and if that means they have to pay for it, they're willing to pay for it. Are you saying that by this Bill this would eliminate all such contracts?"

Mautino: "No, it would, it would not eliminate those contracts. But it would require the advice and consent of a sheriff. And as a matter of fact, it was Du Page County who testified in committee on this Bill, as I looked at the Senate witness slips. So, maybe this is..."

Pankau: "So, what didn't they like about the way we're doing it now, I guess is my question?"

Mautino: "Well, probably the aversion of a lawsuit, which would happen here and it's been determined that if this goes to court, the counties do not have policing powers or policing authority in the existing law. And so..."

Pankau: "The counties don't have policing powers where?"

Mautino: "They don't, inside, inside of the code, the counties do not have the policing authority. That is granted to the sheriff, the police powers."

Pankau: "Will they..."

Mautino: "So, this is something where there was a... where the... the sheriff, and it makes good sense, if he can't provide that protection that the county is contracting for, he should have a say in. But also, if it goes to court, the information that I received from even the... from the Metro Counties Association is that they would lose. The counties would lose in this."

Pankau: "Okay. To the Bill, Mr. Speaker. With all due respect to the Sponsor and given the lateness of the time in this Session, I'm going to be voting 'no' on this. I did not realize that there was any problem, particularly in Du Page County, that the Sponsor says this Bill came from. We have done intergovernmental agreements between the townships and

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the counties; the county's sheriff for a number years, for additional service in the unincorporated areas. I don't know of any of the police departments in the municipalities that have felt that their toes have been stepped on. The sheriff's department, I thought, was very happy with the arrangement because they got paid additional money, for having their additional sheriff's police out there. The people were happy because they got additional protection in the unincorporated areas, which are, although Du Page isn't all that large, there are some areas in between the municipalities. And to be honest with you, I, if it wasn't broke, I don't, I don't see a reason to fix it. So, maybe there's something that I don't know, but as of right now, I would have to vote 'no' and I would urge the rest of you to vote 'no'. I don't understand the reason for the Bill. Thank you."

Mautino: "The counties are..."

Speaker Madigan: "Mr. Mautino to close."

Mautino: "Thank you. This would not affect previous contracts, things that have been structured. But it makes eminent good sense that if you are, there should be advice and consent of the elected official who will be responsible for providing those police services, only in contract situations and I simply ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves for the adoption of the First Conference Committee Report on Senate Bill 1202. 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 83 'ayes', 31 'noes'. The House does adopt the First Conference Committee Report on

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Senate Bill 1202. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk."

Clerk Rossi: "The House Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Okay. On Page 6 of the Calendar on the Order of Consideration Postponed they're consider... they're a ... Mr. Clerk, take this out of the record. The Chair recognizes Representative Lyons. Representative Eileen Lyons."

Lyons, E.: "Thank you, Mr. Speaker. I'd like to welcome today the eighth grade class from St. Renee's on the 23rd Ward. Please help them, give them a great, Springfield welcome."

Speaker Madigan: "Mr. Clerk, on Page 6 of the Calendar on the Order of Consideration Postponed there appears Senate Bill 144. Mr. Mathias."

Mathias: "Thank you, Mr. Speaker. This is Senate Bill 144. I'm sure that everyone, everyone in this chamber is familiar with this Bill since it's up for the fourth time. And I think there's been a couple misconceptions about the Bill, which I just want to clarify. This Bill revalidates the Sales Tax Reform Act of 1989. While some in this chamber may think, 'Well, if we don't do this, therefore home rule communities cannot pass sales taxes', they are wrong. Before this Sales Tax Reform Act, home rule communities passed sales taxes of, in all increments on anything they wanted to pass it on. This actually is a limitation on the home rule communities. They must, if they are going to pass a sales tax, they must pass it within the parameters of this Act. So I do urge you to vote for Senate Bill 144, for these reasons and all the other reasons that I've

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mentioned in the past, since it's very much needed by all of the home rule communities, so they potentially would not have to refund any of the funds collected under their current Sales Tax Acts. Thank you."

Speaker Madigan: "Mr. Skinner."

Skinner: "Ah, ah ha. Tax dollars are at stake here. We can get refunds if we vote 'no' on this Bill. That's what the Sponsor just said. Now, what he didn't say, is there's one tax that's going to disappear if this Bill doesn't pass. That's a 6.25 cent tax on photographic developments. Not pornographic, photographic. When you go to Jewel, or when you go to Dominics or when you go to Wolf Photo and you have your film developed, you have to pay a 6.25 tax. This is the Bill that's going to make that tax legal. So, if you want to vote for higher taxes, this is certainly a 'yes' vote. If you want to vote for lower taxes and if you save your sales tax refund slips, vote 'no'. You might get a refund."

Speaker Madigan: "Mr. Black."

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I have no doubt that my good friend from McHenry County has all of his sales tax receipts filed in order, alphabetically, by date, by amount, probably down to the penny. I have no doubt that he has all of that. I would daresay that he would be an exception to the rule. I don't have any of my receipts, probably couldn't tell you what I've spent since 1989. Except maybe a car or two, that I probably couldn't even reconstruct where I bought it or how much I paid for it. Let's get to the issue. This issue is not about a tax cut. It's about trying to correct an interpretation of a court through no fault of the General Assembly in which the Bill

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was enacted, home rule cities enacted a sales tax. And I daresay over the last decade those sales tax have been judiciously spent or those city officials are no longer in office. It's that clear and simple. Failure to pass this Bill, and we were 1 vote short. Not all home rule cities are large wealthy, cities that could go to the, my good friend from McHenry County and give him whatever refund may be due him. Some of these cities in a class action suit would have to borrow the money from the taxpayers by virtue more likely than not, of either tax anticipation warrants or increase property taxes to pay the refund. So, it can't be, you can't have it both ways. You can't say, 'I'm going to cut the tax by failing to enact this corrective legislation and the refund is going to be taken care of by raising your property taxes.' This is not a Bill that deals with taxes, per se. It's correcting a court decision that could have serious ramifications on city services, on contracts entered into, and in fact, even the economic health and vitality and well-being of those communities that are not large. There are some relatively small home rule cities. We gave them this authority. They acted in good faith. The General Assembly, which isn't surprising, may have done something that the court didn't like in the enacting legislation. It needs to be corrected. Failure to correct this if you want to portray it as a tax cut, fine. A year from now you're going to be back here asking, answering questions about why you caused taxes to go up, in some cases, a great deal to take care of the shortfall caused by the failure to enact Senate Bill 144, which corrects a problem that the General Assembly created and we need to correct it. And I urge an 'aye' vote."

Speaker Madigan: "Mr. Moffitt."

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Moffitt: "Thank you very much, Mr. Speaker. Would it be possible for you to find out if the Sponsor would yield?"

Mathias: "The Sponsor yields."

Speaker Madigan: "Sponsor..."

Moffitt: "Yes."

Mathias: "The Sponsor yields."

Speaker Madigan: "Mr. Mathias, Mr. Mathias, Sponsor yields."

Moffitt: "Thank you for finding that out. Representative, we've had different characterizations of this Bill, but realistically, would this help put a, a cap on sales tax, or could they go higher without this?"

Mathias: "Well, home rule communities prior to this tax, were able to tax various items that are now limited for, with the Sales Tax Reform Act."

Moffitt: "So, it would actually put some limitation on there."

Mathias: "There are limits that were not, previous to this Act."

Moffitt: "Okay. Thank you. Representative, I represent a, an agricultural area. Would failure to pass this legislation impact the agriculture community in the State of Illinois? And if so, how?"

Mathias: "Well, potentially, since prior to this Act, home rule communities could enact the sales tax on any items they could then, if they so choose, enact a sales tax on farm machinery."

Moffitt: "So, put..."

Mathias: "They are limited by this Act from doing so."

Moffitt: "So, with this, it'd even be important to the agriculture community?"

Mathias: "That's correct."

Moffitt: "What about the manufacturing community? We have large manufacturers in different parts of the state. Do they have any, are they, is, is their situation at stake in this

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legislation?"

Mathias: "Prior to this Act, a home rule community if it so chose, could also enact a, a sales tax, a home rule sales tax on manufactured items. They could not do so under the limitations of this Bill."

Moffitt: "Thank you, Representative. To the Bill. Clearly, the General Assembly has passed the intent of this before. It's only because of court action. It's, it's a business community. It's the agricultural community that, that have an issue here. Clearly, this deserves a 'yes' vote. Thank you."

Speaker Madigan: "Mr. Mathias to close."

Mathias: "One, since we were just talking about limitations. There's one important limitation that is also in this Act. And I think when Mr. Skinner hears of this limitation, I'm sure he also will support this Act. The Sales Tax Act also limits taxes on food and drugs. Under the existing Act, you could not place a sales tax on food and drugs prior to the Reform Act; home rule communities could do that. So, I again urge all of my fellow Representatives to vote 'yes' and not allow home rule communities to put sales taxes on food and drugs. Thank you."

Speaker Madigan: "Mr. Skinner."

Skinner: "Mr. Speaker, I'd like to thank the 'Sidman' for mentioning my name in debate."

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? The Clerk shall take the record. On this question, there are 78 'ayes', 36 'noes'. This Bill having received a Constitutional Majority is hereby declared passed. Rules Committee will meet immediately in the Speakers Conference

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Room. Mr. Black."

Black: "Yes, Mr. Speaker, we haven't given the William Laurino Award in sometime. I believe it was former Representative Laurino who tried for 18 years to pass mandatory insurance. And along comes a freshman Representative, Representative Mathias, who in three days got to call a Bill four times. So he's closing in on the William Laurino 'stick to it, and you shall win' Award. Congratulations."

Speaker Madigan: "Mr. Wirsing. Mr. Hartke in the Chair."

Wirsing: "Thank you, Mr. Speaker. I intended to vote 'yes' on Senate Bill 144. Just didn't get to my switch in time."

Speaker Hartke: "On Page 11 of the Calendar, appears House Resolution 118. Representative Johnson."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. This Resolution is a, is a substitute for a Bill that we'd introduced earlier. And is a product of extensive negotiations between representatives of the disabled community, as well as petroleum marketers and others. And essentially, calls on with their agreement, the petroleum marketers of Illinois to adopt a, a policy statewide for making service stations that are self-service only accessible to disabled people at self-service prices. And this is unanimously out of committee, unanimously through all the interested parties. It's good public policy. Has a number of Sponsors, along with me, or it did and I would ask for your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall we adopt House Resolution 118?' All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does adopt House Resolution 118. On Page 12 of the Calendar appears Senate

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Joint Resolution 29, Representative Hoffman. Out of the record. Mr. Clerk, Committee Reports."

Clerk Bolin: "Repre... Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measures were referred, action taken on May 27th, 1999, reported the same back with the following recommendations: 'direct floor action' for Conference Committee Report #1 to House Bill 733, Conference Committee Report #1 for House Bill 1134, Conference Committee Report #1 for Senate Bill 286, Conference Committee Report #1 for Senate Bill 878, House Amendment #3 to Senate Bill 1103, and Senate Joint Resolution 39."

Speaker Hartke: "Supplemental Calendar announcement."

Clerk Bolin: "Supplemental Calendar #2 is being distributed."

Speaker Hartke: "Supplemental Calendar #2 appears Senate Joint Resolution 39, Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. The Older Americans Act, promotes dignity and for, for every older person over the age of 60. There are over 2 million of these people in the State of Illinois. Today, the Older Americans Act helps fund an aging network in Illinois, led by the Illinois Department on Aging, 13 area agencies on aging... over 200 community-based senior service agencies and nutrition services. Today, the Older Americans Act is threatened not to be re-instituted by Congress. We need this in Illinois. We need the funding. We need the support of the Federal Government to help us with us most vulnerable seniors. And I would ask your support on SJR 39, so that we can send a sense of the House to Washington and ask them to re-authorize this Act."

Speaker Hartke: "On the Resolution, is there any discussion? The

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Chair recognizes the Gentleman from Vermilion,
Representative Black."

Black: "Mr. Speaker."

Speaker Hartke: "Yes, Sir?"

Black: "Yes, would the Sponsor yield?"

Speaker Hartke: "The Sponsor will yield."

Black: "Yes, Representative Lang, you will be recusing yourself from voting on this Resolution, will you not? Is there not potential conflict of interest, since you are one of the older American's that we're re-authorizing?"

Lang: "Representative, I feel like one of the older American's today, but as of yet, I have not reached that pinnacle. If we pass this very soon, I won't have a conflict."

Black: "There are many Members on my side of the aisle that say, if you are included in this Older Americans Act, if you will take yourself out, we are not going to vote to re-authorize you, Sir."

Lang: "Well, we certainly aren't..."

Black: "One of you is quite enough."

Lang: "I wouldn't even attempt to ask you to do that. Really."

Black: "... All right. So, with the understanding that you are not in the Act, which I quite frankly find hard to believe, I am prepared to vote on the Bill. Or the Resolution, excuse me."

Lang: "I wouldn't even, I wouldn't even respond to that. Thank you."

Speaker Hartke: "Further discussion on the Resolution? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Senate Joint Resolution 39?' All those in favor will signify by saying 'aye'; those opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the House does adopt Senate Joint Resolution 39. Supplemental

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Calendar #2, appears Senate Bill 286, Representative Davis."

Davis, S.: "Thank you, Speaker, Ladies and Gentlemen of the House. The First Conference Committee Report to Senate Bill 286 is exactly the same as House Amendment 4 that we passed out of here the other day to Senate Bill 286. And I would move for the adoption of the First Conference Committee Report to Senate Bill 286. And for Representative Black's edification, I feel just the way that Representative Mathias must feel, cause this is at least the third time I've had this Bill in front of, of this Assembly."

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

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

Speaker Hartke: "Indicates he will."

Black: "Representative, the House recesses from Amendments 1, 2, and 3. Is that correct?"

Davis, S.: "That's correct."

Black: "Any underlying language authorizing a pay raise for airport authority commissioners and/or I don't know if the right word is 'commissioners', I can't find it in the Metropolitan Water Reclamation District, that has all been removed, correct?"

Davis, S.: "That's correct."

Black: "The only item left in this Conference Committee is a request from IDOT that they no longer have to audit the Du Page County Airport every year."

Davis, S.: "That, that, that's correct."

Black: "And they are the only airport in the state, as I understand it, that is made to undergo a yearly audit, is

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that correct?"

Davis, S.: "I believe that's correct, Representative."

Black: "... Okay. How many times have you presented this now?"

Davis, S.: "Well, it's been through committee two or three times. It's been on the floor two or three times and everybody is very familiar with the Bill, I believe."

Black: "I, I would think so. If the, at first you don't succeed, try, try again rule, right?"

Davis, S.: "Just like 'Erica Kane'."

Black: "All right, thank you."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 286?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 66 Members voting 'yes', 48 Members voting 'no', 1 Member voting 'present'. And the House does adopt Conference Committee Report #1 to Senate Bill 286. And this Bill having received a Constitutional Majority is hereby declared passed. On Page 2 of the Supplemental... or on the Supplemental Calender #2, appears House Bill 733. Representative Woolard."

Woolard: "The First Conference Committee to House Bill 733 is establishing a new board to deal with the Facilities Planning Board and a problem that Representative Jones and Bost and Fowler and I have in Southern Illinois, giving us the authority to work collaboratively to accommodate the hospitals to ensure that we can have some health care for heart patients. Right now there's an out... migration in that area. The people are leaving the state, going to St.

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Louis, Cape Girardeau, Paducah, Kentucky, Evansville, Indiana and we believe that this is a fairness issue giving us the opportunity to allow hospitals to work together. Would appreciate your support."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 733?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does adopt Conference Committee Report #1 to Senate Bill... House Bill 733. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1103?"

Clerk Bolin: "Senate Bill 1103. The Bill is on the Order of Senate Bills-Second Reading. Floor Amendment #3 offered by Representative Daniels, has been approved for consideration."

Speaker Hartke: "Mr. Smith. Representative Black."

Black: "Yes, Mr. Speaker, if, if the Chair rules it would be in order to do so, in order to get this Bill in the form that's been agreed to, to move, we need to table Committee Amendment #1 and Committee Amendment #2."

Speaker Hartke: "The Motion is to table Amendment #1 and #2. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And table #1... And Amendment #1 and #2 have been tabled. Mr. Clerk."

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Clerk Bolin: "Floor Amendment #3, offered by Representative Daniels, has been approved for consideration."

Speaker Hartke: "Is there leave from the Body, for Representative Black to present the Amendment. Leave is granted. Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Floor Amendment #3 deals with the Elected County Officials Pension Plan. That's all the Amendment deals with. I think many of you have seen the articles and have been contacted. It was not the intent of this Body when we passed the Elected County Officials Pension Plan about three years ago, two years ago, as I recall, giving counties the ability to opt into this plan if they chose to do so, that would allow an elected county official with 20 years of service to retire to 80% of his or her salary. And what has happened is that some county board members, whose pension would normally be 4 or \$5,000 a year were taking an appointment to some higher paid position in county government, holding the position for a relatively short period of time and then boosting their pension to 25, 26, \$27,000 a year. So Floor Amendment #1 tightens up the Elected County Officials Pension Plan and changes the manner of calculating the salary upon which the benefits are based. I've talked to many elected county officials in my district, even as early as this morning. They don't have any problem with this. They realize that the ... abuses that have been ... that have been reported, were not, was not the intent of the Bill. I would further point out to the Body, that the General Assembly did this very thing, I don't know, six or seven years ago when it was brought to our attention that retired Members of the General Assembly, participating in our pension plan were getting appointments to a high paid

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position and then boosting their pension considerably. And we stopped that. Now, we couldn't make it retrospective so those Members who were already in the system could still do that. But the Members coming in after that would not be able to do it. Amendment #3 also, I think was sponsored by Senator Bowles in the Senate. And it simply says that if a county board wants to opt out of the Elected County Officials Pension Plan, they can do so prospectively. Keep in mind that constitutionally you cannot take away a pension benefit legally tendered and legally accepted. So, but if a county board by resolution decides that in the next election, say at 2004, they do not want to make this pension benefit available to those newly elected county officials, they would be free to change that system. And that's what the Amendment does, and I'd be more than happy to answer any questions that you have."

Speaker Hartke: "Is there any discussion on the Amendment? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Amendment, Floor Amendment #3 to Senate Bill 1103?' All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Amendment is adopted. Further Amendments?"

Clerk Bolin: "No further Amendments."

Speaker Hartke; "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 1103, a Bill for and Act to amend the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Hartke: "Representative Smith."

Smith: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. You've heard Representative Black's description of what is in the Bill. Floor Amendment #3 became the Bill and this is much needed reform for a provision that we

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passed in the previous General Assembly for county officials. This does clean up the ECO benefit and know of no opposition of legislation, I encourage it's passage."

Speaker Hartke: "Is there any discussion? Seeing that no is seeking recognition, the question is, 'Shall the House pass Senate Bill 1103?' All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a, in Senate Bill 1103 having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #2, appears Senate Bill 878, Representative Biggins. Is Representative Biggins in the chamber?"

Biggins: "Mr. Speaker, having, I'm trying to locate my paperwork at the moment. I'll have it in a moment. But maybe I can take this moment. I don't normally have guests here in the chamber, but I would like to introduce my invisible friend from my district. Name is Chuck. Chuck has been with me, does campaign work with me, we do parades together. I'll be seeing him this weekend; helps me in my district office, he's been my invisible friend for many years. In fact, he's here right beside me in Representative Johnson's chair today. And Chuck, this is the first time I've brought him down here. Some people say he looks like a chameleon, but I'll let you decide that. I'm not asking you to applaud to welcome him, but I just wanted you to know he's here. Thank you very much for that opportunity. Well, okay, well, enough of that. Thank you for that interlude. I do have Senate Bill 878 which originally includes a Bill that Representative McCarthy sponsored and to that, we've added

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two other measures regarding tax credits. Now, we have individuals that talk about tax credits quite a bit. This is an opportunity to vote for tax credits. And I hope it's one that you'll take advantage of, because this is unusual this year. And I'll be glad to answer any questions you may have. There are three different matters in here. One is expansion of research and development credit, investment credit and training expense credit. There are also credits for... and a property tax abatement for historical societies. And also a sales tax exemption for food products sold through vending machines. I'll be glad to answer any questions."

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

Parke: "Mr. Speaker, it's a based on Representative Biggins comments about his friend. It's obvious that many of us have been down here too long and that it ought to be, tonight ought to be the last that we all ought to adjourn. 'Cause I'm afraid there's going to be more of this kind of thing happening and more hallucinations. So, I would suggest that soon as we can get out of here, both Representative Biggins and the people of Illinois will be better off."

Speaker Hartke: "Thank you for your comments. The Chair recognizes Representative Skinner."

Skinner: "Mr. Speaker, I move to commit the Sponsor. The Sponsor's committed to the passage of this Bill first."

Speaker Hartke: "Does anybody stand in opposition? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 878?' This if final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The

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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 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does adopt Conference Committee Report #1 to Senate Bill 878. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calender #2 appears Senate Bill 1134, Representative Crotty."

Crotty: "Thank you, Mr. Speaker. I move that we adopt the First Conference Committee Report."

Speaker Hartke: "Representative Crotty, you might have to explain it a little more than that."

Crotty: "Oh, all righty. The Conference (sic-Committee) Report has, of course, the underlying Bill 1134. The Senate Amendment #1, which we had discussed a few days ago on the south-triad of Cook County, getting provided a onetime payment and that had to deal with the triennial assessment. But, but now, I'd like to change this Bill from the 'double whammy to miracle on Second Street'. We were able to find more money that would go to some of the downstate districts, the downstate districts for a onetime payment to help those districts with their hold harmless. And I ask for a favorable vote."

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

Mitchell, J.: "Thank you, Mr. Speaker. I'd like to thank the Leadership on both sides of the aisle for working with us on this Bill. This has been a very contentious issue. But, now this Bill does have something in it, I believe that will benefit every area of the state. First of all, the 'double whammy' language in the original Bill of... of

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Representative Crotty's is very important to all of us. Now that we have tax caps coming downstate in many of our counties, along with the suburbs and along with Chicago. The \$10,000,000 I understand is important. The triennial, triennial, assess... reassessments, I understand. But the problem we had was a, a huge deficit, a huge hole left by declining enrollments in the downstate districts. Leaders have aggressively looked at the budget and found \$14,000,000 to spread downstate to offset some of our losses. Therefore, I commend the Speaker. I commend the Leaders and I thank them for their indulgence and their time. I think this is a good Conference Committee Report and I think it's something that we'll all benefit from. And I urge an 'aye' vote. Thank you."

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

Franks: "Will the Speaker (sic-Sponsor) yield?"

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

Franks: "Representative, I'm reading your Bill and I noticed there are five counties that are specifically excluded, one of those being McHenry County. Could you please explain why McHenry County is not included in this supplemental appropriation?"

Crotty: "Representative Franks, the underlying Bill, which is (sic-House Bill) 1134, would include McHenry County along with Cook and Lake and Kane and Du Page and... and Will. So, I need to make sure that you understand that there is... everything that you see on the board, one way or another, affects each and every single one of the Representatives sitting in this room. So, the 'double whammy', the underlying Bill is very, very important to your area."

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Franks: "I agree, because we are hurt horribly in McHenry County with the 'double whammies', being the fastest growing county in the state. And I want to support this Bill. What I'm disappointed though, is that our area was specifically excluded. And hopefully in the next Session we can bring some supplemental appropriation back for those other counties that were equally harmed as... as such as your area."

Crotty: "Well, and you're... you're wrong. You are, you're not excluded. I hope that you understand that. There is..."

Franks: "No, I..."

Crotty: "There is funding here for your district."

Franks: "Then I'm misreading it. Because when I'm, when I'm reading the analysis, it shows that McHenry County is not included."

Crotty: "Mr. Speaker..."

Speaker Hartke: "Excuse me..."

Crotty: "I know that I have Jerry Mitchell over there jumping up and down and I would like to give some time to Jerry."

Speaker Hartke: "Representative Crotty defers to Representative Mitchell to answer that question."

Mitchell, J.: "Thank you, Mr. Speaker. Representative Frank, I just wanted to say that, that number one, where you see that exclusion, only has to do with the money that is being put downstate, simply it's a onetime shot for money that we are not getting through the general state aid. You would benefit, we could have put you in that and you would not have benefitted one bit from this. The 'double whammy' is where you get hurt, and hurt badly. This Bill, if, if it had nothing else in it, would be a fantastic Bill for you. With everything else that's in it, it just helps other regions of the state. Certainly your, your county is

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helped with the original Bill that Representative Crotty ran. And it will mean more to you than that onetime shot downstate."

Crotty: "Thank you, I think I, I think I had stated that and thank you Jerry for reinstating that."

Franks: "To the Bill."

Speaker Hartke: "To the Bill."

Franks: "I, I appreciate that and I spoke with staff and I appreciate the explanation and with that, I will be glad to support this Bill, because it is a good Bill for the whole state. Thank you, Representative."

Speaker Hartke: "Further discussion? Representative Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know I think this is the kind of Bill and a process that we should all be proud of. Representative Crotty had a tough battle on this issue. And I think without question that we all recognize that the Senate had sent something over here that they, they thought was right and good but some of us felt like was not exactly the right approach for us to take. She deferred after much consideration to allow this to go to Conference Committee. And in doing so, we were able to fix many problems across this state. Without question, the 'double whammy' is going to be a very negative impact for a lot of schools across the northern part of the state. And in fact, even downstate schools were being impacted negatively with this. We recognized that the assessment cycle was such in the south part of Cook County that there was a need for some kind of special consideration. But without special consideration for those school districts downstate, that had some real negatives things happening there, and the loss of revenue totally, this was going to be a difficult

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vote for all of us. So we stand today as the Chair of the Education Committee, as a downstater in total support of Representative Crotty and the process, but in particular, House Bill 1134. And I would encourage all downstaters, from both sides of the aisle, to support this issue because we have put money in here to fill at least 50% of the gap that we had in shortfalls in some of the school districts that we represent. This is a great compromise and I commend the Sponsor for seeing the wisdom of sometimes backing up before she steps forward. I encourage all of you to support this Bill."

Crotty: "Thank you. At this time I would like to introduce my invisible friend.

Speaker Hartke: "We're, we're on a temporary hold."

Crotty: "I, I think I see that now."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Slone."

Slone: "Thank you, Mr. Speaker. Will the Sponsor yield? Hello, Sponsor, or Speaker, who Sponsor's, will the Sponsor yield? Are we operating here? Duh, Representative Crotty."

Crotty: "Yes."

Slone: "I'm sorry for not paying perhaps as close attention as I should have to the ear... parts of the earlier discussion."

Crotty: "That's fine. Sometimes you'd..."

Slone: "Is this a temporary or a permanent solution to the problem in this, in your communities?"

Crotty: "The, the underlying Bill, House Bill 1134 is a permanent solution. The Senate Amendment #1 is a onetime only payment and the Conference Committee Report on the, the measure that we're, we've also discussed that has come to a, a head in, in that committee, is again just another onetime appropriation for the downstaters. But the

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underlying Bill does make a permanent solution in, in the state aid formula that now we'll be able to look at, we'll look at the tax cap situation. So, I hope I've answered your question."

Slone: "Mr. Speaker, to the Bill. Ladies and Gentlemen, this is an important step for, for the Sponsor and for other people whose districts have these caps. But I think that this is just one reflection of a very, very large problem that we're creating, continuing to create for ourselves by our over-reliance on property taxes to fund public education in Illinois. And this is a problem that clearly needs a more comprehensive way of addressing it and it needs it in the next one or two years. And I think we should be looking together for long-term solutions to this issue. And while I commend the Sponsor for her dedicated work on behalf of her school districts, this is by no means a permanent or comprehensive solution of the kind we're going to need to fund our public schools."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Murphy."

Murphy: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I, I, I rise in strong support of House Bill 1134. I share some of the district with, with Representative Crotty and I want to really congratulate her on her hard work and determine to get something for the children in that district. This is a onetime appropriation. It's not like we be coming every day. But it's a half of what we really should have anyway. So, I would urge a strong 'aye' vote to help the children in south suburban and downstate. Thank you."

Speaker Hartke: "The Chair recognizes the Gentlemen from MacArthur, or from Cook, Representative McCarthy."

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

Speaker Hartke: "She indicates she will."

McCarthy: "I have basically one question and that is, the \$14,000,000 requirement. Is that for all three sections now or, or is that \$14,000,000 per section?"

Crotty: "That 14,000,000 will only impact the last portion of this Bill. The Senate Amendment holds about a 10,000,000. I have a figure here of 11.4. But through the Conference Committee we have found another 14,000,000 that will go downstate."

McCarthy: "So, the 'double whammy' part gets how much?"

Crotty: "The 'double whammy' is estimated at about 48,000,000, 49,000,000."

McCarthy: "And then the second part which is the, basically the south triennial of Cook County gets..."

Crotty: "It's about 11,000,000."

McCarthy: "So the additional funding that the Conference Committee Report, actually not only matched what was going to the South Cook County, but exceeded what was going to South Cook County in correcting a problem which was South Cook County's alone. We've now given the rest of the state more money than we're giving to South Cook County."

Crotty: "The last, that, that's correct."

McCarthy: "That's correct, but is that fair? That's a, I know, I know when you do things down here in order to increase the likelihood of passage, and I still think that this is a Bill that deserves support. But I think when we're looking at issues, we should look at the fairness of the issue and not just try and, you know, make sure that our district gets money whether it's appropriate or inappropriate. And, I think in this case, the, the Bill on it's original merits and this Bill still has enough merits to deserve passage

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and I plan on supporting it. But I wish we would have looked at the issue a little fairer in taking care of the problem that was caused by the triennial assessment that was a problem that was alone and solitary in South Cook County."

Crotty: "I just would like to comment. I think what's the most important thing, when we, when we're talking about dollars, whether it be 11,000,000 going to one area of the state, 14 going to another, is that this money is going to the students. And it's going for those persons that we're here trying to, to fund their education. And I think that's the most important thing. Not to become so territorial that we lose sight of where these dollars are actually going. And that's into the public schools. And I think that's the most important thing out of the entire House Bill 1134."

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

Curry: "Thank you, Speaker, Members of the House. I appreciate the Sponsor's willingness to accommodate downstate Legislators concerns about the growing problems that we have with funding our schools. I know in my legislative district, I have one school district in this coming year will lose \$800,000 in state aid. What this Conference Committee Report will do, will help Decatur Public Schools with part of the money that they're losing, and Sullivan School District and Bethany School District and school districts all out, throughout Central and Southern Illinois. This is a good piece of legislation. Is it the solution to our problem? No, it is not. But we have fixed something in the short-term to help our schools get through the next year. What it means to us as Legislators is that we need to get serious about a permanent solution to

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education funding reform in this state. We cannot keep putting Band-Aids on the problem. Unfortunately, we as downstate Legislators have to compete with more money that goes to categorical grants that do not benefit our schools. So this legislation will help. We need the help as well, as in, as they do in the South Suburbs. So I appreciate the Sponsor's willingness to, to work with us on this issue and I support this legislation completely. Thank you."

Speaker Hartke: "Further discussion? Representative Kosel."

Kosel: "... Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Crotty: "Yes."

Kosel: "I, I want to commend the Sponsor on her persistence on this subject. It's not an easy subject to understand: number one, and number two: it isn't an easy subject to sell. She has been very persistent through the last two years in attempting to get this through and has succeeded in offering a permanent solution to the 'double whammy' problem, which affects all sch... all schools that are in the tax cap. I believe the problem occurred through an inadvertent blending of tax caps and school-aid formula that the Legislature never really intended for this to be here. We now have a permanent solution to it. We all need to support this. We need to move forward and see that this is passed. Thank you."

Crotty: "Thank you."

Speaker Hartke: "We are temporarily on hold again. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. A parliamentary inquiry on the Bill in question."

Speaker Hartke: "State your inquiry."

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Black: "Yes, as you'll recall there was a particularly bitter debate on this Bill when it first happened. And, and my side of the aisle did a verification. And the verification didn't go as smoothly as some would like. So at the end, and, Mr. Speaker, let me make it very clear, I favor this Bill. I, I, I'm going to vote for it and I, I, hope we, but I just want to make sure that we don't get ourselves into a potential legal problem. The Supreme Court watches so carefully what we do. In the heat of the verification, the presiding officer at the time said, 'This Bill', and we do have the transcript, 'this Bill having failed to receive a Constitutional Majority is hereby declared lost.' Well obviously that would preclude any further action. I think what he meant to say was the Motion or the Amendment. And I would just like the parliamentarian to rule, so that we have on the record that we're aware of a potential glitch and that we have resolved the glitch so that we can move forward."

Speaker Hartke: "In anticipation of your question, the Parliamentarian is here."

Black: "... Yes, I would like a parliamentary ruling so that we know that we can proceed with this Bill in a legal fashion."

Parliamentarian Uhe: "On behalf of the Speaker and in response to your inquiry, Representative Black, on May 21st, 1999, the House had before it a Motion to concur on House Bill 1134. That Motion lost. After the record was taken, the Chair stated that the Bill having not received a Constitutional Majority is hereby declared lost. That statement was an error. However, in terms of the effect of that vote upon the Bill, it is the procedural posture of the Bill that controls. In that case, the vote was taken upon a Motion

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to concur, which is a renewable Motion. So the ruling of the parliamentarian is, that the Bill was not lost at that time. The Motion failed."

Black: "That, that's fine. And I... we... I not only accept that ruling, I'm glad that you made it. Simply because it clears up any future doubt that could be cast on the Bill. Mr. Speaker, I thank you for the indulgence and the parliamentarian for his rule. Let me just, if I could, speak to the Bill very briefly..."

Speaker Hartke: "To the Bill."

Black: "... I commend the Sponsor. This has not been an easy task for her. And I think that everyone involved has done yeoman work here. To be fair to all parts of the state and as you said so eloquently, Representative, this is not about whether my area gets more money or your area gets more money, or... or Representative Rutherford's area gets more money, it's a, it's really evenly distributed throughout the State of Illinois. And it's to benefit school children who otherwise might not have certain things that others do. I think the Bill is eminently fair and I would encourage an 'aye' vote."

Speaker Hartke: "Representative Crotty to close."

Crotty: "Thank you, Mr. Speaker. At this, at this time I really want to thank the government, the Governor, and the Leaders for allowing this Conference Committee Report out. In conclusion, I just wanted to say that again, it's the state's responsibility to fund education fairly. And I think through House Bill 1134, we are doing just that. I want to thank both Members, both sides of the aisle, the Members on both sides of the aisle for all of their help. And I ask again for a favorable vote."

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

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Conference Committee Report #1 on Senate Bill 1134?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does adopt Conference Committee Report #1 to House Bill 1134. And this Bill having received a Constitutional Majority is hereby declared passed. Representative Saviano in the chamber? On page 6 of the Calendar, appears Senate Bill 801. Mr. Clerk, what is the status of that Bill."

Clerk Rossi: "Senate Bill 801, is on the Order of Consideration Postponed."

Speaker Hartke: "Representative Saviano."

Saviano: "I'll be right with you. I know I got it here somewhere. Thank you, Mr. Speaker, Members of the House. Senate Bill 801 amends the Collection Agency Act to provide that a contingency or hourly arrangement established under an agreement between a collection agency and a creditor to collect a debt shall be presumed prima facia reasonable. There's few reasons for this. One, to make a creditor hold many contracts between a creditor and a debtor required a debtor to pay all collection agency fees incurred by the creditor in collecting a delinquent debt from the debtor. Virtually, all contracts between a creditor and it's collection agency are contingency fee contracts. The collection agency receives from the creditor and agreed upon percentage of the amount of the debt collected from the debtor. Under this Bill, such contingency or hourly fee arrangement would be presumed to be a reasonable fee unless demonstrated by other evidence

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to be reason.... unreasonable. Senate Bill 801 seeks to ensure that the creditor recovers all costs incurred in collecting a debt. Again debt collection costs can be recovered from the debtor only if the contract between the creditor and the debtor require the debtor to pay these costs. This language is patterned after nearly ident... nearly identical language found in Section 46 of the Illinois Credit Union Act. Mr. Speaker, Members of the House, last time this was up, I think there was some confusion that there was a fee increase in this Bill. There is no fee increase in this Bill. That Bill had passed on House Bill 1837 and is on its way to the Governor. This simply clarifies the collector procedures because of some disciplinary problems we had with the Department of Professional Regulation, which there was some ambiguity within those rules. And I would ask for your favorable vote. Thank you."

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

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

Speaker Hartke: "He indicates he will."

Black: "Representative, the Department of Professional Regulation has indicated their objection to the Bill based on a statement that if they're correct, it would allow a collection agency to collect money in addition to the money owed or money in addition to costs incurred. Currently the burden is on a collection agency to prove that the additional money collected is reasonable and the Bill changes this to put the burden on the consumer. Is, is that your understanding of what the legislation does?"

Saviano: "Yes, the reason behind that is because of ambiguity,

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the department be... would be against it because it clarifies that position. Just to restate what I said before, that that collection cost can be recovered from the debtor only if the contract between the creditor and the debtor required a debtor to pay these costs. This is, this is uniform language which is provided in the Illinois Credit Union Act and it just brings it up to power with, with that Act. We're trying to provide some uniformity."

Black: "Well, within, within, the, excuse me, within the desire for uniformity, is there some guideline as to how much money the collection agency could impose upon the debtor? I mean, is it... if I had to make ten trips to get the money can I charge a dollar a mile or... I... I just wonder if it's just open-ended? That in addition to what you owe me in reasonable fees, I may impose a hundred dollar collection fee."

Saviano: "Well, that would, again, what, what I just said it, it, it, it would be kept according to whatever the agreement or the contract which exists between the creditor and the debtor. The debtor knows up front what those costs are going to be, based on the contract that he or she has with the creditor."

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

Speaker Hartke: "Further Discussion? Seeing that no one is seeking recognition. Representative Saviano to close."

Saviano: "I would appreciate a favorable vote on this. This is a... a... a problem that we've had within a department and as you know I work very closely with the department and... and we, we will continue to work on this when we do the rules so the department is satisfied with the outcome. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate

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Bill 801?' This is final action. All those in favor will signify by voting 'yes'; those opposed 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? There are 12 people not voting. Have all voted who wish? Mr. Clerk. Have all voted who wish? Mr. Clerk take the record. On this question there are 63 Members voting 'yes', 43 Members voting 'no', 7 Members voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calender #2, appears Senate Joint Resolution 366. Excuse me, House Resolution 366."

Cross: "Thank you, Mr. Speaker. House Resolution..."

Speaker Hartke: "We ask leave of the Body for Representative Cross to handle this Resolution for Mr. Daniels. Leave is, leave is granted. Representative Cross."

Cross: "There must be a different sound system up there. It sounded like an affirmation from where you are, Mr. Speaker."

Speaker Hartke: "Well, if you were announcing a school, I would say you've had your limit today, but... no. Mr. Cross."

Cross: "Thank you, Mr. Speaker. As you know, we've had a 12 point safe school plan or system that we've been working on throughout the Session and this is the last portion of our 12 point school plan dealing with protection of children. And this Bill... or this Resolution is designed, in the event it passes, to create a task force to study the establishment of a web site rating system. I think most all of us agree that the Internet is a... has become a wonderful tool for all of us to learn on, but unfortunately, there are some downsides to it and it's very easy for our children and children throughout our distri... districts to innocently visit web sites that are

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inappropriate for their viewing. I don't know if all of you know this, but there are actually chat rooms on the Internet that children can access to purchase illegal weapons and ammunitions or even give step by step guidelines to building bombs, which is amazing. Equally harmful, are web sites that also expose children to hateful propaganda. And while, obviously, it's best for all of us as parents or teachers to be with our children during their web exploration, that's entirely impossible. The one thing I want to point out on this Resolution is, it will not... or would not censor in any way, nor would it make value judgments of any kind. What we're trying to do through this task force is to establish a web rating system much like we use... or much like we're familiar with when our... we decide whether or not we want our children to attend movies. So, Mr. Speaker, I would appreciate a 'yes' vote. I think, unfortunately, the time is right for this type of task force and it's one designed purely to protect our children and children throughout the State of Illinois. And I'd appreciate an 'aye' vote."

Speaker Hartke: "Is there any discussion on this Resolution? The Chair recognizes Representative Black."

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

Speaker Hartke: "The Sponsor will yield."

Black: "Yes, Representative, for purposes of legislative intent, I heard you say that one of the purposes would be to study what web sites might be giving harmful propaganda to our state's youth. Am I to infer from that that that means the Illinois legislative web site would probably be filtered out from our state's youth?"

Cross: "Well, we wouldn't necessarily filter it out, but we would

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give it a rating and I'm not sure what the rating would be."

Black: "Well... just so... just so you've given some thought to that. All right? And in your opening remarks, you said something about your 'biscuit'. What... I didn't understand that in the context of your remarks."

Cross: "I'm not sure if you're aware of this, but on the web... I've noticed in some chat rooms, that Representative Durkin has a wonderful recipe for making biscuits... "

Black: "Oh... "

Cross: "... and I was referring to that. And he goes into a wonderful explanation of how to make a biscuit. What are the proper... "

Black: "All right... "

Cross: "... ingredients... "

Black: "Well... "

Cross: "... and what kind of yeast to use."

Black: "Okay... "

Cross: "So, he's doing a good job with that."

Black: "All right. Yes, Mr. Speaker. Thank you very much. And before I close... as the day grows longer and we might get hectic, just so that in case Representative Cross misses anybody, let me just rise to a point of personal privilege. Anybody... any school group from Oswego or his district, Kendall County, anybody that might come in... there's four or five a day. Let's just make sure they're given a welcome at the appropriate time."

Speaker Hartke: "Thank you. The Chair recognizes the Lady from Cook, Representative Howard."

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

Speaker Hartke: "He indicates he will."

Howard: "Representative Cross."

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Cross: "Yes."

Howard: "Obviously, you're a Member of the committee that I chair and you know how I certainly am very concerned about the same matter that you're speaking of, right now. But, I just wanted to be certain of how this is going to work. You say that there will be a task force established."

Cross: "Yes and that staff... task force would consist of, Representative, and I apologize for not explaining this a little better. The chairperson and spokesperson from the House Committees on Judiciary, as well as, the House Committee on Computer Technology, four appointments each by the Speaker of the House and the House Minority Leader, who will be either representatives of the school community or parents with school age children. We'd also have the Superintendent of the State Board of Education, the Attorney General or his designee, the Governor or his designee and two additional appointments made by the Governor, who by persons... of persons who shall have training in child psychology with emphasis or training on Internet crimes."

Howard: "I misunderstood you. Did you say the entire Computer Technology Committee and the entire Judiciary Committee?"

Cross: "No, chairperson... "

Howard: "Just the chairpersons... "

Cross: "... and spokesperson."

Howard: "... of that."

Cross: "Yes."

Howard: "I see. I heard you also talk about something that sounded like negative propaganda would be... would be kept from the children in some kind of way. What was the terminology that you used regarding that?"

Cross: "Pardon me?"

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Howard: "Propa... You talked about propaganda and you used an adjective to describe the kind of propaganda. What was the term that you used... you were using?"

Cross: "I said... I... hateful propaganda."

Howard: "Hateful?"

Cross: "Yes."

Howard: "I see. And we're... we're suggesting that those individuals that are going to be on that committee will use their interpretations to come up with what they think is hateful and what they think is not hateful. That kind of thing?"

Cross: "Well, I think the appointed task force will be able... will collectively work together to try to establish a rating system... "

Howard: "Uh... uh... "

Cross: "... for the web site. You know, to prohibit or at least let parents know what particular web sites... you know, the level of concern, much like we do in the movie world. So, one of the things we talked about was the concern of hateful propaganda showing up on the Internet and that we need to... that may be an example of something that deserves a, you know, different rating than something else."

Howard: "Representative, I can certainly understand how a rating system is going to work when it pertains to movies. That means that a family can... or parent can make a decision to not allow their child to go, to the extent that that's possible. But how are we going to be able to control that when we're talking about the Internet?"

Cross: "Well, I think that's... "

Howard: "Is there going to be some kind of block on the... "

Cross: "Yeah. You asked... "

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Howard: "... is that what you're suggesting?"

Cross: "... a good question, Representative. I think one of the things that... that's one of the topics for the task force to consider. And... as you know, as Chairperson of Computer Technology you'll be on that committee... "

Howard: "Um... huh... "

Cross: "... and... I don't know that anyone's saying we block anything, but... we certainly can... "

Howard: "Well, I guess I'm just trying to get an understanding. I... I'm certainly very, very happy that you are, in fact... you've thought about this, but I guess I've been trying to think about this as well, and have been sort of at a loss as to how this could actually happen. So, if you had some idea that led to your coming up with this... or to the Sponsor coming up with this legislation, I'd like to be able to be clear about it, that's all."

Cross: "Well, Representative, I think... and I tried to cover this in my opening comments... "

Howard: "And I'm sorry that I missed that."

Cross: "Well, I think we all agree that there are examples of whether it's how to build a bomb or how to buy weapons or pornographic material that is inappropriate for children on the Internet. And as much as we'd all like to be there to ... to watch what our kids are doing on the Internet, a rating system would... would give us an indication of what's appropriate and what's not appropriate. And I'm not sure what the task force... how they want to come up... or how they want to establish a rating system, but at least would... the idea is to create an awareness of what's out there and create a rating system so parents can say, 'You know, maybe this is something I do want to block in my own home.' "

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Howard: "Uh... uh... "

Cross: "Cause I... As you know, there are filtering systems out there or blocking systems you can put on your Internet... to put it on your computer at home... for your kids, if you so choose and this may just be something that we do in addition to that."

Howard: "Well, I'm not certain I'm any clearer about how you think this is possible, but I'm certainly looking forward to being a part of that... that task force and I... I certainly commend you for and the Sponsor for this legislation. And I certainly... would... ask all of my colleagues to... to vote 'yes' for it. Thank you."

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

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

Speaker Hartke: "He indicates he will."

McKeon: "Representative Cross, I'm... I'm just trying to figure out how this would operate once these recommendations come up. Is it your intent that a system will be set up and then they'll be some mechanism to rate each and every web site on the Internet, with that system?"

Cross: "Yeah, I... Larry, I think it's a... probably as we sit... stand here, right now, it's unknown what the task force will say. They may come back and say it's logistically impossible to create a... a rating system, but that's why we have a wide variety of people serving on this task force that deal not only with children, but also deal with computers and deal with the criminal justice system. And with all of their input, we'll see if this is something that can work and something that we can implement. I don't know that we have a definitive... I know we don't have a definitive way to do it right now or we wouldn't create

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this task force, but we're going to certainly explore it and see if we can come up with some resolution."

McKeon: "That's... that's my concern. I mean, we've struggled with a rating system for other forms of media throughout the country, not very successfully. Do you have any idea how many web sites there are on the Internet?"

Cross: "I don't know the number off the top of my head. I know... I assume there are... there are quite a bit."

McKeon: "I understand it's in the... somewhere around the 30,000,000 mark. Does that sound re... reasonable?"

Cross: "There may be. I... and I think that's another issue the task force will have to address."

McKeon: "So, they would have to look at maybe some... if they're... if we're actually going to try to implement this some way, to do that I just have this vision of a state bureaucracy that... "

Cross: "Well, I... I'm sure at one point in our society's history there was... there weren't rating systems for movies."

McKeon: "Right."

Cross: "And I suspect there was a little opposition at one point to that and it seems to be that the rating system is a pretty good judge or pretty good tool for parents to say, 'I don't think this is appropriate for my kid or this is appropriate because it's a 'g' or 'pg', whatever the case may be.' So, we need to start somewhere to see if this is something we could do. Larry, we may come back and say because there are 30,000,000 sites this is not something that will work. But without exploring it right, without having the right people on this task force that we think are the appropriate people, we'll never know."

McKeon: "Well, I... I am going to support your Resolution. I just... I think we both agree that the in it... the test of

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any public policy rests in... in its implementation and I think we may be getting into an area that's so overwhelming and massive that... it may be a great idea, but something that may be near impossible to fully implement. Thank you."

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

Davis, M.: "Thank you, Mr. Chairman. I have to say to the Sponsor, I agree with the last speaker that it'll be overwhelming, in reference to the attempt to implement this program. And the question I have to the Sponsor is, once you've per... have the rating, what do you do with the rating? Do you... give it to the schools? What exactly do you do with the ratings once you've developed them?"

Cross: "Representative, I don't know that I have a perfect answer... an answer you're gonna like. I'm not sure. That's really the purpose behind the task force. Maybe you do it through schools. Maybe you do it through the Internet. Maybe you do it through the newspapers. Maybe you do it through, you know, notifying parents. I don't know how you do that, but that's one of the... I suspect will be one of the burning questions for this task force and... we'll see what they have to say."

Davis, M.: "Do... I hope this isn't out of... I hope it isn't a task force who attempts to pass legislation to put those protectors or something on computers where there's public access."

Cross: "Well, Representative, I don't... I don't envision or know at this point what they're going to do, but I... "

Davis, M.: "Okay, I... "

Cross: "... I think, just real quick though, as I said, it'll be Members made up of the... It'll be both chairperson or

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spokesperson for the... both Judiciary and Computer Technology Committees, as well as, four appointments each by both the Speaker and the Minority Leader, as well as, some others. So, obviously, this a timely topic when you think about some of the things that have gone on in our country. You may have an interest in being on the task force."

Davis, M.: "I do have an interest. Will the Secretary of State, since he is the chief librarian for the State of Illinois, will he be a member?"

Cross: "Well, it's not on here. We don't... we haven't outlined it, but the Governor can make two additional appointments and I don't know I... that may be someone we can add. It may be... I think you make a good point. It may be an appropriate person to have."

Davis, M.: "Perhaps these are some issues that could be discussed by a task force and I... I believe they would have to proceed very cautiously in order to have any validity. And I really would like to serve on that committee. I will support your legislation. Thank you."

Cross: "Thank you, Representative."

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

Schoenberg: "Thank you, Mr. Speaker. Question for the Sponsor. Will he yield? Mr. Cross. Mr. Cross. How are movies rated in this country? Who regulates movies?"

Cross: "I don't know."

Schoenberg: "Who rates them?"

Cross: "If... Jeff, if you know... I... I don't know."

Schoenberg: "The answer to that question is the movie industry regulates itself and rates its own content according to standards which are established within the industry. And

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much to its credit, the movie industry has toughened those standards largely as a result of the threat, the impending threat, of excessive government interference and regulation. So, Mr. Cross, I want to... so, I think what you need to be mindful of and what the Members of the Body need to be mindful of is you are drawing the parallels between rating movies and rating web sites, but the... those within the Internet industry, those within information technology, have repeatedly told Congress, have repeatedly told State Legislatures that they feel that when it comes to accessing inappropriate content on the Internet, that they feel that self-regulation is the best route to take, very much the same way that the movie industry is regulating itself. Mr. Cross, I want to next ask you, if the Library Association has taken a position on this Ame... on this Resolution?"

Cross: "I have no idea. Maybe check the library web site, but I don't know."

Schoenberg: "Well, you... you may make light of it except for the fact that earlier we have seen attempts to give criminal penalties to librarians who are not... who are supervising web sites within their local public library, in the event that a juvenile would happen to access inappropriate Internet web content. So, I think it's important to know and I know that you have felt strongly about the issue of... this issue and about setting local standards of censorship for each of Illinois' 102 counties. I think it's important to know how those who are most... who are on the front lines of disseminating information content, how they feel about rating over 30,000,000 Internet sites. You don't have any idea?"

Cross: "I... I don't... Jeff, if you asked a question, I can't..."

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I didn't hear it. I apologize."

Schoenberg: "I'm... well, to cut... to... to make my question shorter, you're saying that you don't know how librarians, who already are the most... our local librarians, who already, whether they're in schools or in our local libraries, they're already the most susceptible to attempts to criminalize them for juveniles accessing inappropriate web content. You don't know whether or not they have a position on this?"

Cross: "Jeff. Jeff. I don't think... I don't think I made it clear enough. I'll certainly try again, for the third or fourth time. This is a task force. This is something we're going to look at. Librarians should be on the task force. I... No one's trying to single out librarians. No one's trying to single out anybody. We have a computer world that's going on right now, that none of us knew would be like it is 10, 20, 30 years ago. It's a problem that we're all struggling with. I think I've been very supportive of protecting free speech as much as... maybe not as much as you, but I certainly have tried and I know the issue you're talking about with local standards and I'm very committed to that. This is simply saying, we're all struggling with what's on the Internet. We're all struggling with what's happened because of computers and if there's a way to address this through a rating system, let's do it. We may find out that it's impossible to do. But when you can find... turn on an Internet and learn how to build a bomb, turn on the Internet and encourage kids to wear black, long jackets to school and have an incident like we had in Colorado or teach 'em how to buy weapons on the Internet, I think it's time we take a look at it. And that's all we're doing right now, is taking a task force

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and saying, 'What can we do about this?' Maybe we can, maybe we can't. It doesn't point anybody out and I want to emphasize that again. No one's... no one... we're not looking at any group or trying to accuse. We're not... we're not creating penalties or anything. And it almost... you're almost suggesting that we are."

Schoenberg: "No. What I'm suggesting is, you, yourself, Mr. Cross, drew the parallels between how the movie industry rates movies and how we, as a government body need to rate... need to rate Internet web content. What I'm telling you is that... that argument is flawed because the movie industry rates itself. And if it weren't for the pressure that, admittedly, if it weren't for the pressure that the movie industry receives from Congress, the movie industry wouldn't be as tough in rating itself. But here, there's a very valid distinction between self-regulation and government regulation. And I'm... while I certainly agree with you, that we want to keep inappropriate web content away from those who are not suited to deal with it, whether it's violent content, whether it's explicit sexual material to me, I think it speaks to a larger issue of government regulation. And I want you to be... and the reason why I'm raising this point is because we all know full well that those who have an ideological agenda in mind, whether it's from one extreme of the ideological spectrum or another, may wish to stack this task force's fu... stack the membership of the task force and have... have the recommendations be such that the end result will be that government will be advi... regulating or weakly attempting to regulate how the World Wide Web... or how the World Wide Web will be governed. Mr. Wirsing, in contrast, came up with a very responsible Bill that had to do with...

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had to do with giving and receiving unsolicited e-mail messages. That's something... an issue that's been thoroughly debated. But, I guess, the point that what I'm saying is that I think you have to be very careful in defining what government's role is going to be as we are in the initial stages of determining how we're going to regulate the Internet. The industry and the majority of Congress, thus far, have indicated that they believe that the Internet is best self-regulated. There's a study that recently came out nationally to that effect and I'd certainly hope that those with an ideological agenda wouldn't be pursuing it to the extreme. Thank you."

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

Cross: "Well, Mr. Speaker, thank you. I don't think I've made it clear enough that this is merely a task force. We're not out pinpointing anybody. We're not looking at librarians to pick on them. We're merely saying we have a problem. Why I think we all agree we do and let's let the task force address it. They may suggest legislation, they may not. When we get to that point, we can certainly debate it on this House Floor, in committees, as well as, in the Senate. I think it's an issue that we can't ignore. It's an issue that we need to take a look at because we struggle with it day to day and I, frankly, think it's gotten a little scary, what we see and hear about on the Internet. So, I would appreciate an 'aye' vote on House Resolution 366."

Speaker Hartke: "The question is, 'Shall the House adopt House Resolution 366?' All those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk. There are still 4 people not

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voting. Mr. Clerk. Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 Members voting 'yes', 8 Members voting 'no' and 1 Member voting 'present'. And the House does adopt House Resolution 366. Mr. Clerk, do you have some announcements? On page 11 of the regular Calendar, appears House Resolution 204. Representative McKeon. Larry McKeon."

McKeon: "Thank you, Speaker. House Resolution 204, emanates out of public hearings before the Human Services Committee, Committee earlier this year... I'm sorry, Human Services Appropriation Committee, about special problems in the Native American, Alaskan American population in the State of Illinois, of which a large percentage of these people are located on the north side of Chicago and in the 34th District, as well as, throughout areas, other areas in Illinois. What the Resolution does, is ask various state departments to jointly work on assessing the special needs of this population, from health care, aging, substance and alcohol abuse, child welfare issues, including foster care and adoption, and report back to the General Assembly by the first of next year. I urge your support and will respond to any questions."

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

Mulligan: "Thank you, Mr. Speaker, I rise in support of this Resolution. During testimony in Human Service Appropriations Committee, the issue of individual, either ethnic or mores, and how you treat certain types of illnesses, or what types of illnesses tend to be in certain populations and how to head them off was brought home to us and particularly, an Indian population that was there to

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 speak about a clinic and how far some people traveled to that clinic from different parts of the state, in order to receive service in a way that would allow either a physician or a psychologist to treat them, in a more knowledgeable way, was really an important issue to those of us that sat there and listened. So, I certainly think this is an excellent Resolution. I put my name to it and I urge an 'aye' vote."

Speaker Hartke: "Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt House Resolution 204?' All of those in favor signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 0 voting 'no', and 1 Member voting 'present'. And the House does adopt House Resolution 204. The Chair recognizes the, the Gentleman from Cook, Representative Acevedo. For what reason do you seek recognition?"

Acevedo: "Mr. Speaker, yesterday we voted on Senate Bill 656. It was brought to my attention, in my absence my button was pressed 'yes'. I'd like the record to reflect that I would have vot... if I was here, I would have voted 'no'.

Speaker Hartke: "The record will so reflect. Mr. Clerk."

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: "The intention of the Chair... we're, we're making good progress this afternoon. The... it's been indicated that the Republicans would like to go to caucus sometime this afternoon, so that will take place. The

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Rules Committee is meeting now and we'll have a committee meeting, yet, this evening. It is the plan to adjourn this evening. So, if you have to check out of your hotels, or whatever, this afternoon, you, you may do so. When we're finished. The Chair recognizes the Gentleman from Cook, Representative Harris."

Harris: "The deadline was twelve o'clock to check out of the hotel, Mr. Speaker."

Speaker Hartke: "Committee Reports."

Clerk Bolin: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following legislative measure/s was/were referred. Action taken on May 27, 1999 reported the same back with the following recommendations, 'direct floor consideration' for Conference Committee Report #1, for House Bill 287."

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

Clerk Bolin: "Supplemental Calendar #3 is being distributed."

Speaker Hartke: "Supplemental Calendar #3, appears House Bill 287. Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 287 represents an agreement that was reached with all the parties involved, amends the Public Utilities Act and really provides that the Commerce Commission shall investigate the necessity of and establish a Universal Service Support Fund from which small telephone companies can be able to access to hold down the costs of local service. This is a very important Bill and one was negotiated earlier on, there was some controversy, but it... this represents a compromise that involves every major telephone company in the state, including GTE, Ameritech, AT&T, World Com, and the Illinois Independent Telephone Association. At this point, there's no

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opposition to this language."

Speaker Hartke: "Is there any discussion? Being none, the question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 287?' This is final action. All those in favor will signify by voting 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no', and 0 voting 'present'. And the House does adopt the First Conference Committee Report on House Bill 287. And this Bill having received a Constitutional Majority is hereby declared passed. Would Mr. Turner come to the podium? For what reason does the Lady from Cook, Representative Crotty, seek recognition?"

Crotty: "Thank you, Mr. Speaker. If the Ladies and Gentlemen of the House would, along with me, welcome the students and their parents and teachers from Palos West School, that are up in the gallery, with a round of applause, I'd appreciate that. Welcome to Springfield."

Speaker Hartke: "Welcome to your state capitol. The Chair recognizes the Gentleman from Vermilion, Representative Black. For what reason do you seek recognition?"

Black: "Yes. Thank you very much, Mr. Speaker. A point of personal privilege."

Speaker Hartke: "State your point."

Black: "I noticed we had some school groups in the gallery and Representative Cross has been on the phone. I just assumed that they were from Representative Cross' district and he might want to introduce them."

Speaker Hartke: "Representative Cross."

Cross: "I think these are Representative... kids are from

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Representative Winters class. I know, Representative, they're real close to Kendall County, but may be we better let Representative Winters say..."

Speaker Hartke: "The Chair recognizes Representative Winters."

Winters: "I'm sorry to disappoint Representative Cross, but in fact we have 30 eighth graders graduating from the Shirland School District in Winnebago County, up in the gallery. I'd like a good Springfield welcome for them. Stand up and wave."

Speaker Hartke: "Welcome to Springfield. Representative Black."

Black: "Yes. Mr. Speaker. A point of... yes. Inquiry of the Chair."

Speaker Hartke: "Yes."

Black: "I just wondered if we were going to conclude our business, so that the students could get back in time to graduate? At, at the, at the pace that we're moving, they might be graduating from high school before we adjourn. Could you give us some direction, oh great one? We know you know. You just aren't sharing it with us."

Speaker Hartke: "Yes. Yes, I could, but I won't."

Black: "Well, Mr. Speaker, I may have to make the Motion shortly, that's always in order. And I know that I've got, at least, 55 votes already."

Speaker Hartke: "I would not recognize you for that Motion. Representative Harris, for what reason do you seek recognition?"

Harris: "I just want to voice Representative Black's sentiments. I feel the same way. As a matter of fact, I had received a note from upstairs that they were getting a little impatient, because they wanted us to get on with the business of the, of the, of the House."

Speaker Hartke: "We are doing the business of the House right

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now. I'm sure you're all aware... I'm sure you're all aware that we're waiting for a couple of Conference Committee Reports to be signed and when that is accomplished and they're filed we will be proceeding with our work to finish today. Representative Woolard, for what reason do you seek recognition?"

Woolard: "Mr. Chairman (sic-Mr. Speaker), I was wondering exactly what the note said that Representative Harris received from upstairs. I don't, I don't think he was very explicit in what that note said."

Speaker Hartke: "Mr. Harris, will you share that note with Representative?"

Harris: "It said for me to come upstairs and bring you along with me."

Woolard: "She'd been after me for a long time."

Speaker Hartke: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Representative Jones has been seated in his chair, you know, he has that Resolution that passed out of the House's Agriculture and Conservation Committee and he's been waiting to call House Resolution 87 and he's... I think you said that you would get back to him and he, he's still, still been waiting."

Speaker Hartke: "Mr. Lawfer, did I say when I would get back to him?"

Lawfer: "No, but Representative Jones would like to know when."

Speaker Hartke: "In due time."

Lawfer: "Thank you. I'll relay that to Representative Jones."

Speaker Hartke: "The House shall come back to order. Mr. Clerk, what is the status of Senate Bill 26?"

Clerk Bolin: "Senate Bill 26. The Bill has been read a second time, previously and was held on the Order of Second Reading, pending the filing of several notes. Those notes

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have now been filed."

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

Clerk Bolin: "Senate Bill 26. A Bill for an Act regarding property, which may be referred to as the Property Owner's Protection Amendments of 1999. Third Reading of this Senate Bill."

Speaker Hartke: "Representative O'Brien."

O'Brien: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I think just about everybody here is well aware of what Senate Bill 26 as amended by House Amendment #2 does. And what it does is in the Will County Forest Preserve District and in any counties that would enact a forest preserve district after July 1, 1999, that for an owner-occupied residence or an owner-operated farm, that a forest preserve district could not use its powers of eminent domain, unless the seller of either of those two types of property was a willing seller. That is the... that's what the Amendment does and I would ask for an 'aye' vote. Happy to answer any questions."

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

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

Speaker Hartke: "She indicates she will."

Parke: "Representative, didn't you present something similar to this yesterday?"

O'Brien: "The, the Amendment was adopted yesterday."

Parke: "And was'nt, was'nt it pretty controversial, because you have eminent domain in the Bill now, as presented?"

O'Brien: "Eminent... the powers of eminent domain have been removed for this forest preserve district and new forest preserve districts, unless the seller is willing."

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Parke: "But there is eminent domain though, in this Bill, still. That doesn't just apply... just doesn't apply to that one specific area."

O'Brien: "Everything else in that Bill has been deleted."

Parke: "And what does it do now? Just tell me what exactly does this do, as presented?"

O'Brien: "In a, in a county with a county executive form of government, a forest preserve district within such a county, or a forest preserve district that would be created after July 1 of 1999, cannot use its power of eminent domain against an owner-occupied residence or an owner-operated farm for recreational purposes, unless the seller is willing. That's all it does."

Parke: "Now, was this Amen... was this Bill... you've changed it. Was it, was it presented at a committee hearing?"

O'Brien: "Yes, it was."

Parke: "And did anybody speak against it as you've amended it out, and cleared it up? Was anybody, is anybody opposed to it now?"

O'Brien: "There were, there were no slips filed in that committee regarding Amendment #2."

Parke: "Do you think, as it's presented now to the Body, that the home builders or the real estate community would be opposed to it?"

O'Brien: "Both of those groups have indicated to me support for the, for the Amendment, because as you know, both groups opposed the power of eminent domain for those purposes."

Parke: "So, as presented, you know of no known opposition?"

O'Brien: "Well, the Will County Forest Preserve District would be opposed."

Parke: "They will be opposed and that's it?"

O'Brien: "Yes. Yes."

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Parke: "And you're doing it for a group of homeowners in your area?"

O'Brien: "Homeowners and farm owners in my district."

Parke: "Just a minute. One moment, please. Do you believe that this is a major compromise on your part?"

O'Brien: "Yes."

Parke: "Are you ultimately able to do what you wanted to do originally or is this considerably watered down and it only handles part of what you wanted to do?"

O'Brien: "No. This is what I wanted to do."

Parke: "Okay. I will think about this. Thank you, Representative."

O'Brien: "Thank you, Representative Parke."

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

Hassert: "Will the Sponsor yield?"

Speaker Hartke: "She indicates she will."

Hassert: "Representative, well, Senator Petka is the Sponsor of the Senate Bill 26 over in the Senate. Will he accept your Amendment? Have you talked to him?"

O'Brien: "He hasn't indicated to me whether he will or he won't. When I spoke to him, when I asked to become the lead Sponsor of this Bill, he asked that I speak to Representative Tom Johnson, which I did. I took the Bill and I haven't heard anything from him since then."

Hassert: "So, you don't know if he's in support, because you, basically, gutted his underlying Bill, right?"

O'Brien: "Correct."

Hassert: "So, you're not sure if we're going to do this and he's not going to concur with this."

O'Brien: "I, I know that his underlying Bill took away the power of eminent domain, basically, for every type of taxing

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district and unit of government. So, certainly, this would be something that would have been incorporated into his Bill."

Hassert: "Well, we're getting kind of late in the day, so he would have to, probably, this would have to move back to have any effect. You're not concerned about him putting this back into some kind of Conference Committee Report and adding language to address some of his concerns that he put in the underlying Bill, since you pretty much gutted it?"

O'Brien: "I will talk with him, regarding those issues, but I understand that the entirety of his Bill was tremendously controversial. There were parts of it that I did not agree with. But I would certainly, would not rule out speaking with Senator Petka and... and hearing his concerns and listening to them."

Hassert: "Okay to... basically to the Bill then. Do you... have you, obviously Will County Forest Preserve's adamantly opposed this. Is that, is that your understanding?"

O'Brien: "They haven't contacted me, but I'd be willing to bet that they are."

Hassert: "You did not talk to their representative when they were down in Springfield here, a couple, three weeks ago?"

O'Brien: "That was prior to adding House Amendment #2 and this House Amendment #2 was drafted after my discussion with them, because the Will County Forest Preserve, Mike Pestaras who is the director, indicated to me that the Will County Forest Preserve would not take someone's property or their farm without them being a willing seller, but he indicated that sometimes a willing seller wants to have, wants to utilize the tool of eminent domain to set a price and to allow them to have a capitol gains benefit when they file their tax return, and that's why I created House

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Amendment #2. My belief is that I am codifying their practice."

Hassert: "So, in, what the director of the Will County Forest Preserve did to you, in a sense, that, what he told you is that your Bill's really not necessary, because they're not planning on taking anybody's home without them being willing sellers. Is that correct?"

O'Brien: "Mike Pestaras has said that, but there's no guarantee he's always going to be the director, and he could not guarantee to me that they would never do it, because he couldn't guarantee that he would always be the director of the Will County Forest Preserve District."

Hassert: "So, you don't see no problem even though a referendum, a Front Door Referendum was passed, at the requests of the taxpayers to develop open space, that this kind of flies right in the face of that and going against what the will of the people were?"

O'Brien: "I don't think that it goes against the will of the people. The referendum lang..."

Hassert: "Then, could you tell me why we don't do this for the whole state, then?"

O'Brien: "Well, I'd be certainly be willing to consider working on that. I'd work with anybody on it."

Hassert: "So, realistically why we're not doing it, because you know your Amendment would then go down if we tried to impose this on every forest preserve, every other entity within this state. I mean that's realistically. So, this is just a special legislation for Will County to deal with a few minor problems that you were already were told that were going to be handled in the right way from the county. I... I... just to the Bill. This is, I'm sure you have the votes to get it out of here, and if this does receive

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the... requisite amount of votes I require verification. This is just a bad precedent to set. This is special legislation in itself to, basically, take away the powers of a forest preserve, only one within the state, no others, at this present time. And it's drafted so narrowly just to get even with a small amount of people that, basically, takes their right away from a Front Door Referendum. So, I urge a 'no' vote. Thank you."

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

Black: "Thank you very much, Mr. Speaker. I'm just so excited that we're finally doing something after being at ease for two hours, that I thought that perhaps the Sponsor might yield for a question."

Speaker Hartke: "She will yield."

Black: "Yes. Representative, is the County of Will the only county in Illinois, currently, that utilizes the county executive form of government?"

O'Brien: "Yes, they are, to my knowledge."

Black: "I've looked at your Amendment very carefully. It's drafted in such a way and I'll defer to your legal expertise. It's drafted in such a way that it is very, very prospective in nature, I believe, in that any county that in the future that would adopt a county executive form of government, would be covered under your Amendment and any forest preserve district created after the effective date, would also then be covered under your Bill. Is that your intent, to be that prospective, that forward thinking?"

O'Brien: "Yes. And I'll tell you why that is, because, as you know, as being a Legislator from downstate, counties that don't have forest preserves right now are downstate

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counties and the reason they don't have forest preserves is because of their powers of eminent domain. You go down into places like Grundy County and down into Livingston County and some other counties and you tell these farmers, 'we want to create a forest preserve district', you know what's going to happen. Those farmers will say, 'you're not going to take my land without my permission.' That is a... the power of eminent domain is a very, very serious power that should not be taken lightly and I understand the concerns of wanting open space, but when they're balanced against someone's livelihood and someone's home for recreational purposes, I think we need to be very, very careful. And I think that by making this language prospective, that we may actually encourage the formation of forest preserve districts in downstate. If the people that live there and make their livelihood on the acreage in those counties feel comfortable, that if they do not want to sell, they will not be forced to sell, they may be willing to entertain having a forest preserve district created within their county. And, and as you know, the Governor's Open Space Bill was hotly contested and debated, because it initially contained provisions for eminent domain and those were removed. So, we're saying that the State of Illinois cannot take property for open space, by using eminent domain, but a forest preserve district can. We also said that townships could not use the power of eminent domain for open space. That Bill passed out of here with 102 votes, just two days ago, but we're saying that a forest preserve district can, can take your home, can take the farm that I know some of those people have farmed for six and seven generations. So, what we're saying now is, 'it's all right for a forest preserve

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district, but it's not all right for the state.' We just said it's not all right for a township and I think that we ought to be protective and prospective and say, 'no, that it's not all right in these circumstances either.'"

Black: "Representative, are you feeling all right?"

O'Brien: "Actually, I, I've been sick pretty much all week and today my voice has just let loose."

Black: "Because I... I... I could sense that there's something wrong with your, your voice."

O'Brien: "Well, I think it's debating this Bill. How many times, colleagues... four, five, six this week."

Black: "Well, if you would, if... I'm, I'm concerned about your health Mary Kay You and I almost have neighboring districts and I really think that you need to go rest and perhaps you could take the Bill out of the record and call it tomorrow. Would you be..."

O'Brien: "No. I think I'm ready to proceed."

Black: "All right. Well, I do have some sore throat lozenges in my desk. I have one left, if it would help. It is a, well, I don't want to give the brand name. I don't want to be shilling for somebody. But it's a... well, I'm sorry I ordered this through a mail-order pharmacy and I think we made that illegal last night, didn't we? So I... well, there we go. Representative, by its very name, and semantics is all, we can often confuse semantics in the state. Does a forest preserve district have to have a forest in it?"

O'Brien: "I don't believe... Well, if they do, then I think there are a lot of lands and forest preserve districts that may not have, be following the law."

Black: "So, in other words, in Will County can you see the forest for the trees? Because you're talking about taking

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farmland and most farmland don't, you know, is not forest land."

O'Brien: "Right."

Black: "So, maybe we should clean up and strengthen the existing definitional terms under the Forest Preserve Act. Sounds to me like they're taking land under false pretenses."

O'Brien: "Well, I'd certainly be happy to take a look at that with you."

Black: "Yes. As you can tell, Representative, I'm... I've really run out of any meaningful questions, if any of these have been. I'm stalling and waiting for a phone call. So, Mr. Speaker, do you have the timer on?"

Speaker Hartke: "No. That's why you're still standing."

Black: "Now you tell me. Let's see. Maybe we should go over plowed ground, no pun intended. This only impacts Will County, the County of Will."

O'Brien: "Currently, it would only affect them and anywhere... one would be created or where they would impose a county executive form of government."

Black: "Will Will County be negatively impacted by your Bill or does, has the county of Will taken any official position on the Bill?"

O'Brien: "I have not heard from our county executive, who is Charles Edelman with his position on this legislation."

Black: "Do you, do you personally reside in the, the boundaries of Will County?"

O'Brien: "No, I don't. I live about a mile and a half away from this property."

Black: "That would be in the community of Coal City, as I recall. Correct?"

O'Brien: "Correct."

Black: "And, and do you farm in that area?"

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O'Brien: "My family farms in Essex Township and in Norton Township and in, and those are in Kankakee County and Essex Township is the neighboring township to Reed Township in Will."

Black: "Is that why... Yes. Is that why you were able to defeat Representative Novak last year at one of the county fairs in the milk, goat milking contest?"

O'Brien: "Representative Novak wouldn't even sign up for the contest. I think he was a little afraid of my expertise."

Black: "Oh. Mr. Speaker. Mr. Speaker, a point of personal privilege on behalf of... we'll come back to this questioning. I know you're hanging on every word."

Speaker Hartke: "State, state your point."

Black: "A point of personal privilege, on behalf of Representative Maggie Crotty, we want to welcome the people from Palos West School, up there in the balcony, wearing those... Wave to them and say, 'welcome to Springfield.' Love your T-shirts. Oh, their T-shirts even say 'Springfield '99', courtesy of Representative Crotty. Can we give T-shirts to people? Is that not covered under the Gift Act?"

Speaker Hartke: "Nominal value. The timer is on."

Black: "Representative Crotty just corrected me. Mr. Speaker, I apologize to you and the Body. I just introduced a school group while we were on Third Reading."

Speaker Hartke: "You're in violation. You should not be doing that."

Black: "That's it. I apologize to the Body. I think I have been snookered, Mr. Speaker, and therefore I'm going to sit down, because I don't think Representative O'Brien, in all due respect to her legal, oratorical, and debating skills, should be debating this Bill much longer. But it's our

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intent that she bate it... debate it long enough until she can't speak at all."

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

Cowlshaw: "Thank you, Mr. Speaker. To the Bill. I think that the merit or demerit of this proposal, as it now stands, is irrelevant to the most fundamental question. And that question is, 'When a Senator sends us a Bill or one of us sends a Bill to the Senate, is there not some responsibility for respectfully treating the work of the person from the other chamber. I can remember a time, not even very long ago, when I and no one else in this House would take a Bill sent here from the Senate and the same customs prevailed in the Senate and do anything to it without first consulting the Sponsor, the original Sponsor of the original Bill in the chamber of origin. And only if we had that individual's agreement would we do anything to change that legislation. There has always been this sort of respect for the initiatives of sponsorship, just as often there is with authorship and other kinds of creative activities. But to do something to someone else's legislation without even consulting them, let alone having their approval, it seems to me is really not a very good practice."

O'Brien: "I did con... "

Cowlshaw: "In the long run, it may very well not even be a very good practice for the individual involved, since those kinds of activities generally invite something commonly called retribution. Consequently, I... you know, I would think that there is a real danger that if you do something like this the next thing you know that every Bill you send to the Senate they do the same thing to every one of your

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Bills that you did to one of theirs. Now, I am certainly not implying the Senate would ever be guilty of a thing like that, wy of course not, Mr. Speaker. But my point is, that many times with our newer Members, there are not necessarily high degrees of knowledge about the traditions that have prevailed here. I just thought I'd mention that tradition. Because, I think, that tradition is far more important than whether this Bill passes or whether it doesn't. I also understand that there have been great misuses of the right of eminent domain. None of us condone misuse of the right of eminent domain anymore than we condone the misuse of a Bill of which we were not the original Sponsor. Thank you, Mr. Speaker."

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

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Referring to the comments of the previous speaker, let me just say, that in my opinion, no one should be lecturing any other Member on this floor about how to conduct their business. Representative O'Brien has a Bill. It's here on Third Reading. She's entitled to present it. And no Member of this Body should be in a position to lecture anybody as to how to do their business on this floor. So, if you're for Representative O'Brien's Bill, vote for it. If you're not for her Bill, don't vote for it, but don't lecture her about how to do the business that her constituents elected her to come here to do."

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

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

Speaker Hartke: "Yes, she will."

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Mulligan: "Back... back to the Bill. Representative O'Brien, I have a note in my computer that Cook County West Central Municipal Conference opposes this Bill and in looking at it, I'm having a problem understanding why. So, I'm wondering what was here before or what their reason might be except that the person that's the president of their municipal conference this year is also a Cook County Commissioner."

O'Brien: "Senate Bill 26, as originally drafted, basically eliminated eminent domain for any purpose, for any taxing authority, for any unit of government. So, virtually every person... every elected official... every governmental agent almost unanimously opposed the Bill, as drafted. When it came here, it was put into a committee where it was not going to be called... not even going to be assigned to a subcommittee. I spoke with the Senate Sponsor and told him what my plans were for the Bill. I consulted him. I consulted Representative Tom Johnson regarding it. And I went forward with my Amendment that now has no impact on the County of Cook, whatsoever."

Mulligan: "All right, thank you. I just wanted to know why I had that in there."

O'Brien: "Thank you."

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

Biggins: "Thank you, Mr. Speaker. Would the Sponsor yield to a question?"

Speaker Hartke: "She indicates she will."

Biggins: "Just learning that the West Central Municipal Conference is opposing this Bill. I don't have a listing of the proponents or opponents of the Bill. Would you have a listing of the other opponents?"

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O'Brien: "I don't... There were no slips filed opposed or proposed to House Amendment #2 which becomes the Bill."

Biggins: "Well, if the West Central Municipal Conference of Cook County is opposing and that's in... happens to be my district. That would probably mean the Northwest District is, probably the South District is."

O'Brien: "I can only... "

Biggins: "Well, I hope everybody's careful, that's all. Thank you for answering the question."

O'Brien: "I can only tell you that they may have been opposed to the original Bill, but no slips were filed to House Amendment #2 which becomes the Bill."

Speaker Hartke: "No one seeking verifica... Well, wait a minute. Representative Johnson. Tom Johnson."

Johnson, Tom: "Yes, will the Sponsor yield?"

O'Brien: "Yes."

Speaker Hartke: "She indicates she will."

Johnson, Tom: "You know, for clarification, Ed Petka carried this thing over in the Senate. It was his idea. And I think it's been a little misrepresented in terms of what the underlying Bill would have done. It would not have just prohibited all condemnation, but it would have certainly have limited condemnation powers so that an entity that condemned property would subsequently have to use the property first, for the public purpose for which it was taken and secondly, if it wasn't gonna use it for that, it would have to give rights of first refusal back to the owner who purchased it. And I think that what Senator Petka was trying to do across the board was to take care of an awful lot of abuses that we've seen in the use of condemnation powers by many different units of... government. When it came over here, I agreed to pick that

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Bill up. At that time I took it, I was told there was no way that that Bill was even gonna get out of committee. Due to the City of Chicago, I guess they like to condemn properties and use it for purposes other than that which they're taking it for. And subsequently, I told Representative O'Brien she had this desire to put at least an Amendment on in a more limited fashion and that's where the Bill is today. I do not agree. I will not vote for this Bill. Again, because it only pertains to one county. I believe that the underlying Bill, that Senator Petka introduced in the Senate and passed over here, was really the proper way to go and it's one that we all ought to be looking at seriously in the future if we really want to stem the abuses that Representative O'Brien is trying to get rid of, I guess, in her own area. Thank you."

Speaker Hartke: "Mr. Clerk, an announcement."

Clerk Rossi: "The Rules Committee is meeting in the Speaker's Conference Room. The Rules Committee is meeting in the Speaker's Conference Room."

Speaker Hartke: "Seeing that nobody is seeking recognition, Representative O'Brien to close."

O'Brien: "I just would urge my colleagues to think very strongly about this. And I urge an 'aye' vote. Thank you."

Speaker Hartke: "The question is, 'Shall the House pass Senate Bill 26?' This is final action. All those who are in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Please vote your own switches. A verification has been requested. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 61 Members voting 'yes', 53 Members voting 'no', and 1 Member voting 'present'. And a verification has been requested by Mr.

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Hassert. Mr. Clerk, read the Roll of the Affirmative."

Clerk Rossi: "Poll of those voting in the affirmative:
Representatives Acevedo. Boland. Bradley. Brosnahan.
Brunsvold. Bugielski. Burke. Currie. Curry. Dart.
Davis, S. Davis, M. Delgado. Durkin. Erwin.
Feigenholtz. Flowers. Fowler. Franks. Fritchey.
Garrett. Gash. Giglio. Giles. Granberg. Hamos.
Hannig. Harris. Hartke. Hoffman. Holbrook. Howard.
Jones, L. Jones, S. Kenner. Lang. Lopez. Lyons, J.
Mautino. McAuliffe. McCarthy. McGuire. McKeon. Morrow.
Murphy, H. Novak. O'Brien. Reitz. Ronen. Saviano.
Schoenberg. Scott. Scully. Sharp. Silva. Smith.
Stroger. Turner, A. Woolard. Younge and Mr. Speaker."

Speaker Hartke: "Representative Hassert, do you have questions of
the affirmative roll?"

Hassert: "Yes. Thank you, Mr. Speaker. Representative Kerner?"

Speaker Hartke: "Representative... John Turner... "

Hassert: "No, I'm sorry. Representative Kerner? Kenner, I'm
sorry."

Speaker Hartke: "Kenner."

Hassert: "Excuse me."

Speaker Hartke: "Howard Kenner is in his seat."

Hassert: "Representative Giles?"

Speaker Hartke: "Representative Giles is... right there in the
yellow shirt."

Hassert: "Representative Art Turner?"

Speaker Hartke: "Representative Art Turner is in Rules Committee.

Mr. Brunsvold asked verification, granted..."

Hassert: "Representative Brosnahan?"

Speaker Hartke: "Representative Brosnahan is in his seat."

Hassert: "Representative Granberg?"

Speaker Hartke: "He's at the rear of the chamber."

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Hassert: "Representative Reitz?"

Speaker Hartke: "Representative Reitz in the rear of the... center aisle."

Hassert: "No further."

Speaker Hartke: "This Bill having received 61 'yes', 53 'no' and 1 Member voting 'present'. And this Bill... On this question, there are 61 Members voting 'yes', 53 Members voting 'no', 1 Member voting 'present'. And Senate Bill 26 having received a Constitutional Majority is hereby declared passed. Mr. Clerk, Committee Report."

Clerk Rossi: "Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 27, 1999, reported the same back with the following recommendation/s: 'to the floor for consideration' Senate Bill... Conference Committee Report #1 to Senate Bill 441, Conference Committee Report #1 to Senate Bill 629, Conference Committee Report #1 to Senate Bill 630 and Amendment #1 to House Bill 2845. A Motion to Concur."

Speaker Hartke: "Mr. Clerk, for an announcement."

Clerk Rossi: "Attention Members. The Appropriations General Services Committee will meet in Room 114 at 4:20. The Appropriations General Services Committee will meet in Room 114 at 4:20."

Speaker Hartke: "The Chair recognizes the Caucus Leader of the Republican Party, Representative Lindner."

Lindner: "Thank you, Mr. Speaker. The Republicans request an immediate caucus in Room 114."

Speaker Hartke: "Excuse me, that's 118."

Lindner: "I'm sorry, 118."

Speaker Hartke: "The Republicans will be meeting in caucus in Room 118. At 4:20 the Appropriations General Services

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Committee will be meeting. And at 4:45 the House will return back into Session. The House will stand at ease until 4:45."

Clerk Rossi: "Attention Members. The House will convene in 5 minutes."

Speaker Hartke: "The House shall come to order. Committee Reports."

Clerk Rossi: "Committee Reports. Representative Schoenberg, Chairperson from the Committee on Appropriations General Services and Government Oversight, to which the following measure/s was/were referred, action taken on May 27, 1999, reported the same back with the following recommendation/s: 'be adopted' Conference Committee Report #1 to Senate Bill 1080, Conference Committee Report #1 to Senate Bill 1203, Conference Committee Report #1 to Senate Bill 2518 and Conference Committee Report #1 to 2793... Supplemental Calendar #5 is being distributed."

Speaker Hartke: "For what reason does the Gentleman from Cook, Representative Harris, seek recognition?"

Harris: "Mr. Speaker. I would like to know whether or not Senate Joint Resolution 40 will be called today."

Speaker Hartke: "We'll check into that and be back with you."

Harris: "Thank you very much."

Speaker Hartke: "On Supplemental Calendar #4, appears Senate Bill 630. Representative Hannig. Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is one of two Bills that we'll be voting on that will contain the state budget. This proposal will have everything in the budget except for the education pieces. And just let me say at the outset that I want to thank Representative Ryder and the chairman and spokesman of the Appropriation Committees, as well as the Members who have

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worked so very hard along with the staff on both sides of the aisle to bring us to this point in the debate. This is, indeed, a \$41,000,000,000 budget in total. And some of the highlights of this Bill, in the Department of Agriculture there will be funding for the new Aqua Culture Program that we passed this year and is on the Governor's Desk, CFAR will receive the full \$15,000,000 worth of funding that they requested from the Governor to be distributed amongst the universities in the State of Illinois. There's a \$40,000,000 line in this budget to be the first of four... the first of four for a hundred and sixty million dollar open lands trust initiatives to acquire open spaces of natural lands in the State of Illinois. The Illinois River Initiative Program will provide a total of \$10,000,000 for incentive programs to provide land owners with mechanisms to deal with environmentally sensitive acres in the Illinois River watershed. The Department of Children and Family Services will have an increase in the Children's Advocacy Centers. There's an additional \$500,000 over FY99 to treat victims of sexual abuse. The Illinois State Police will put about a hundred new people on... on the road on our behalf and they will have 300 new police cars to work with. The Capital Development Board will include money for some much needed space at our state prisons at Stateville, at Lawrence County and Thompson Correctional Centers. There's also money in the CDB budget for school construction projects. There's \$9,000,000 in that budget for compliance for the Americans With Disabilities Act, 10.5 million dollars for different environmental projects like the underground and above ground fuel tanks program. A million dollars in the Department of Public Health, the childhood

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immunization program is one of the highlights of this budget as well, as well as a hundred... excuse me, a million dollars GRF for the Women's Health promotion, 1.7 million goes to Chicago Public Libraries to ensure that they have adequate monies to continue running their system, \$250,000 for the Penny Severns Scholarship Fund is included in this budget to honor someone who served in this Assembly with all of us. The Department of Corrections will add 60 new parole agents and 3,338 new prison beds in FY99 and FY2000. The Department of Transportation needs are in this budget; 434.5 million dollar increase over last year and it also has the Illinois First 10.5 billion dollar five year highway program, as well, 2.4 million in the EPA for Brownfield Real Development grants... Redevelopment Grant Programs, 1.4 million dollars above and beyond last year. In the Department for Correc... for Conservation 2000 Funds, 10.3 million dollars of additional state and 51.5 million dollars in additional federal monies are included for the Drinking Water Revolving Loan Fund, 300,000 in CMS for the Commission on the Status of Women. The Department of Commerce and Community Affairs has 40.9 million dollars for tourism and film, 24.2 million dollars for the Industrial Training Program and 6.2 million in new money for the technology programs. In the Department of Aging, we have 7.3 million dollars budgeted in new money to increase... to provide for a wage increase to homemakers under the Community Care Program. This wage rate paid to providers will increase to \$10.30 per hour... the current rate is \$9 and 55%. There's an additional 6.3 million dollars of GRF in the Elder Abuse and Neglect Program. And there's a cost of living adjustment of \$3,000,000 in the Department of Aging, as well. The amount of the Department

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of Human Service cost of living adjustment is over 30,000,000. The budget addresses the concerns of the disa... Disability Community Centers for Independent Living. And the Governor's introduced levels are in the program, as well. And I might say that the Bill provides that the Illinois... So... so and there's money in the Department of Public Aid for additional spending for the... for the Hospital Outpatient Reform Program. These are some of the highlights that are in this part of the budget. I'd move for its adoption and be happy to answer any questions."

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

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

Speaker Hartke: "He indicates he will."

Novak: "Representative Hannig, you pointed out some of the highlights. Are there any... are there any lowlights?"

Hannig: "I suppose that's a matter of opinion, Representative."

Novak: "Well, could you... within the context of the Illinois First Program, could you give us an idea... is there... are there... are there any resources in this budget that deals with the Illinois First? Are they specified lump sums or what? There's... "

Hannig: "Well, Representative when we... when we passed the Illinois First Program, when we passed the revenue streams and then later when we pass a bond Bill, those monies will be in this budget in the area of \$4,000,000,000 in additional transportation spending, now this is over the five years of the Illinois First. The \$4,000,000,000 is in... from Illinois First will go towards mass transit. Two billion dollars is authorized under Illinois First for school construction along with the Brownfield and the

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drinking water and the sewer... revolving loan programs.

Parts of those Illinois First will be in this budget here."

Novak: "So, are they lump sum, then? Is that it?"

Hannig: "I'm sorry... "

Novak: "Are they lump sum amounts?"

Hannig: "Yes, that's correct."

Novak: "Okay. All right. Thank you."

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

Hannig: "Well, thank you. Thank you, Mr. Speaker and Members of the House. This is the first and actually, the biggest part of the state budget that we'll vote on tonight. Again, I'd like to thank everyone who participated in the process. Thank Governor Ryan for helping... move the state forward. I think he has a very strong vision of the future and I'd ask for a 'yes' vote."

Speaker Hartke: "The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 630?' This is final action. All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 Members voting 'yes', 1 person voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Harris, for what reason do you seek recognition?"

Harris: "I would like a 'yes' on that."

Speaker Hartke: "The record will so reflect. Mr. Clerk, for an announcement."

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

Speaker Hartke: "Supplemental Calendar #5, appears Senate Bill

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1080. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 1080 is the Budget Implementation Act. It features the following provision: it convert... it converts the permanent status existing job training in economic development demonstration grant program, it expands the job training economic development grant program to include private agencies, educational institutions and nonprofits. It adds appropriations from the fund for Illinois future, the Capital Development Fund, the GRFs financial resources available for the job training and economic development grant program, creates a new federal work force development fund in the state treasury to be administered by the Department of Commerce and Community Affairs. It also creates a new Energy Assistance Contribution Fund in the state treasury. It amends the Build Illinois Act. It adds the new fund for Illinois Future to the sources of loans or grants by the Department of Coma... Commerce and Community Affairs that finance local governments in providing or improving local infrastructure. And requires deposits into the Large Business Attraction Fund rather than the General Revenue Fund of all receipts, royalties, or other payments paid to DCCA under various business loans and all proceeds of assets received as a result of defaults or delinquencies. Be happy to answer any questions."

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

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

Speaker Hartke: "The Gentleman will yield."

Slone: "This is the same discussion, essentially, that we had in committee. Do we know, now, how much... money will be

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diverted from the General Revenue Fund to this Large Business Attraction Fund?"

Schoenberg: "It's 25,000,000 and it does not represent a diversion. It's earmarked specifically for the large business program."

Slone: "Thank you."

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

Ryder: "Thank you, Mr. Speaker. Just to clarify. This is one of three Bills called a Budget Implementation Bill which is necessary to make substantive change in the law to implement the budget that, part of which we've just passed, another part we'll be passing in a few moments. That's the purpose of this and... two more Bills that we'll be considering. I stand in strong support of the Gentleman's Conference Committee Report Motion."

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

Novak: "Yes, Mr. Speaker. The Sponsor yield?"

Speaker Hartke: "He indicates he will."

Novak: "Representative Schoenberg, could you explain to me what this new Energy Assistance Contribution Fund is and where are these revenues are coming from?"

Schoenberg: "These a... Mr. Novak, these are captured federal funds and the purpose is for this energy... "

Novak: "These are what funds, Sir?"

Schoenberg: "Federal funds."

Novak: "Federal funds. Okay."

Schoenberg: "And the... and the purposes for which these funds are dispersed include assisting eligible households, businesses, educational institutions, hospitals, industries, health care facilities and nonprofits in

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obtaining and maintaining efficient and reliable energy related services."

Novak: "When you say they're federal... federal funds, are they from the Department of Energy?"

Schoenberg: "I'm sorry. Could you repeat the question, please?"

Novak: "When you indicated they're federal funds, that would... will they be coming from the Department of Energy, U.S. Department of Energy?"

Schoenberg: "Sir, they co... they actually come... they're sort... the origin of these federal funds is from the Department of Health and U.S... the U.S. Department of Health and Human Services. I, also, wish to point out that the funds that included within this Energy Assistance Contribution Fund, will be those additional funds that are captured as a result of the earlier changes in the law from common law related to your cogeneration legislation."

Novak: "Okay, thanks."

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

Schoenberg: "I urge an 'aye' vote for the Conference Committee Report to Senate Bill 1080."

Speaker Hartke: "The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 1080?' This is final action. All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #5 appears Senate Bill 1203. Representative Currie."

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Currie: "Thank you, Speaker, Members of the House. The Conference Committee Report on Senate Bill 1203 enables us to spend all the revenues we voted on a week and a half ago. This... this Bill increases the amount of general obligation bonds by... about 5.2 billion dollars, 900,000,000 for capital facilities that would include education, corrections, open spaces and so forth. Transportation bonding authority is increased by 2.828 billion. The school construction program increases bonding authority by 1.02 billion. And we will also increase bonding for waste and sewage works and the bonding authority increases by 500,000,000 for refunding purposes. In addition, the Build Illinois Bond Act is also increased by approximately 744,000,000. There are several other items in the Bill, for example, a prohibition on members of the Governor's task force that created Illinois First and the entities they own from receiving any legal banking or consulting fees. I'd be happy to answer your questions. And I am sure you'll want to support this bonding program for Illinois First and for our citizens."

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

Ryder: "Thank you, Mr. Speaker. Given the commotion on the floor, I think I misunderstood the explanation. This Bill does not authorize any spending, but it does authorize the state to borrow the funds as described by the Sponsor of the Bill. This is the bonding authorization which does increase the bonding limits of the state as previously established. In order for us to then have the funds to expend as the budgets will do, it is necessary to adopt this Bill... or Conference Committee Report by the required Three-Fifths Motion. Thank you very much. I do stand in

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strong support of the Lady's Motion."

Speaker Hartke: "Further discussion? The Chair recognizes Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I'd like to also rise in support of Senate Bill 1203 and to raise a point that came up in committee earlier this afternoon, namely, on how the investment banking services and... and legal services for this bond program were to be distributed. I have a letter from the Bureau of the Budget indicating from Director Schnorf... indicating that all the bonds for the Illinois First Program and the general obligation bonds will be administered by the Bureau of the Budget and therefore, subject to the new Illinois Procurement Code. The only bonds which would not necessarily be applicable toward that would be those which are sold by the Regional Transportation Authority. There'd been some discussion earlier about a change in this provision of the Procurement Code. Wanted to just reiterate for the record that we're going to maintain the status quo. Thank you."

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

Currie: "Move adoption of the First Conference Committee Report on Senate Bill 1203."

Speaker Hartke: "The question is, 'Shall the House adopt Conference Committee Report #1 to Senate Bill 1203?' This is final action. This requires 71 votes. All those in favor should vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 95 people voting

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'yes', 19 people voting 'no' and 0 voting 'present'. And this Bill having received a Three-Fifths Constitutional Majority is hereby declared passed. On page 5 of the Sup... On Supplemental Calendar #5 appears House Bill 2518. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This is another in the series of budget implementation Acts and therefore, I move to adopt Conference Committee Report #1 to House Bill 2518. And it contains a number of items including the Supplemental Poverty Grant increase which deals with education, creates the Public Aid Recoveries Trust Fund, has some reimbursement for Kid Care School for special education. It does contain the rate increases for long-term providers which is for geriatric long-term care. They will receive a 1.6% rate increase COLA effective July 1st, 1999 plus a \$4.00 a day rate adjustment effective October 1st, 1999. Providers of long-term care for the developmentally disabled will receive a similar 1.6% COLA effective July 1st, 1999 and they will receive a \$3.00 per bed per day rate adjustment which is also effective July 1st, 1999. There are some other substantive provisions necessary to implement the budget as we have it currently configured. And I would be happy to answer any questions on this issue and to urge an 'aye' vote on this piece of legislation."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 2518?' This is final action. All those in favor signify by saying 'aye'; those... voting 'aye'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting

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'yes, 0 voting 'no' and 0 voting 'present'. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #4 appears House Bill 2845. Representative Ryder. Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I would move that we concur with Senate Amendment 1 to House Bill 2845. This deals with circuit clerks being able to collect the \$36.00 fee for the child support collection efforts that they do. There's a new program called KIDS which is a little bit more technologically advanced. We're simply bringing the law into compliance so that that \$36.00 can continue to be collected. This is not part of the budget. This is not part of budget implementation. This is a substantive Bill. I would be glad to answer any questions and I urge your support for the Motion to concur to Senate Amendment #1."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2845?' This is final action. All those in favor should vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Please record yourselves. Have all voted who wish? Mr. Clerk, take the record. On this question, there were 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House does occur... concur with Senate Amendment #1 to House Bill 2845. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental Calendar #5 appears House Bill 2793. Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is another budget implementation Act that is important for us to pass so that the Governor's budget can work, as

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we have... have drawn it up. Section 3 permits the Governor to set by rule the salaries of certain administrative officers. It transfers the Illinois Main Street Program from the Lieutenant Governor's Office to DCCA. It transfers the state's data center from the executive office of the Governor to the Bureau of the Budget. I'm sorry... and from the Bureau of the Budget to DCCA. It changes some additional... it makes some additional transfers, for example, to allow us to do the replating part of the Bill that we passed in Illinois First, so that we can provide new license plates to Illinois drivers. It transfers some additional monies to get the Illinois First Program up and running. It amends the Public Radio and Television Grant Act and moves this to the Arts Council from where it used to be at the State Comptroller's Office. And there are a few other smaller items. So, I'd be happy to answer any questions and I move for the adoption of the Conference Committee."

Speaker Hartke: "Is there any discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt the First Conference Committee Report to House Bill 2793?' This is final action. All those in favor shall vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Johnson, 'yes'. Have all voted who wish? Mr. Clerk, take the record. On this question, there are 77 Members voting 'yes', 37 Members voting 'no' and 1 Member voting 'present'. And the House does adopt the First Conference Committee Report to House Bill 2793. And this Bill having received a Constitutional Majority is hereby declared passed. The Chair recognizes the Gentleman from Du Page, Representative Daniels."

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Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I want to welcome His Excellency, the Governor of the State of Illinois. I think he's had the most successful first term of any Governor in the history of this state, our Governor, George Ryan's on the House Floor."

Speaker Hartke: "Supplemental Calendar #4, appears Senate Bill 629. Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. This is the last piece of the... the budget that we need to adopt tonight. This is the appropriation for higher education and K-12. And let me talk just for a few moments about some of the highlights of the program. We will have full funding for the mandatory categorical programs, for the first time in my memory. That's a... that's a significant step forward. Sixteen million dollar increase in the early childhood education line item. A reimbursement of 2.7 million dollars in funding for the reinstatement... excuse me... of 2.75 million dollars for the Substance Abuse and Violence Prevention Program which was eliminated last year and which many of you heard complaints from your local school districts about. Fifty million dollars for new capital maintenance grants for schools. Eight million dollars for a new summer bridge program, for remedial education. Five million from the state and 51 from the Feds for new teachers. Full funding of the downstate teachers retirement system. And a general state aid figure which meets the statutory requirement of \$4,325 per student as provided for in the Act that we passed just a few years ago. In higher education, we have a 3% system-wide salary increase plus an additional 1% for retention and recruitment of critical staff. Twenty-seven million dollars in additional support for the MAP Program,

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Monetary Award Program. Fifteen million dollar increase for the Illinois Century Network... technology initiative and full funding of the Merit Recognition Scholarship Program for the first time in seven years. So, those are the highlights of the budget as it pertains to education. I'd be happy to answer any question and I'd move for the passage for the adoption of the First Conference Committee Report."

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

Ryder: "Thank you, Mr. Speaker. First, I want to rise in strong support of one of the best education Bills that we produced in a long time. This one addresses some of the specific needs of the State of Illinois, elementary, secondary, higher education. Secondly, I wish to state my very strong support for this Bill. It's one you can take home, take to your school districts and suggest that you did a good job. Third, last, most important, I want to offer my thanks to Gary for the hard work that he did on behalf of this budget. And I do want to take a special moment to thank those folks who are the staff for the appropriations led by John Lowder on the Democratic side, Ed Welk on our side who, along with a lot of others... along with a lot of other staff folks whose names aren't going to be mentioned, worked very hard to produce the massive document that you have before you. It is a good education budget. One that I'm proud to support and Sponsor."

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

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

Speaker Hartke: "Sponsor will yield."

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Black: "Representative, you indicated that the categoricals were funded at 100% for the first time in history. Can you tell me the percentage increase of the general state aid formula?"

Hannig: "Representative, I think that the general state aid went up by, I believe, like 2.2% which reflects the amount that was spelled out in, I believe, the proposal that we adopted three years ago... the statutory foundation level."

Black: "Well, I understand that we're meeting the statutory foundation level as we have to by law, but is there any increase over and above to the general state aid formula?"

Hannig: "Yeah. Representative, there is funding of a dollar and five... at a dollar five rate for high school districts. There's been an increase in the poverty funds and we al... and also the formula changes that we made in the Conference Committee Report on (sic-Senate Bill) 1134, which... "

Black: "Okay."

Hannig: "... we passed today."

Black: "All right. I... I... I appreciate that. I... I... I think it's interesting to note that you're correct on categoricals, but I don't think we've ever fully funded the state aid formula in the 28 years it's been in existence. But we're doing much better and I thank you for that."

Speaker Hartke: "Further discussion? Further discussion? Seeing that no one is seeking recognition, the question is, 'Shall the House adopt the First Conference Committee Report to Senate Bill 629?' This is final action. All those in favor will vote 'yes'; those opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 Members voting 'yes', 0 voting 'no' and 0 voting 'present'. And the House

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does concur with Senate Amendment #... the House does adopt the First Conference Committee Report to Senate Bill 629. And this Bill having received a Constitutional Majority is hereby declared passed. Speaker Madigan in the Chair."

Speaker Madigan: "Just to announce the Governor who has a few words for all of us."

Governor Ryan: "Thank you very much. I wanted to come by... Thank you. I wanted to come by this afternoon and say 'thanks' to each and every Member that's here. We had a very successful Session and I say 'we' and I mean everyone of you that are here today. Speaker Madigan and Leader Daniels, Emil Jones and 'Pate' Philip and I along with you worked very hard, I think, to provide good government for the people of Illinois. And I think we can continue to do that for the next three years. Have a safe summer. I enjoyed working with you and I look forward to the rest of the time to work with you. Thanks very much for all of your help. Thank you."

Speaker Madigan: "Mr. Clerk."

Clerk Rossi: "The House Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Representative Cowlshaw. On Senate Bill 441."

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House. The Conference Committee Report on Senate Bill 441... "

Speaker Madigan: "Ladies and Gentlemen give your attention to Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. The Conference Committee Report on Senate Bill 441 has three parts. The first is what we knew here originally as House Bill 2091, sponsored by Representative Woolard which passed here by a vote of 115 to 0 and had to do with reducing some of the approval

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processes that have to occur between the Community College Board and the BHE. The second part is what began as House Bill 1523 sponsored by Representative Judy Erwin, passed here by a vote of 109 to 0 and has to do with the student member of the board of trustees at Governors State University. Finally, there is a provision which is the third part of the Conference Committee Report, which is not something which you have had in a specific Bill form before. So that is the issue that you will want to be the most aware of. That requires that the annual appropriation requests for public universities must be broken down specifically, within that appropriations request by campus, by fund, by function and division and by line item. Mr. Speaker, for several years now I know there have been concerns on the part of people from both sides of the aisle in both chambers about the fact that there is very little accountability, at least from the point of view of the Legislature, as far as the expenditures by our public universities. There has been concern, I know, about the appropriations and the fact that these things are done in lump sums that are rather significant and there is no way to actually track, at least for us to track, specifically what some of those funds are used for and at what point in time they are actually expended and so on. And therefore, the line item issue for public universities is included in this Bill. I would be remiss if I did not let you know that it is my understanding that some, if not all, of the public universities do not want to have to submit their requests by line item. So, that is a matter for you to know about and to think about within your own conscience as to whether you believe any additional work that might be required by the public university staffs would be justified

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by the additional knowledge that we would have of where and when and by what means they are spending the rather significant amounts of money we appropriate to them. I would be glad to answer any questions."

Speaker Madigan: "The Lady has moved for the adoption of the Conference Report and on that question, the Chair recognizes Representative Erwin."

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

Speaker Madigan: "The Sponsor yields."

Erwin: "Representative Cowlshaw, thank you for explaining each of the provisions of this Conference Committee Report. I know that it is late... the hour is late and people are ready to leave, but I would like to ask a few questions, if I could."

Cowlshaw: "Certainly."

Erwin: "You did... you did point out... you did point out the last provision that, heretofore, has not been considered, at least this Session. And if my memory serves me correctly, the line item appropriation for public colleges and universities is an issue that has been around here for a number of years. I remember some years ago, when former State Representative Bill Edley, was the Sponsor of this Bill, as a matter of fact and it was, interestingly, your side of the aisle resoundly (sic-resoundingly) opposed it. Representative Cowlshaw.. Mr. Speaker.. "

Cowlshaw: "I'm terribly sorry, Representative Erwin. It's been a... "

Speaker Madigan: "Ladies and Gentlemen, please. We are debating an important Bill and if the staff could retire to the rear of the chamber, could the Members be in their seats? Will the Members please be in their chairs? Will the staff please retire to the rear of the chamber? The Chair

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recognizes Representative Erwin."

Erwin: "Well, thank you. Just to continue and thank you, Mr. Speaker. Representative Cowlshaw, as I was mentioning, this is the line item in public universities, is an issue that has been around this chamber, I suspect, longer than I've been in it. I do remember my first term voting against this provision as it was sponsored by former State Representative Bill Edley. I am... it is curious to me that at this late hour on a Conference Committee Report, this was attached. Many feel, I believe, that public universities now under the direction of the last administration chose to have public colleges and universities have their own separate boards of directors and in fact, to allow them to manage their affairs which, I know, we agree they need to be accountable. The line item issue, some would argue though, is micromanaging public colleges and universities and I just wonder if you could illuminate for us why you believe that it is necessary to put this in at this late hour."

Speaker Madigan: "Representative Cowlshaw. Would the Members please give their attention to Representative Cowlshaw? Proceed."

Cowlshaw: "Thank you, Mr. Speaker. I'm not sure I really wanted their attention. It's much better when it's noisy. Representative Erwin, I did not draft this Conference Committee Report, in fact, I did not even know what was in it until someone brought it to me and said, 'Here you are.' It was my understanding, at that time, at least this is what I was told. I was told that the line item requirement for public universities was something that the four Legislative Leaders had agreed would be good public policy, that they had agreed this was something that they would

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support and that they would make every effort to have passed. That is what I was told, Representative. However, I don't need to tell you that I don't attend those meetings and all I get is second and third and fifteenth hand reports about what happened there. But that is what I was told and that is the reason be... why if, this in fact, is what those people in whom we have entrusted such a tremendous amount of leadership and power have decided to do, that certainly, I would be the last person to stand in their way."

Speaker Madigan: "Representative Winkel."

Winkel: "Thank you, Mr. Speaker. I rise with some hesitation. I... I'm not sure who has said what to whom and when and for what reasons. But for those who are interested in their vote on this Bill, and are interested in whether or not it will be called in the Senate, I just talked to President 'Pate' Philip on the phone, just five minutes ago, and he informs me that the Senate will not consent to this, as it is written, nor will it be called if it's sent over to the Senate, it will not be passed. Now, I tell you this because in your decision whether to vote 'yes' or 'no' or 'present' on this Bill, you might want to take that in consideration, given the fact that virtually every university affected is in opposition to this Bill. Thank you."

Speaker Madigan: "Representative Cowlshaw to close."

Cowlshaw: "Yes, thank you, Mr. Speaker. Let me begin by apologizing. If there has been any misunderstanding, whatsoever, about how this provision got in this Conference Committee Report, who supports it or who doesn't. However, in all frankness, Mr. Speaker, I think our consideration in this chamber needs to be with what we do here, not what may

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or may not happen in the chamber across the rotunda. We're not responsible for them, thank heaven. We've got enough being responsible for ourselves. If you... since the other... the first two portions of this Bill are totally uncontroversial and you have all voted for them before, I think what the only thing you need to weigh, in your own mind, is whether you believe a line item presentation of requests for state funding by public universities should be required. If you believe that would help us to better understand and better track what is done with that money, if you believe it would improve accountability, then you should vote 'yes' on this Conference Committee Report. On the other hand, if you do not believe that state universities should be required to be that specific in their requests for the money that is appropriated to them, then you need to vote 'no'. For my own part, I don't believe there is ever too much accountability for the monies that we appropriate, that we spend, but that originally we had to collect from the taxpayers who earned it in order that we could go and take it away from them. And if a line item presentation is gonna improve the accountability of those vast sums of money that we appropriate to our public universities and help us to better understand that those monies are indeed spent for the purposes for which they were appropriated, then I think you ought to vote 'yes' on this Conference Committee Report. Thank you very much, Mr. Speaker."

Speaker Madigan: "The Lady moves for the adoption of the Conference Report. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? This is a Third Reading Roll Call. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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Have all voted who wish? The Clerk shall take the record. On this question, there are 87 'ayes', 23 'noes'. The Motion to adopt the Conference Report is adopted. And this Bill having received a Constitutional Majority is hereby declared passed. On Supplemental #7... Mr. Clerk, Committee Reports."

Clerk Rossi: " Representative Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on May 27, 1999, reported the same back with the following recommendation/s: 'to the floor for consideration', Conference Committee Report #1 to Senate Bill 457 and Senate Joint Resolution #40."

Speaker Madigan: "On Supplemental #7, there appears SJR 40. The Chair recognizes Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Senate Joint Resolution 40 resolves that the Illinois Gaming Board shall conduct a study of minority persons and female ownership among all riverboat licenses pursuant to Senate Bill 1017, the gaming Bill. Senate Joint Resolution 40 resolves that the Gaming Board shall report the findings to the General Assembly no later than January 1, 2000. One of the reasons for the adoption of this Resolution is to provide statistical data to defend any constitutional challenges to the gaming Bill. It is hoped that if racial or gender discrimination has existed in the past, with regard to ownership or representation, the study conducted by the zoning... I'm sorry... the Gaming Board, will reveal this discrimination and serve as a basis for demonstrating the state's compelling interest in promulgating minority female... the minority female ownership provision. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. The Chair recognizes Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Parke: "On other Resolutions like this, I've asked the same question. Is there a 'sunset' provision on this?"

Davis, M.: "There... well... there is not."

Parke: "So this'll go on every year."

Davis, M.: "The... the re... the reporting period is for no later than January 1, 2000."

Parke: "Yes, but what happens after that."

Davis, M.: "Well, the report is to be provided to the General Assembly by that date."

Parke: "And then what does the committee do then?"

Davis, M.: "Well, the purpose of the study is to provide for the State Government a compelling state interest, if any discrimination exists, it may not."

Parke: "So you say that every year from now on... "

Davis, M.: "No."

Parke: "... if we pass this... "

Davis, M.: "No, no, no, no. Just this one time."

Parke: "And then it's... then in essence it's done?"

Davis, M.: "Pardon."

Parke: "In essence then the... this study will be over."

Davis, M.: "That's correct. It's a one-time study. That is correct."

Parke: "And who are gonna be the members of the... of the... of the board... or of the study?"

Davis, M.: "The game... that's up to the Gaming Board. We're requesting that the Gaming Board conduct the study and provide the information to the General Assembly only on Ja... by January 1, 2000."

Parke: "Who appoints the members and how many members are there?"

Davis, M.: "The Gaming Board will make those decisions."

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Parke: "How many members will be on there and who appoints them?"

Davis, M.: "The Gaming Board makes that decision. It could be the entire Gaming Board. It could be several others from the Gaming Board. It could be private citizens. It is totally left up to the discretion... "

Parke: "So... "

Davis, M.: "... of the Gaming Board."

Parke: "Okay, so it's open-ended... it's at the will of the Gaming Board. You're gonna hold... "

Davis, M.: "Well, the membership... "

Parke: "You're gonna hold... If we pass this, we'll hold them accountable to do... the will of the Body?"

Davis, M.: "Yes. Yes."

Parke: "Okay, thank you."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. 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'. The House does adopt SJR 40."

Speaker Hartke: "Representative Hartke in the Chair. Why is... what is the reason for Representative Cross seeking recognition?"

Cross: "Mr. Speaker. I don't... there might be some opposition, but I'd move that we suspend rules. Of course, subject to... your side of the aisle. And for immediate consideration, let's consider this Bill before we get out of here. This Resolution is obviously important. Representative Hoffman has spent a lot of time on it and... I... assuming your side will agree to the suspension of the rules, I think we can move... move ahead with it."

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Speaker Hartke: "Mr. Cross, you're not recognized for that Motion."

Cross: "Oh, Mr. Speaker. Ah... ah... "

Speaker Hartke: "Speaker Madigan in the Chair."

Speaker Madigan: "Representative Tim Johnson."

Johnson, Tim: "Yes, Mr. Speaker. Would you journalize my intent to be... voted 'yes' on First Conference Committee Report to Senate Bill 441?"

Speaker Madigan: "Let the record reflect the Gentleman's request. On Supplemental #6 there appears Senate Bill 457. Mr. Hastert (sic-Hassert)."

Hassert: "Thank you, Mr. Speaker. After a long row to hoe, we basically came up with a semiagreement on the lawn sprinkler problem. We have a Bill that... I move to adopt the First Conference Committee Report on Senate Bill 457. Basically, what this does, this will allow the irrigation contractors to continue to install irrigation systems under two inch. They will have to have a licensed plumber inspect their installation. It will sunset on December 2, 1999, where Representative Saviano has agreed to hold hearings over the summer regarding this legislation. This has been a compromise with the help of the Speaker, Representative Saviano, Leader Daniels, and many other people, including the Governor. We came to this compromise. So, I'd ask you for your support."

Speaker Madigan: "Mr. Giglio."

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

Speaker Madigan: "The Sponsor yields."

Giglio: "Representative, you said that this is a semi-Agreed Bill. Who, who's in agreement?"

Hassert: "Representative Saviano, myself, and..."

Giglio: "But, you know..."

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Hassert: "I hope the Speaker."

Giglio: "I see the humor in that, from, from your end, Representative. But this is a very serious issue."

Hassert: "Well, I agree. I agree."

Giglio: "And I would, I would venture to guess that the irrigation..."

Hassert: "Well, let me answer your question. Let me answer your question. To put it really straight and forward, for the last 20 or 30 years irrigation contractors have been installing sprinkler systems. Due in to a interpretation of the law, there's perceived through the courts, that they no longer could do that. They prevailed in the lower courts. The Supreme Court overruled them, suggest that they come back to this legislative Body for relief, as which they did. We tried to come to compromise with many people. We have a whole industry here that hinges upon this piece of legislation. And I realize that the plumbers, maybe licensed plumbers, in particular, the plumbers' union, might not be totally happy with that. And I will admit that. They probably are not on board with the... this First Conference Committee Report, but we also have about 15 or 1500 other employ... people who have businesses that are dependent on this report. And an historically licensed plumber and plumbing contractors have not really been in this business. Hopefully, with the hearings over the summer, we can come to some kind of an agreement to move forward and either change the legislation or come to an agreement where everybody might not be totally happy, but it will keep people employed and working at what they have been doing."

Giglio: "All right. My intent was not to get into a philosophical discussion as to, as to the history of

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irrigation work, and plumbers involvement with it and others. But, but since you went there, what this comes down to is taking work away from the plumbers. And you can not argue that. I appreciate that the irrigation contractors have tried to come to a solution and I appreciate that the plumbing industry has not offered as many solutions or possibilities, as the irrigation contractors would like. However, the burden is on the irrigation contractors. The courts ruled that this is plumbers work. Now, I don't know of any agreement, from any plumbers or any plumbers' represented associations, not Chicago Local 130, not the AFL/CIO of Illinois, not the Illinois Association of Plumbing and Heating and Cooling Contractors, who represent the majority of nonunion plumbers. Now, to the Bill. I ask you, why do you allow apprentice plumbers to install and inspect?"

Hassert: "It was just the language that we had put on, in there."

Giglio: "Well, in your opening statement, you said licensed plumbers, but in fact, in the Bill it says, 'licensed plumbers and apprentice plumbers.'"

Hassert: "Representative, I don't have an answer why the 'apprentice plumbers' was put in there, but I assume because, let's face reality here. Licensed plumbers or apprentice plumbers really haven't been doing this work for a long time. There is an interpretation of the law that should have, that says that licensed plumbers should be required to do it to the interpretation, but standard practice have been landscape irrigation contractors doing this work. So, basically, the point was to try to give a little and an inspection was a giving and limiting two inch pipes would allow licensed plumbers to do everything above two inches. And basically, anything under two inches,

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there would have to be inspected by a licensed plumber or an apprentice plumber."

Giglio: "All right. Thank you, Representative. Ladies and Gentlemen of the chamber, to the Bill. This is not an Agreed Bill. This is not a semi-Agreed Bill. I guarantee you, you call your plumbing contractor and you ask them about this Bill, they'll tell you that they want you to vote 'no'. This is a last minute, last day, possibly last Bill that this General Assembly is going to pass this Session, this year. And it's being crammed down our throats. It's taking the work away from the plumbers for this summer and this construction period. Sure there's a window on the Bill, sure it expires December 3rd, but it also takes away, I guarantee you, 100% of the residential work from the plumbers and as much as 65% of the commercial work away from the plumbers and puts it in the hands of the irrigation contractors, without an agreement. We went from day one, that I'd be willing to work with Representative Hassert and Representative Saviano and anyone that else would like to get together, but the fact of the matter is, this is a last minute deal. I would urge you to vote 'no'. Thank you."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. I won't prolong our agony and in all due respect to the previous speaker. This Bill has been around for a couple of years. You know, I come from an area where there aren't hundreds of plumbers and when someone purports that this Bill is going to take work away from plumbers, there's more than enough work to be done in my area, with what few plumbers we have. Do you realize what this Bill is about? The landscaper, or you yourself, are going to put in a lawn irrigation system."

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Little bitty piece of plastic pipe, little bitty shot, little bitty sprinkler heads come out of the ground and water your yard, if you're so inclined. And you're going to tell me that a licensed plumber is supposed to put that in? For crying out loud, you know, why don't we just let lawn contractors do irrigation work and plumbers do plumbing work. Now, if plumbers want to tell me that lawn irrigation is plumbing work, okay, then I suppose when I go home to wash my car and turn on my garden hose, I suppose I ought to call a plumber. I'm not qualified to turn on my garden hose. When I fill up the little pool in the backyard for my grandchildren to swim in this summer, oh my God, I should call a plumber. I'm not qualified to fill up that little swimming pool for my grandchildren. You know, at what point are we in this General Assembly going to say, 'We don't have to protect the plumbing business, the heating business, the air conditioning business, these people can compete in the marketplace on work that is rightfully theirs.' I don't work on my toilet. I have a plumber do that. I don't need to call a plumber to work on my lawn irrigation system. For crying out loud, vote 'yes'."

Speaker Madigan: "Mr. Novak."

Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this. I think Mr. Black's purely set it straight. I don't see any toilets on anybody's front lawn. I mean, this is a 'stop gap' measure that we need to have. It is not a generalized agreement, but at least it keeps something going till we can resolve this situation later on. I applaud Speaker Madigan, Governor Ryan, and 'Pate' Philip and all the other parties involved, in trying to reach a resolution. The simple

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answer to this is, there are not enough plumbers to do this work in this state. I come from an area where Mr. Black, near Mr. Black, and there just aren't enough plumbers. So, if there aren't enough plumbers, the work's never going to get done. So, let's be reasonable. Let's vote for the Bill and try to resolve this issue over the summer. Thank you."

Speaker Madigan: "Mr. Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I rise in support of this. I just want to let everybody know, the language in this Bill sunsets the last day of the Veto Session. The purpose of this Bill was to give us some time for the Registration and Regulation Committee to hold some hearings over the summer, so we could get some data to prove or disprove whether or not there's enough licensed plumbers in this state to accommodate the amount of work there is in irrigation systems. We're here, we're working closely with the plumbers' union. We've been on the phone with them. We've been working on this Bill for two years. I would ask you to approve this. Give us some breathing room and hopefully, we'll be able to resolve it. Thank you."

Speaker Madigan: "Mr. Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In suburbia, where I have a lot of good plumbers live and work, the letters and phone calls that I've gotten from the surrounding communities, as well as my district, was the same. They cannot find plumbers that are willing to come out and work on this, because they have other bigger projects to work on. And sometimes they can't use their irrigation system, for weeks or months, because they can't find a plumber willing to come out and handle such a

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small job. The Illinois Home Builders Association of this state favors this interim Bill. I would ask the Body to support this."

Speaker Madigan: "Mr. McKeon."

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

Speaker Madigan: "The Sponsor yields."

McKeon: "There, I lost the Sponsor for a minute. There he is. I'm very concerned about this, Representative, because it seems to me that these hearings over the summer months, in negotiations with the parties involved could go on even in the absence of the adoption of this Conference Committee Report. Isn't that the case?"

Hassert: "Representative, I think the fact is the case is the past practice have been irrigation contractors installing this systems. You have people out there who have businesses. And we're not talking about licensed plumbers now, we're talking about irrigation contractors. They have businesses. They have contracts. They have employees. The practice has been, standardized practice has been, irrigation contractors have been installing these systems, not licensed plumbers. So, if we shut this down right now, we'll probably have 1500 or more businesses, pretty much shuttered, for the whole State of Illinois. That would be people out of business, and would not be able to continue on. These are people that have been in business, for not only a few years, but 15, 20, 30 year businesses, second and third generation type businesses. So, realistically, this is a 'stop gap' measure to keep those employees going. This is not at all, going to hurt any licensed plumber. They can continue, if any of them do do irrigation systems, they can continue on doing irrigation systems. So, there's not going to be an impact on anybody, but I can tell you

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from practical experience, being a landscaper contractor, not doing this type of work, but being associated with it, there is not licensed plumbers that do this work. I am affiliated with three or four different contractors who do this type of work and they are not licensed plumbers, they're irrigation contractors. This will able them to continue to working. We can hold hearings. We can hopefully come to some resolution by the Veto Session and pass some legislation that will be beneficial to all."

McKeon: "When was the Supreme Court decision handed down?"

Hassert: "I think it was handed down sometime, if I'm not mistaken, last year. I don't have it with me."

McKeon: "In six months ago?"

Hassert: "Yes."

McKeon: "So, for six months they've continued to do this kind of work, unabated while we've been trying to resolve this issue?"

Hassert: "I'm sorry. Un, what?"

McKeon: "Unabated?"

Hassert: "Yeah, basically, they have continued to do this work. But my concern is, that if we don't come up with some kind of legislative relief, there'll be a lot of enactment of ordinances and what not, to prevent them from doing it, unless they're licensed plumbers."

McKeon: "But, they've been doing this for at least six months."

Hassert: "Well, you've got to consider this is a seasonal business. It happened late last fall. Where realistically they're shut down over the whole winter months. So, no they haven't been doing it. They've been doing it, for probably the last month or two, in the beginning of this season. So, realistically, last October when the Supreme Court ruling came down, we start trying to address this

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issue, but they were at the end of their season. So, they've been shuttered through the winter months, because they don't do this work in the season."

McKeon: "And when... when... when did... "

Hassert: "So, basically, they have not been doing this work, ongoing, since April they've probably been started."

McKeon: "But, they're currently doing the work, are they not?"

Hassert: "Basically, yes."

McKeon: "And they seem to be uninhibited today or at the present time?"

Hassert: "No, they've, they've had some stop orders. They have some Public Health, that has actually put some issuance out there to stop and make sure that they're a licensed plumber. Yeah, there has been some problems within the area. Yes."

McKeon: "But it's... "

Hassert: "So, no they haven't totally been operating free of problems."

McKeon: "But, they could continue until we resolve this in the fall..."

Hassert: "I can't... I don't think so. I really don't think so. I think there will be a point of somebody will be turning people in. There will be a lot of people figuring this out and stopping other contractors, ratting on other contractors, people trying to stymie the business. No, I do think there'll be an inherited problem with this."

McKeon: "Mr. Speaker, to the Bill. Mr. Speaker, I'm, I'm concerned and I hope other Members are concerned. This issue has been around for about six months. And I'm sure over the next six months we're not going to see significant changes and I think these negotiations could continue, committee hearings could continue, till we return in the

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fall Session to deal with this issue. And I really think that it's premature to move this kind of legislation. Number one, I think it, it opens the door and sets a very dangerous precedent that when we do come back in November the strength of some of the parties involved in these negotiations will be seriously compromised. And I think that's unacceptable. Mr. Speaker, under House Rule 68, I move to recommit Conference Committee Report to the Registration and Regulation Committee with instructions to report back to the full House during the fall Session."

Speaker Madigan: "The Gentleman has moved to recommit the Conference Report on Senate Bill 457 to the Committee on Registration and Regulation. The Chair recognizes Mr. Hassert."

Hassert: "Move to Table that Motion."

Speaker Madigan: "Mr. Hassert moves to Table the Motion. Therefore, the question will be, 'Shall the Motion be tabled?' Those in favor of the Hassert Motion will vote 'aye'; those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 75 'ayes' and 38 'noes'. The Motion is adopted. Back to the main question. The Chair recognizes Mr. Cross."

Cross: "Thank you, Mr. Speaker. I move the previous question."

Speaker Madigan: "Mr. Cross, I don't think there's a need for that. The Chair will recognize Mr. Hassert to close."

Hassert: "Thank you, Mr. Speaker. I just think everybody understands this issue. This is 'stop gap' measure to the fall. Basically, to allow the existing irrigation contractors to continue with their business. We'll hold hearings over the summer. I mean, I want to thank the Speaker, the Governor, 'Pate' Philips (sic-Philip), and

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everybody that worked on this issue. This is an important issue and I think this will give us some time to try to work out, and I'm sorry, Leader Daniels. I gave you the credit in the beginning. So, I ask you that you vote for this first Conference Committee Report. Thank you."

Speaker Madigan: "The question is, 'Shall this report be adopted?' 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? Please record yourself. Have all voted who wish? The Clerk shall take the record. On this question, there are 70 'ayes' and 39 'noes'. The Motion is adopted. And this Bill having received a Constitutional Majority is hereby declared passed. Mr. Clerk, Agreed Resolutions."

Clerk Rossi: "Agreed Resolutions. House Resolution 353, offered by Representative Andrea Moore; House Resolution 354, offered by Representative Andrea Moore; House Resolution 355, offered by Representative Andrea Moore; House Resolution 356, offered by Representative Brosnahan; House Resolution 357, offered by Representative Poe; House Resolution 358, offered by Representative Andrea Moore; House Resolution 359, offered by Representative Leitch; House Resolution 360, offered by Representative Joe Lyons; House Resolution 361, offered by Representative Durkin; House Resolution 362, offered by Representative Durkin; House Resolution 363, offered by Representative Durkin; House Resolution 364, offered by Representative Durkin; House Resolution 365, offered by Representative Durkin; House Resolution 367, offered by Representative Wait; House Resolution 368, offered by Representative Steve Davis; House Resolution 369, offered by Representative Steve Davis; House Resolution 372, offered by Representative Bill

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Mitchell; House Resolution 373, offered by Representative Black; House Resolution 374, offered by Representative Mitchell; House Resolution 375, offered by Representative Granberg."

Speaker Madigan: "The Clerk has read the Agreed Resolutions and Representative Currie moves that the Agreed Resolutions be adopted. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Mr. Clerk, read the Adjournment Resolution."

Clerk Rossi: "House Joint Resolution #30, offered by Representative Currie. Be it resolved by the House of Representatives of the 91st General Assembly of the State of Illinois, the Senate concurring herein, that when the House of Representatives adjourns on Thursday, May 27th, 1999, it stands adjourned until Wednesday, June 2nd, 1999, Wednesday, July 7th, 1999, Wednesday, August 4th, 1999, Wednesday, September 1st, 1999, Wednesday, October 6th, 1999 and Thursday, November 4th, 1999 in Perfunctory Session. And when it adjourns on that day, it stands adjourned until Tuesday, November 16th of 1999 at 1:00 p.m. And when the Senate adjourns on Thursday, May 27th, 1999 it stands adjourned until Thursday, November 4th, 1999 at 12:00 noon and when it adjourns on that day, it stands adjourned until Tuesday, November 16th, 1999."

Speaker Madigan: "The Clerk has read the Adjournment Resolution. Representative Currie moves that the House does... Representative Currie moves that the House adopt the Adjournment Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Adjournment Resolution is adopted and... Ladies and Gentlemen we are prepared to adjourn. The Chair recognizes Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and... "

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Speaker Madigan: "Please give your attention to Mr. Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. I would like to offer all Members of the House my congratulations and of course, the congratulations of our leadership team, the Republican Members and of course, to your Members, Mr. Speaker, and the Democrat Majority. I'd like to, of course, congratulate our Governor and I believe that in the 25 years here, I've never seen a more productive Session by a Governor in the history of this state. I think that George Ryan has shown his great ability to govern and to bring forth very visionary factors. Now, Mr. Speaker, we all understand this doesn't happen without a lot of cooperation and you have been very helpful this Session and we like to feel that we have been equally helpful. And I think that in that spirit if you could give me four more Members I'd be... I would show you great cooperation in the future. But I do wish on behalf of all of us, everyone in this chamber have a wonderful summer. You all worked extremely hard. I'm very proud of the work this place has done. And, of course, I want to thank you for the courtesies that you have extended to me and to our Members."

Speaker Madigan: "My thanks to Representative Daniels, the Democratic Members, the Republican Members of the House. I think that a scene that I just observed speaks greatly to how successful this Session has been. I don't recall seeing so many people walk the floor at this time, at the end of the Session, exchanging greetings, hugging, kissing, shaking hands, whatever it might be and to me it says that we have truly worked together and cooperatively to consider legislation brought before this Body and to consider the resolution of the issues which face the people of the State

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of Illinois. As Representative Daniels said, a great credit should be given to Governor Ryan. He set the tone at the very beginning of the Session. You may recall that in an unprecedented appearance, he came before the House on our inauguration day simply to offer his greetings, his congratulations and to pledge that he wanted to work cooperatively with every Member of the General Assembly. So great credit is due to the Governor, great credit is due to all of us because we started with a resolve to treat each other with civility, respect and again, to work cooperatively. And I simply want to say, thank you, in particular to Representative Daniels and to every Member of the House of Representatives and to all of you have a safe trip home. Have a wonderful summer. Be prepared to come back to work in October. So God bless you all. Representative Currie moves that the House does stand adjourned until November the 16th at 1:00 p.m. providing Perfunctory Sessions through the summer. The question is, 'Shall that Motion be adopted?' Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Motion is adopted."