

STATE OF ILLINOIS  
88TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
TRANSCRIPTION DEBATE

125th Legislative Day

May 4, 1994

Speaker Currie: "The House will be in Session. Members will please take their seats. Our Chaplain for the day is the Reverend Debbra Jarvis of the Bethel United Church of Christ in Elmhurst, Illinois. Reverend Jarvis is the guest of Representative Biggins. The guests in the gallery are welcome to rise and join us for the invocation. Reverend Jarvis."

Reverend Debbra F. Jarvis: "Will you pray with me? Creating and loving God, let Your Spirit have power and wisdom. Descend upon the hearts and minds of those gathered here this day. Stir the intellect, imagination, and creativity present in this Body of Representatives, that their work might reflect the highest moral ethical and religious truths. Grant those who are called upon to speak and to make choices on behalf of the citizens they represent insights, eliminated by truths, courage tempered by compassion, judiciousness made bold by justice, righteous made clear by humility. Consecrate the tasks, deliberations, and decisions that have been given to this Body of Legislators for the well-being of the State of Illinois. Thank you, Oh God, for the dedication and the commitment of these Representatives elected to this House. Touch each one this day, that he or she might truly know Your presence in an empowering and guiding way as the business of this place unfolds and encircle each person with Your loving, supporting arms that they might also know Your strength and their deepest inner selves. May all who participate in this day's actions be empowered by Your sure and steady light. We pray in the strength of Your unfailing promises and the confidence of Your loving purpose. Amen."

Speaker Currie: "We will be led in the pledge by Representative Walsh."

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Walsh -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 Currie: "Roll Call for Attendance. Representative Kubik."

Kubik: "Thank you, Madam Speaker. Let the record reflect that all the Republican Members are present."

Speaker Currie: "Representative Steczo."

Steczko: "Thank you, Madam Speaker. Let the record show that Representative Erwin is excused today, due to illness."

Speaker Currie: "One hundred seventeen Members answering the roll call, a quorum is present. Clerk, take the record. Representative Walsh, for what reason do you rise?"

Walsh: "Thank you, Madam Speaker. I was very encouraged this morning when I woke up and I pulled the blinds at the hotel room and saw what a beautiful day that it is today. Back in Chicago and in the suburbs we refer to this type of weather as 'Cub weather' and what I'm going to do today is I'm going to go out on a limb, I feel it today, today will be the day that the Cubs win. Now I don't know what the opponent is going to have, but I predict that the Cubs are going to score eight runs today and I...and the opponent will have somewhere less than eight runs and I'm going to go even further to say that the Cubs will finish above 500 at home. The Cubs, by no fault of their own, were put into the division that they were put in. I would say, if they were in the American League, they would probably be only about four and a half games out of first place. So, they can't do anything about being in a tough league, the National League. But today I think we will all be encouraged when we hear of the Cub win. So, that is my

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prediction. Thank you."

Speaker Currie: "Thank you for your good hopes. Representative Schoenberg, for what reason do you rise?"

Schoenberg: "Though I share the Gentleman's affinity for the Chicago Cubs, I have spent many an hour or more wasting away the afternoon when I should have been at work, or some other obligation in the bleachers of Wrigley Field. None the less, I think, the prospects of Greg Maddox coming back to pitch for the Cubs are better than the Cubs finishing 500 at home or away this year. And I would even go further to say that the Gentleman, if he has trouble looking for another line of work, could probably pitch some middle relief this year, because they will probably be conducting tryouts sometime in the next few weeks for all of us to try a pitch."

Speaker Currie: "Representative Granberg, for what reason do you rise?"

Granberg: "Thank you. I'm going to avoid the obvious thing and I will not congratulate the Cubs on another record breaking season. But, for point of clarification for my friends on the Republican side of the aisle, Representative Black, you know a lot of people complained, yesterday, Republican Bills were not being called. Representative Black did not know that there was an agreement between Leader Daniels and the Speaker. And Leader Daniels entered into this agreement a few weeks ago, that Republican Bills will be called when the Cubs won their first home game. So, that is the reason that Representative Daniels entered into this agreement and he should of known. So, when that happens the Bills will be called."

Speaker Currie: "Representative Biggins, for what reason do you rise?"

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Biggins: "Thank you, Madam Speaker. I wish to comment on another colleague, Representative Walsh's comment. This is another example of why term limits don't work. There are too many people in the Cubs organization that has been there a number of years, but they should be allowed to remain there to correct the error of their ways. Term limits would only make them leave and we would have another group of incompetents come in and he is debating this issue on the floor of this esteemed Body for another 20 years or 50 years. So, I vote 'no' on term limits."

Speaker Currie: "Representative Dart, for what reason do you rise?"

Dart: "Thank you, Madam Speaker. Just in response to Representative Walsh, if I am not mistaken, I believe the Cubs have the worst record in baseball right now. And so in virtually any division they were in, probably even in a minor league division, they would probably still be in last place, I'm not great with numbers. And the second point I want to ask you, I distinctly remember seeing you here on the floor yesterday, but yet on the front page of the Sun-Times there is a picture of a guy with his cute little Cubby hat on with a bag over his head and it does resemble you in the body. How did you get there?"

Speaker Currie: "Representative Novak."

Novak: "Madam Speaker. As I said yesterday, I don't care where the Cubs are at. When they go to St. Louis next week they're going to sweep the whole damn series from them at their own place."

Speaker Currie: "All right. All right. Representative Davis."

Davis: "Thank you, Madam Speaker, and I'm grateful for this opportunity. I really just wanted the House to welcome some students from Chicago State University. They're here

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because they are lobbying on behalf of that great University, Chicago State. Thank you."

Speaker Currie: "Thank you, Representative Davis. It is a violation of House Rules but we join you in welcoming them. Representative Black."

Black: "Yes, thank you very much, Madam Speaker. My name was used earlier in debate. I need to check on that agreement and I need to make sure that we get off this treadmill that the Cubs are on and that we get down to business. And in all due respect, Madam Chairman, to be able to do that I would like to request a Republican conference immediately."

Speaker Currie: "And how long do you expect that this effort to move the House forward will take you?"

Black: "I would say it would take us about 60 minutes to go over the Calendar today. And if...if my perfunctory glance at the Calendar it might take us an hour, it might be a little less."

Speaker Currie: "How about trying for 45 minutes? Why don't we put the House in recess until the hour of 12:15."

Black: "We'll do our best."

Speaker Currie: "Republicans will conference in Room 118, the Democrats will go to lunch. And the House will stand at ease."

Speaker McPike: "House will come to order. Representative McPike, in the Chair. Agreed Resolutions."

Clerk McLennand: "House Resolution 2499, offered by Representative Wennlund; House Resolution 2500, offered by Representative Krause; House Resolution 2501, offered by Representative Clayton; House Resolution 2502, offered by Representative Cross; House Resolution 2503, offered by Representative Lindner; House Resolution 2504, 2505, 2506, 2507 and 2508, offered by Representative Andrea Moore;

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Murphy, M.: "Yes, will the Sponsor yield for a question?"

Speaker McPike: "Yes."

Murphy, M.: "Because of the noise level in the House, I would like the Sponsor to indicate, you're referring then as the 'two strikes you're out' Bill? No seriously. Two."

Balanoff: "No, no, it's 'three strikes and you're in'. Because we are going to put you in prison for the rest of your life if you commit three of these crimes."

Murphy, M.: "So it's three strikes you're out, and you are in prison for the rest of your life..."

Balanoff: "Yes."

Murphy, M.: "...with the additional crimes which you just outlined."

Balanoff: "Those will be additional crimes that we add to the Habitual Criminal Act."

Murphy, M.: "Okay. This would begin upon public act...they wouldn't have to start the clock on a crime now, if someone already was convicted of two crimes..."

Balanoff: "I would imagine so. Yes."

Murphy, M.: "...the third one will kick in. All right, thank you so much."

Speaker McPike: "Representative Johnson, (Tom)."

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

Speaker McPike: "Yes."

Johnson, Tom: "Representative Balanoff, there was evidently a third Amendment on this thing that you mentioned, technical, what did that add?"

Balanoff: "What it did was...in committee we talked about adding sights and there was one crime that was included, which is aggravated battery of a senior citizen. Rather than just aggravated battery because one of them was a...would cause the defendant to do great bodily harm and that is the crime

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that we wanted to include."

Johnson, Tom: "Okay, so can you tell the Members now which additional or what crimes are being added here or make it habitual?"

Balanoff: "Right, yes, the additional crimes that would be, as I said, second degree murder, aggravated kidnapping, which is a Class I felony, aggravated battery of a child, vehicular hijacking, aggravated robbery, robbery of a person over 60 years of age or physically handicapped, aggravated criminal sexual abuse and aggravated battery of a senior citizen."

Johnson, Tom: "Okay. Thank you."

Speaker McPike: "Question is, 'Shall House Bill 2656 pass?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there's 108 'ayes' and 4 'noes'. House Bill 2656, having received the Constitutional Majority, is hereby declared passed. Representative Hawkins intended to vote 'aye' on House Bill 2656. Representative Ostenburg intended to vote 'aye' on House Bill 20, 20, 2656. Criminal Law, Second...Criminal Law, Second Reading, House Bill 2491. This Bill has been read a second time previously. Is that correct?"

Clerk McLennand: "That is correct. The Bill has been read a second time, previously."

Speaker McPike: "Any Amendments?"

Clerk McLennand: "No Committee Amendments. Floor Amendment #1, offered by Representative Daniels."

Speaker McPike: "Who was the Sponsor?"

Clerk McLennand: "Representative Daniels."

Speaker McPike: "Who is going to handle this? Cross, Representative Cross."

Cross: "Rep, Mr. Speaker, could you tell us what Amendment this

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is? Mr. Speaker, we are going to withdraw this Amendment."

Speaker McPike: "Thank you. Amendment is withdrawn. Further Amendments?"

Clerk McLennand: "Floor Amendment #2, offered by Speaker Madigan."

Speaker McPike: "Representative Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. This is the police protection Amendment, and I move for its adoption."

Speaker McPike: "Question is... On the adoption of Amendment, Mr. Black."

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

Speaker McPike: "Yes."

Black: "Representative, we just withdrew an Amendment in good faith. This Bill this Amendment is attached to at least five Bills already on its way to the Senate. Couldn't we ask you in good faith to withdraw this Amendment and let's get on with the Bill?"

Dart: "Not this time."

Black: "Well, I guess I'm not surprised. Mr. Speaker, I would ask for a Roll Call Vote, pursuant to Rule 55 (c), on Floor Amendment #2."

Speaker McPike: "Representative Brady."

Brady: "Thank you, Mr. Speaker. Point of...parliamentary inquiry, germaneness of the Bill, of the Amendment."

Speaker McPike: "What was the question?"

Brady: "The germaneness of the Amendment."

Speaker McPike: "Yes."

Brady: "Parliamentary inquiry."

Speaker McPike: "Just a second. Representative Brady, the underlying Bill deals with the reduction of crime, Amendment #2 deals with reduction of crime; same subject



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matter. The Chair rules it is germane."

Brady: "Mr. Speaker, with all due respect for your opinion, I appeal the rule of the Chair under Rule 81 and..."

Speaker McPike: "All right, the question is..."

Brady: "I'm joined by five other Members."

Speaker McPike: "Question is, 'Shall the Chair...'"

Brady: "And Mr. Speaker, I would like to further state that it is not the same Act, and to help us all vote on whether or not we should agree with the ruling of the Parliamentarian, maybe you could explain to us a little more detail of your justification, because it is not even in the Act. Is it Mr. Speaker?"

Speaker McPike: "It doesn't have to be. It is the same subject matter. The Chair has ruled it is the same subject matter. Representative Brady has moved to override the Chair. The Motion requires 71 votes. All those in favor of overriding the Chair vote 'aye'; opposed vote 'no'. Representative Cross, to explain his vote."

Cross: "Mr. Speaker, it is not to explain my vote. It is an inquiry of the Chair. We...going back to the issue of being dilatory or not, we would appreciate a ruling from the Chair and the Parliamentarian as to whether or not this Amendment is dilatory. We have faced this issue before in the past with our Amendments that have been ruled dilatory in a similar situation and we would like the ruling from the Parliamentarian."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 51 'ayes' and 65 'noes', and the Motion is defeated. On Representative Cross' point of order the Chair will rule that it is not dilatory. Further Amendments? No, the question is on the adoption of the Amendment #2. All those

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in favor say 'aye'; opposed, 'no'. The 'ayes' have it.  
Amendment #2 was adopted. Further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative  
Andrea Moore."

Speaker McPike: "Representative Lang, for what reason do you  
rise? Mr. Lang."

Lang: "Thank you, Mr. Speaker. A question of germaneness of the  
Amendment."

Speaker McPike: "The Chair will rule that Amendment #3 is not  
germane. Further Amendments? Representative Black."

Black: "Mr. Speaker, I have no choice, but on this to appeal the  
ruling of the Chair and would ask and am joined by the  
necessary Members of my side of the aisle, that we appeal  
the ruling of the Chair and attempt to overrule."

Speaker McPike: "All right, the Gentleman moves that, to override  
the Chair. And on that, Representative Moore."

Moore, A.: "Mr. Speaker, I would like you to explain in more  
detail than it's not germane. Last time you ruled that  
something needs..."

Speaker McPike: "Yes, I will."

Moore, A.: "...to reduce crime, we need to understand because..."

Speaker McPike: "Yes, I will."

Moore, A.: "...this amends the same Act and it does in fact  
expand on the process and does reduce crime."

Speaker McPike: "All right, the underlying Bill deals with the  
reduction of crime and the Amendment deals with FOID cards.  
It is not..."

Moore, A.: "This is the Amendment to the FOI Act, both of them  
are."

Speaker McPike: "Yes. So the Chair will rule that it is not the  
same subject matter, it is not germane. Representative  
Rutherford."

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Rutherford: "Mr. Speaker, this is similar to what took place a few...about a week or so ago with an Amendment that I brought forward, too. Obviously, if we are looking at subject matter it is much interpretive as to how one looks at this whole thing. Mr. Madigan's Amendment was germane because it happened to be Mr. Madigan's Amendment. It happened to be germane because it dealt with reducing crime. Representative Moore's Amendment happens to be dealing with reducing crime, she happens to be on this side of the aisle. Does that make a difference as to the interpretation of germaneness, when you're dealing with strictly an interpretive subject matter, Mr. Speaker?"

Speaker McPike: "Representative Brady."

Brady: "Thank you, Mr. Speaker. I guess I would ask you to answer Representative Rutherford's statement because I see in no way that this differentiates from your previous ruling when I questioned germaneness on Representative Madigan's Amendment. I think if you're going to say they both prevent crime, I think this prevents crime as well and maybe you could give us, or enlighten us to the answer of Representative Rutherford's question about what side of the aisle you're on and what effect of germaneness that has."

Speaker McPike: "The Chair has made the ruling. Representative Black has moved to override the Chair. Representative Mulligan, on the Motion to override the Chair."

Mulligan: "I don't understand why, Mr. Speaker, that this Bill not...this Amendment would not be considered a part of this Bill. Particularly, since we have had dialogue for days on guns, and this certainly reaches out to domestic violence and I don't understand why we shouldn't have this added and why it would not be germane."

Speaker McPike: "Representative Tom Johnson."

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Johnson, Tom: "Yes, I would also urge the Members to overrule the Chair on this, in that, this is one of the most germane Amendments that one can have, dealing with the Criminal Code as it relates to criminal housing and people who live there and the violations of the underlying Bill and also the fact that now people who are going to possess firearms when they have been convicted of domestic battery. To say that this is not germane smacks in the face obviously of any rational thinking person. And I would urge the Members on the other side of this aisle, if they are serious about gun control and other matters that relate to crime and violence in this society, that they overrule the Chair on this thing and that this have an opportunity to be debated. Thank you."

Speaker McPike: "Representative Krause."

Krause: "Yes, a point also on the Motion, Mr. Speaker. Because if someone votes to sustain the ruling of the Chair the net effect of what they are going to do is in effect voting against this Amendment and I think that point should be made and stressed on both sides of the aisle. It is a most significant Amendment and it should be supported and yet if anyone here really votes to uphold the ruling of the Chair, they are in effect voting against this most important Amendment."

Speaker McPike: "Representative Skinner."

Skinner: "Well, Mr. Speaker, for those of us who are too dense to understand what Representative Krause just said, this is a woman's caucus record vote. So, if you want to be on good terms with a woman's caucus you have to vote to overrule the Chair."

Speaker McPike: "Representative Murphy."

Murphy, M.: "When considering overriding the Chair we are talking

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about taking guns out of stalkers hands. This is truly gun control, taking guns out of the hands of people that shouldn't have it. Please look at the Amendment and the merit. It is about getting weapons out of the hands of people that shouldn't have them."

Speaker McPike: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. According to Robert's Rules of Order, 'to be germane an Amendment must in some way involve the same question that is raised by the Motion to which it is applied'. An Amendment cannot introduce an independent question but it can be hostile to or even defeat the spirit of the original Motion and still be germane. And I believe this Amendment is all of that."

Speaker McPike: "I think, Representative Balthis, your point is well-taken. I hope you read the very last sentence from that paragraph. Representative Lindner."

Lindner: "Thank you, Mr. Speaker. I do think this is germane. The National Conference of State Legislators has a test of questions to test germaneness and I think that when you read these questions that this Amendment certainly is germane. There are several questions: Does the Amendment deal with a different topic or subject? Does the Amendment unreasonably or unduly expand the subject of the Bill? Would the Amendment introduce an independent question? Is the Amendment relevant and appropriate in a natural and logical sequence to the subject matter of the original proposal? Would the Amendment change the purpose, scope or object of the original Bill or Motion? Would the Amendment change one type of Motion into another type? Would the Amendment change a private Bill into a general Bill? Would the Amendment require a change in the Bill title? I think

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if you look at these questions, this Amendment certainly is germane and I would ask everyone to consider this when thinking of voting on this Amendment."

Speaker McPike: "Representative Andrea Moore."

Moore, A.: "I would just request of the Chair that on this vote to overrule the Chair, that everyone understands that they are going to be voting against an Amendment that was unanimously supported by the Jud II, and I would request a roll call subject to Rule 55 (c) and others join me..."

Speaker McPike: "We are going to have a roll call. We are going to have a roll call. Representative Hicks."

Hicks: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. You know, let's understand very clearly that we are voting to override the Chair. We are not voting on the Amendment in any way shape or form. We are voting whether or not the Chair has the control necessary to be able to run in an orderly fashion the matters of the House. That is what we are voting on."

Speaker McPike: "Representative Wojcik."

Wojcik: "Mr. Speaker and Members of the House, I am a little dismayed myself. It seems that the Chair is making some major decisions regarding female legislation. I have two Bills that are not being heard and they have passed out of committee at 19 to zero votes. And now we have a Chair that overruled an Amendment. I think that we...better start shaping up here when it comes to women because we are not giving them the recognition that they need."

Speaker McPike: "Representative Cross. Representative Cross."

Cross: "Thank you, Mr. Speaker. In case anyone hasn't read this Amendment, this is an extremely, this is an excellent Amendment and it is on the Motion because it is germane and it is something we need to discuss and no one's even

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discussed the germaneness issue. When a complaint is made under a request for an order of protection, that the respondent is threatened or is likely to use firearms illegally, the court may take away the firearms. This is an excellent Bill. It is germane and it needs to be discussed, and I would appreciate your vote to override the Chair. Thank you."

Speaker McPike: "Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. All we're really asking is the Bills be heard, I mean, if you on the other side don't like the numbers, if you don't like what's going on, you can vote it down. All we're asking is to debate the issue. That is the only thing that we want. And so, let's overrule the Chair and then get on with the people's business."

Speaker McPike: "Representative Turner."

Turner: "Yes, thank you, Mr. Speaker. I say we have debated this issue enough, and I move the previous question."

Speaker McPike: "Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Let's make sure that everybody understands. You can say what you want to say in your parliamentary maneuvering and your tricks that you try to play. This Amendment is germane. We know that the reason that you're ruling this as non-germane is because you want to try to control the legislation here. This is more germane than Speaker Madigan's Amendment was prior to this, was germane. Now let's understand so the side of the aisle understands when you vote against criminal justice and criminal reform you're voting against this Amendment, when you vote not to overrule the Chair. So what you want to vote on this one, a 'yes' vote means you are voting for a control of crime,

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you're voting for Andrea Moore's Amendment, Amendment #3 which is extremely critical. Say what you want in your parliamentary manuevers but that's what's going to come back at you at campaign time and understand that everyone of these Motions will do the same thing in every campaign time throughout this state."

Speaker McPike: "Question is, 'On Mr. Black's Motion, Shall the Chair be overruled?' Those in favor of overriding the Chair vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? Have all voted who wish? Motion requires 71 votes. Mr. Clerk, take the record. On this Motion, there are 52 'ayes' and 61 'noes'. The Motion fails. Further Amendments?"

Clerk McLennand: "No further Amendments."

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

Clerk McLennand: "House Bill 2491, a Bill for an Act to amend the Criminal Code of 1961. Third Reading of this House Bill."

Speaker McPike: "Representative Blagojevich."

Blagojevich: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2491 is a truth in sentencing piece of legislation that I filed back in September. When 96% of Cook County voters answered a referendum to the question, 'Do you support the concept of truth in sentencing that would incarcerate violent felons for 85% of their sentences?' They responded accordingly, 96% supported that concept. This truth in sentencing legislation is a different form. It attempts to surgically attack the problem of truth in sentencing and do so in a way that is cost effective to the State of Illinois. The Bill that I am proposing seeks to incarcerate violent repeat felons for 85% of their sentences. And the underlying rational behind this, is statistics that criminologists tell us regarding



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crime. Seven percent of all criminals commit two-thirds of all violent crime and the Bill is designed to specifically go after that 7%. It is also an intermediate step in existing law. It is between the first offense and the third offense, which presently is called the Habitual Criminals Statute. What this would do, it would require second offenders of those crimes that come under the Habitual Criminals Statute, first degree murder, criminal sexual assault, aggravated battery to a child, and any Class X felon to serve 85% of their time. Now it does require an increase in state revenues but the increase compared to other truth in sentencing legislation is modest. It is also truth in sentencing legislation that recognizes that not all of our crime-fighting resources ought to be applied to building prisons, but ought to be applied to other things as well. I seek your support and encourage you to ask questions. Thank you."

Speaker McPike: "On the 'do pass' Motion, Representative Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. What order are we on, Criminal Law?"

Speaker McPike: "Right now, we are on Criminal Law."

Black: "I was looking at the Calendar on page 4 and I thought all truth and sentencing Bills, and I assume that is what this is. I thought we were going to hear all truth in sentencing Bills tomorrow, according to the Calendar at 10:00 a.m..."

Speaker McPike: "Well we..."

Black: "I just wondered if we deviated from that? It says Second Reading and Third Reading."

Speaker McPike: "Yes, we deviated from that. Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. You said that this will cost

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more money. Is there any estimate in terms of that and do you have any indication of what funds those will be taken from?"

Blagojevich: "Yes. According to the Illinois Department of Corrections, they estimate that the increased cost to the state over the next ten years would be \$429 million. Now under the present budget in Illinois that the Governor has proposed for fiscal year 1995, he is alleging \$700 million to Corrections. This would be, if you do it on a yearly basis, roughly a 6% increase. Compared to a Bill that is also in the Legislature, truth in sentencing, that would cost \$5.8 billion over ten years. It is literally ten times less expensive, yet it seeks to house violent repeat felons for 85% of their time."

Speaker McPike: "Representative Brady."

Brady: "Thank you, Mr. Speaker. A question of the Chair. Could you give me the status of any Amendments that have been filed to this Bill?"

Speaker McPike: "Yes, Mr. Clerk, what Amendments are on the Bill."

Clerk McLennand: "Amendment #2 has been adopted. Amendment #1 was withdrawn and #3 was ruled non-germane."

Speaker McPike: "Thank you."

Brady: "Will the Sponsor yield?"

Speaker McPike: "Yes."

Brady: "Representative, you talked about the impacts of this Bill on state funds. Representative Hoeft asked a couple of questions, do you understand that this state has a constitution which requires us to balance our budget?"

Blagojevich: "Yes, I do."

Brady: "If...if your explanation to Representative Hoeft indicated that there would be a considerable cost in the

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first year of this that might be paid back in further years, is that right?"

Blagojevich: "Let me amend that answer. You don't necessarily have to apply the money in the first year. Because this is prospective in application, it won't really...the space in terms of incarcerating of these violent felons won't really be necessary until the third year. So if somebody, for example, gets convicted of a Class X felony and gets a six-year sentence, it is going to be that third year that person is start doing more time. So, in the first year, it's not necessarily going to require a increase in allocating state funds."

Brady: "So you're opposing something at will undoubtedly have some cost this year and I suppose that those costs you would suggesting go on to lapse period spending and increase that amount, is that..."

Blagojevich: "I'm not proposing, Representative, how we should find the money, I'm simply saying..."

Brady: "You want to propose something that you don't have an answer in how we're going to find this year's money."

Blagojevich: "We have a \$15 billion state budget with regard to general revenue. Forty-three million dollars a year, if it even costs that. And that again is debatable because it is not necessary until the third year. But if, in fact, we did want to allocate that money, I would say ample resource there. It is really a matter of prioritizing our state revenue. If you agree with me that violent felons ought to be locked up for 85% of their time, then to me it is a small price to pay."

Brady: "I'm trying to get to how we're going to pay for it and you do suggest that this is going to cost at least \$23 million that you haven't found."

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Blagojevich: "I haven't said that. I simply said that the estimates according to the Illinois Department of Corrections..."

Brady: "There is a lot higher cost than that but I think at least 23. Representative, do you also understand that there is an Amendment that has been filed by Speaker Madigan to this Bill?"

Blagojevich: "Yes, I do."

Brady: "And I want to go back. Do you feel that we should be passing Bills that we can't afford right now?"

Blagojevich: "I think that we have to recognize, Representative, our first duty, those of us in government and that is public safety."

Brady: "Your first duty is to abide by the Constitution of this state which requires a balanced budget. Do you have any idea what Speaker Madigan's Amendment will cost?"

Blagojevich: "Representative, I...again I recognize we ought to maintain and recognize our constitutional obligation."

Brady: "Do you have any idea what Speaker Madigan Amendment will cost?"

Blagojevich: "No."

Brady: "I'm told in excess of \$200 million, is that right?"

Blagojevich: "I don't know that."

Brady: "Don't you think that if you're going to sponsor a Bill and try to abide by the Constitution of this State and try to create as balanced a budget as possible that you ought to know the entirety of your Bill. And I am very concerned about where we are going to come up with this money. I applaud your efforts, but where are you going to come up with this money? Are you just spending money that we don't have with the Amendment and with your Bill?"

Blagojevich: "It is my understanding that the Speaker's Amendment

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allows for bonding to be able to pay for the additional police, Representative."

Brady: "Excuse me, I can't hear you, the level of noise is too loud."

Blagojevich: "It is my understanding that the Speaker's Amendment allows for a bonding issue that would pay for the additional police, and I think that is something that we should seriously take a look at."

Brady: "What bonding issue?"

Speaker McPike: "Representative Brady. Representative Brady, to the Bill."

Brady: "Pardon?"

Speaker McPike: "To the Bill."

Brady: "Well, I...Mr. Speaker, I'm trying to get to the nature of how we are going to pay for this entire Bill. This Bill, as amended, includes Speaker Madigan's Amendment. In entirety this Bill calls for truth in sentencing which will be very costly. We all support it but it is very costly. Secondly, it calls for additional police forces that I'm told will cost over \$200 million. Combined, these will exceed at least \$230 million to maybe \$600 million annually. Where are we going to come up with this? We have to realize our obligation under the Constitution of this state to provide for a balanced budget. And if the Representative is going to bring a Bill, and that is what I am talking about, a Bill that he is bringing, as amended, but it's the Bill in its entirety, we need to have that answer. I don't know how this Body can rule and vote for this Bill with a Constitution that we have, not knowing where the money is going to come from. We would all like pet projects and want to stand up and rant and rave about this and that. But the fact of the matter is the citizens

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of Illinois want things paid for, they don't want anymore lapse-period spending. And I am asking the Sponsor where he is going to come up with the money for the Bill in its entirety. If he is willing to accept Speaker Madigan's Amendment, I think he ought to be able to talk about where the whole issue, the whole Bill is going to be paid for. And I would like a response."

Speaker McPike: "Representative Hughes. Representative Hughes."

Hughes: "Will the Speaker yield?"

Speaker McPike: "Yes, he will."

Hughes: "Thank you. Have you analyzed the impact of truth-in-sentencing not only on the added cost for housing the prisoners but on the other side of that question, what the cost saved who be for not arresting, housing, and retrying these criminals?"

Blagojevich: "That is a great question. Let me say first of all, according to the Illinois Department of Corrections figures, if this Bill passed, the present inmate population that has to do with these crimes, that commit these crimes, would serve an additional five years actual time served. You are talking about murders. You're talking about rapist. You're talking about residential burglars. You're talking about robbers, your talking about the most serious criminals in our society. How will that save money on the economic side? Let me just give you some statistics, or let me just briefly tell you how the cost of crime affects those of us in an indirect way. People spend more money today on home security devices than ever before. Where somebody might in the past take public transportation or take a bus because they are afraid of crime they take a cab. There are very indirect ways that people pay because they are afraid to go out of their homes. This Bill,

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again, is not truth in sentencing across the board, it goes after the violent repeat criminals. And why is it not truth-in-sentencing across the board? This ought to please Representative Brady, because we can't afford that. And so we decided to do a Bill that's affordable that we could pass now within our existing budget and something that I think the public demands and wants. And it's going to make our community safer because we're going to lock up the violent criminals."

Hughes: "One other question and I hope I didn't miss it. What percent of the current housed prisoners would this Bill affect?"

Blagojevich: "As of...as of April 15, 1995 our inmate population is about 35,000. This might affect about 1,280 that would qualify for this enhancement, if it was going to apply retroactively, but it wouldn't, because this is going to be prospective in application. So those that are already in because of constitutional constraints would not be allowed to be locked up for 85% of their time, so it's prospective."

Hughes: "So out of 35,000 you said 1,200?"

Blagojevich: "Twelve hundred and eighty, if it was retroactive, but it is not."

Hughes: "Thank you."

Speaker McPike: "Representative Roskam."

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

Speaker McPike: "Yes, he will."

Roskam: "Representative Blagojevich, what kind of deviants are going to be free to walk the streets, even if this Bill passes?"

Blagojevich: "I just heard somebody say, 'Republicans', Representative. I didn't say that."

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Roskam: "No, I noticed that you enumerated a whole host of offenses and what not that will be covered under the scope of the Bill. What kind of deviant, sick behavior is still going to be free to walk the streets, even if the Bill passes?"

Blagojevich: "Well, unfortunately there is going to be a lot of people who are convicted of felonies that will still be eligible for good time credit and early release, and I'm not so sure that's altogether a bad thing. If you have non-violent felons, I think it makes perfect sense for us and for corrections to try to house them in a way that gives them incentives to become productive members in our society."

Roskam: "Representative, are there any violent felons that will fall outside the scope of House Bill 2491?"

Blagojevich: "No."

Roskam: "I'm just asking. So all the violent bad guys you're representing, that would include sexual crimes and what not, all those people will fall within the scope of your legislation, is that right?"

Blagojevich: "That is correct."

Roskam: "Thank you."

Speaker McPike: "Representative Biggins."

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

Speaker McPike: "Yes."

Biggins: "Representative, will this take off the streets those people that ride motorcycles without helmets on? The most violent offenders we have in society today?"

Blagojevich: "I believe in freedom of choice, Representative. So, no, it would not affect those who decide not to wear helmets when they ride motorcycles."

Biggins: "Now in the event that this Bill passed and you went



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through the entire state budget and didn't know where you would get this \$200 million, what tax would you increase to pay for this Bill?"

Blagojevich: "Well, I would frankly throw the gauntlet to those who decide the appropriations. I would throw the gauntlet to the Leaders who deal with the appropriations and certainly to the Governor. And I would say to them, 'You've got a lot of money in the existing state budget; let's set our priorities; how do you prioritize public safety?' And I would say that you can find \$43 million a year for my Bill even if it is \$43 million a year, in the first year, with the existing \$15 million or billion that is used in general revenue. So I would say that there is a way that they can do it, if they look hard enough and they're resourceful enough and if they are compelled. And that's at the beauty of this Bill. If we pass this Bill, we force their hand. They are going to have to find a way to fund this."

Biggins: "Well, I would think that someone that announced their intentions to run for Congress would not be so quickly running away from the responsibility of making a tough decision and throwing the gauntlet to another office. Why don't you come up with your own tax raising idea to pay for this and quit pawing it off on somebody else?"

Blagojevich: "I don't think you need to raise taxes to pass this Representative. I think we can do it with the existing state budget. That's why it surgically attacks the violent criminal and is not truth-in-sentencing across the board."

Speaker McPike: "Representative Salvi."

Salvi: "I...thank you, Mr. Speaker. I appreciate the comments of the Representatives who are concerned..."

Speaker McPike: "One minute."

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Salvi: "...about the cost of this Bill. But I would like to ask, what the cost would be if we don't pass the truth-in-sentencing Bill? We're talking about individuals who have been convicted of first degree murder, Class X felonies, criminal sexual assault, aggravated battery on a child; those are the crimes for which Representative Blagojevich is asking we be honest regarding sentences. The people of this state overwhelmingly support the concept of truth-in-sentencing. Let's be honest with the people of the state. Let's be honest with the defendants, the criminals and most importantly let's be honest with the victims of crimes, by sending individuals convicted of these four crimes to prison for at least 85% of their sentence. I urge a 'yes' vote on this Bill."

Speaker McPike: "Representative Flinn moves the previous question. The question is, 'Shall the previous question be put?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The previous question is put. Representative Blagojevich, to close."

Blagojevich: "Well, again I would say that this is a bipartisan issue. We have 28 Sponsors and it is growing with every passing second and they're Members of both parties. And this really is a problem that affects everybody. Crime is not immune and that...in any event...crime knows no party label. I would urge a 'yes' vote on this because it is important, cost effective and realistic right now in 1994. Thank you."

Speaker McPike: "Question is, 'Shall House Bill 2491 pass?' All in favor vote 'aye'; opposed vote 'no'. Representative Skinner, to explain his vote."

Skinner: "Mr. Speaker, I had wanted to ask a question with regard to the source of the statement that 7% of criminals commit

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blank percent of the crimes. I didn't catch the blank percent of the crimes. I wonder if the Representative, in explaining his vote, could give us a citation? Thank you."

Speaker McPike: "Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. In all the noise I don't know if whether you got back to me. I just...I thought the Calendar said all of these Bills were going to be heard tomorrow at 10:00 on Second and Third Reading, if they were truth-in-sentencing, and I assume that's what this Bill is."

Speaker McPike: "Yes, you asked the Chair if we had deviated from that and I answered, 'yes'."

Black: "I didn't hear you, I'm sorry. I thought you were taking it under advisement."

Speaker McPike: "No. Representative Johnson, to explain his vote."

Johnson, Tom: "Yes, Mr. Speaker. To explain my vote, since you wouldn't call on me. I had some questions that I think could have clarified this but you would not call on me on those questions. But I do want to make it plain in explaining my vote, that this really is not truth-in-sentencing in this Bill. This is a two strikes and you're out Bill. It also has some problems as it relates to the Constitution and ex post facto thing. I'm going to support this Bill but there are other truth in sentencing Bills, as we are all aware, that are waiting hearing in this chamber, that really get down to truth-in-sentencing and not two strikes and you're out. But I congratulate the Sponsor for at least getting this moved forward because I'm not sure we're going to get anything else out of here."

Speaker McPike: "Representative Blagojevich, to explain his vote."

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Blagojevich: "I simply want to answer Representative Skinner's question. A fellow by the name of Methan did a study in Pennsylvania and that is where that 7% figure came from."

Speaker McPike: "Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 100... Representative Biggins, for what reason do you rise?"

Biggins: "Mr. Speaker, I was going to question the ruling you earlier stated that I didn't follow the House rules, so I thought you were done with this vote, and I was going to inquire about the House rules."

Speaker McPike: "On this Motion, there are 103 'ayes' and 8 'noes'. House Bill 2491, having received the Constitutional Majority, is hereby declared passed. Representative Biggins."

Biggins: "Yes, thank you, Mr. Speaker. You mentioned earlier that I violated the House rules and I have been anxiously awaiting my copy of the rules, which I understand..."

Speaker McPike: "Turn on Mr. Biggins. please."

Biggins: "Yes, the rules were revised yesterday, I believe, so I was waiting for my copy of the rules to see if I...make sure I won't be in violation of them again."

Speaker McPike: "Thank you. House would like to welcome Judge John Countryman to the House floor. Yes. And Appellate Court Judge Toby Berry in the center aisle. Toby Berry. Welcome to the House floor, Sir. Representative Tim Johnson."

Johnson, Tim: "Leave to be recorded as voting 'yes' on the previous Bill."

Speaker McPike: "All right. Let the record reflect that Representative Tim Johnson would have voted 'aye' on House Bill 2491. Government Administration, Third Reading, House

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Bill 2714, Representative Brunsvold. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2714, a Bill for an Act regarding governmental employees. Third Reading of this House Bill."

Speaker McPike: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 2714 amends a Personnel Code dealing with the conservation police, CPO's. The Bill started out with about five provisions. Two of those have been removed. The term appointment language has been stricken from the Bill and Amendment #1. Amendment #4 removed all language dealing with pensions, so the pension language and the term appointment language is out, which leaves the Bill with basically three provisions. It sets up or establishes a separate distinct law enforcement division in the Department of Conservation; sets up the chief of law enforcement and his responsibilities, and also sets up the advisory council that would do certification and promotion of the conservation police officers. And really puts into language now the agreement that conservation made a couple years ago, that CPO's would be on the same pay rank or pay scale as the state police. So, that is what the Bill does and I would be happy to answer any questions, and ask for your support on House Bill 2714."

Speaker McPike: "All right. On a 'do pass' Motion, Representative Deuchler."

Deuchler: "Would the Sponsor yield for a question?"

Speaker McPike: "Yes, he will."

Deuchler: "Representative Brunsvold, I'm wondering about the retired teachers who would under various proposals be receiving \$25 per month for each year of creditable service. Is this proposal, that has been talked about by

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so many Members of the General Assembly, was that taken out of your Bill?"

Brunsvold: "This Bill has to do with conservation police officers and the pension language that was on this Bill has been removed. So it had nothing to do with teachers."

Deuchler: "Thank you."

Speaker McPike: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. I have an inquiry of the Chair. I'm having trouble following which call we are on but I have noticed that all the Bills that have been called, the names have all been starting with b and I have several Bills on Third Reading which I would appreciate being called if you're in the B's right now and I think you've passed over BIG's, so..."

Speaker McPike: "The Chair will recognize another B, Representative Brady."

Brady: "Thank you, Mr. Chairman, Mr. Speaker. I would ask that before you represent...you choose Representative Biggert, Brady comes before, oh no it doesn't; it comes after, I'm sorry. But anyway, would the Sponsor yield?"

Speaker McPike: "Yes, he will."

Brady: "Representative, is the department still in opposition to this Bill?"

Brunsvold: "The...at this time, yes. They are opposed to this Bill at one time, early on they were neutral on the Bill. So..."

Brady: "Could you show me under what grounds they are opposing it?"

Brunsvold: "Well, they have asked for a number of or filed a fiscal note on the Bill and that thing has changed with the pension note and with the term limitations which our side really opposed. But the Bill would increase costs slightly

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for the department."

Brady: "Do you have a estimate of what that would be?"

Brunsvold: "CMS indicates somewhere around \$150,000. Conservation, if you don't count overtime, depending on how you look at the overtime. If they don't get anymore overtime, then you're talking about \$250,000 in pay differences."

Brady: "So, \$400,000. But when you were explaining the Bill on the Amendments and as it was amended, I thought you suggested that this was just statutorizing current practice. Is that not right?"

Brunsvold: "Repeat that question, because I didn't hear you."

Brady: "What change...I misunderstood you when you talked about the agreement on the Amendment. Exactly what changes will this cause, cause I thought you said really what is going on now, this will allow to continue?"

Brunsvold: "What changes will occur? Right now, the...this would set up underneath the Bill a division of law enforcement in the Department of Conservation which will be on a pay scale equal to the state police. That was an agreement that we thought was reached a couple years ago and it has not be followed for budgetary reasons, I would guess...over the last couple of years. And it really sets up a chief of law enforcement and some responsibilities that chief would have."

Brady: "And what would be the benefit from this?"

Brunsvold: "Benefits for the CPOs would be that they would get the agreement that they originally reached in being in a pay level with the state police. In fact, the conservation police officers are really our first law enforcement group in the state. They have very wide powers, in fact, the powers of the conservation police officer is even broader

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than the state polices'. So, this would set up their own division and have their own Chief of Police within the Department of Conservation."

Brady: "How many people will this affect within the department?"

Brunsvold: "Total CPO's about 150."

Brady: "So, 150 people will benefit from \$400,000?"

Brunsvold: "Four hundred thousand?"

Brady: "That is what you thought the cost would be."

Brunsvold: "No, about, it's about \$250,000. But, you have to realize that counts overtime, if they don't get any overtime, it wouldn't be near that. So it is a situation, if you're talking about overtime with the new pay scale you're talking about more money, but if they got the new pay scale they probably won't get the overtime. So, the numbers is really not important."

Brady: "Thank you for your explanation."

Speaker McPike: "Representative Churchill."

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

Speaker McPike: "Yes, he will."

Churchill: "Are we creating a separate police force or are we keeping this as a separate police force?"

Brunsvold: "We are keeping under conservation as a unit with its own chief and with responsibilities within that unit."

Churchill: "Okay. And so the rankings will still be all the same or are they now going to have ranking..."

Brunsvold: "No, the ranking will probably be the same, but that comes under the border plate language for responsibilities of the chief."

Churchill: "Okay. But I guess what I am saying is this Bill isn't going to change the rankings of these police officers, is it?"

Brunsvold: "No, there will be two ranks, captain and, I think,



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lieutenant."

Churchill: "Okay. And these people are now subject to collective bargaining?"

Brunsvold: "Their FOP members, yes."

Churchill: "And if we pass..."

Brunsvold: "Some of them are."

Churchill: "...the Bill, will that impact the collective bargaining at all?"

Brunsvold: "No, they would be bargaining as a unit so as they do now. I don't know if that would be any different than it has ever been. They would be bargaining as an FOP unit, with conservation."

Churchill: "Okay. But currently, I guess I'm getting at, currently they have the right to, with their bargaining unit, establish their salaries, establish their positions and et cetera. And now you're going to give them these special rankings by statute and so that would not be a part of the...that would not be subject to the collective bargaining agreements process anymore."

Brunsvold: "No only the, from my understanding, only the chief in the...and those people would be under the...not under the FOP requirements of bargaining. The officers on the street or out in the field are still going to be FOP members."

Churchill: "Are the...is there any difference in terms of their treatment under the Rutan decision, will they be Rutan exempt or Rutan covered?"

Brunsvold: "The term appointment was taken out of there. I had, in the original Bill, a requirement that the term appointments would be eliminated in Amendment #1. So that...I objected to that, I objected to that Bill, to that provision."

Churchill: "All right. Let me ask you now, are these the

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officers, like if I was out on a lake someplace and I was quietly fishing and minding my own business and somebody came along and they wanted to question whether I had a number of life preservers or question whether I had the right number of oars in the boat or the right motor or whatever...so then if somebody issued a ticket, these are the officers that do that?"

Brunsvold: "These are conservation police officers, CPOs, right."

Churchill: "So I see. So if they were a Member of the Legislature that ever got a ticket on a boat from one of these guys this would be the..."

Brunsvold: "This would be the guy you probably wouldn't want to support."

Churchill: "Yes. So that would be someone in this Body that might not want to support that, right? I have no further questions anymore, Mr. Speaker."

Speaker McPike: "Or the fire extinguisher. Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I also have a question of the Chair and it coincides with my colleague in the front row down there on the Republican side of the aisle. I noticed that a lot of times my mail sometimes doesn't get to me because of the similarity in the spelling of our names and while hers ends in GERT, mine ends in GINS and we are both big to start with, but then I wondered if perhaps my Bill might be confused with her Bills and therefore as you go through these B's, as you're bumbling through the B's you are missing our Bills. Is that a possibility, Mr. Speaker?"

Speaker McPike: "Yes. Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. It has been

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amended to satisfy all the concerns that everybody has had. A lot of hard work has gone into this Bill. It puts conservation police officers on a power with state police officers where they were intended to be. It is good legislation. Its time has come, and I urge all Members on both sides of the aisle to support this Bill and vote for it."

Speaker McPike: "Representative Skinner."

Skinner: "Would the Gentleman yield for a question?"

Speaker McPike: "Yes."

Skinner: "Since you want to make conservation police like state policemen, why don't we just merge the two agencies?"

Brunsvold: "I would be all right if the state police wanted to merge with the conservation police officers."

Skinner: "Well, it would seem to be the logical, the logical destination you're seeking. Thank you."

Speaker McPike: "Question is, 'Shall House Bill 2714 pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this Motion, there are 101...102 'ayes', 5 'noes'. House Bill 2714. Representative Morrow."

Morrow: "Representative Morrow wants to be voted 'aye' on that Bill."

Speaker McPike: "Representative Morrow votes 'aye'. Representative Hanrahan votes 'aye'. Representative Salvi votes 'aye'. Any further? Representative Skinner votes 'aye'. Representative Morrow?"

Morrow: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I am voting 'aye' on House 2714."

Speaker McPike: "Representative Morrow, we have already taken the record."

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Morrow: "Okay. I'm sorry."

Speaker McPike: "On this Motion, there are 100 and... Ackerman votes 'aye'. Mulligan votes, Representative Mulligan."

Mulligan: "Mr. Speaker, I would like to explain my vote. I may have a potential conflict."

Speaker McPike: "No, we have...all right, go ahead."

Mulligan: "And I just wanted to say that is why I am voting 'present'."

Speaker McPike: "All right. Thank you. On this Motion, there are 107 'ayes', 5 'noes'. House Bill 2714, having received the Constitutional Majority, is hereby declared passed. House Bill 3687. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3687, a Bill for an Act in relation to the practice of locksmithing. Third Reading of this House Bill."

Speaker McPike: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker and Members of the House. House Bill 3687 creates a Locksmith Licensing Act to be administered by the Department of Professional Regulation. It would require all locksmiths to be licensed before they can practice in the State of Illinois. And it establishes the criteria for licenser. We look at this and what we are looking at is the safety and well-being of all the individuals in this room and throughout the State of Illinois. The last several years, or the last several months, there has been different expose' that have been an T.V., one being on American Home Journal, that is shown nationwide, Channel 5 in Chicago, to the whole expose' on locksmiths. American Home Journal brought out the case that was brought out in the Chicago Tribune with the headlines, 'A Question of Trust'. Everyone knew the guy who fixed the locks or did they? What happened was the

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locksmith was breaking into the apartments and the homes in which he was installing locks and killed an innocent person because he was burglarizing and the person was in the apartment at the time. Channel 5 did an expose' about locksmiths coming out and letting people into homes that said they lost their keys, the home did not even belong to them. Letting them into cars, vans, trucks that did not even belong to them, no questions asked, did not ask for identification. So the thing is, we have this need there, there is a lot going on. For the safety we are trying to come down on crime, what better way to come down on crime, but to start licensing the locksmiths who install the locks in your own home. When you call a locksmith you have no ideal whether or not, what their background is, where they are coming from or anything else. Now the thing is that, we do have some opposition to this. We had a little opposition in committee. We went through the different Amendments, the Amendments that were adopted, we have all the industries that were against, at first had a little opposition. The Manufacturers Association are on board now, IRMA, the Illinois Retail Merchants Association, and the electronic alarm people also. The department naturally is against it because they are against any new licensor Bills as long...with the Governor's Office. I received the fiscal report from the Department of Professional Regulation and there is a very interesting fact that I brought out in committee, which also is brought out by Department of Regulation. The net revenues that this Act would bring in would be \$3,319,000, the expenses would be \$680,000 and the net revenue to the state and to...well to the department and to the state would be \$2,638,000. Here we have a group of individuals who are looking to be

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licensed. It is not going to cost the state one penny. The state, after all, is going to make \$2 million and I feel that this has been around for awhile. You know things have been happening throughout the country as well as the city and state and I feel very strong that we should pass this Bill, and I ask for an 'aye' vote."

Speaker McPike: "On the 'do pass' Motion, Representative Hoeft."

Hoeft: "Thank you, Mr. Speaker. I would like to speak out for this Bill. It is very interesting if you think that any felon in this state can come out of a penitentiary, go to a three day workshop on how to pick locks for a car or a house. Since we have absolutely no regulation of the tools of this industry, they can then go and purchase locksmith picking tools. And they then can go out and have access to your car, your house. The Federal Government has realized the importance of this and they have banned interstate sale of locksmith tools because they know the criminals are going to go out and buy them. Now while we're down in Springfield legislating, our homes, our wives, many of them are up or out in various parts of this state without our protection. It is very difficult for me to think that my wife tonight could have someone entering the house who has purchased legally this equipment. This Bill will generate money for the state. This Bill will create safer homes, and will protect our cars. I see absolutely no reason why we can't protect our citizens and create a system where people are licensed before they purchase tools that can break into your home and murder our citizens. I would ask for an 'aye' vote."

Speaker McPike: "Representative Turner."

Turner: "Yes. Thank you, Mr. Speaker, Ladies and Gentlemen of the Assembly. Will the Gentleman yield for a question or

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two?"

Speaker McPike: "Yes. Yes, Representative Bugielski."

Turner: "What are the requirements to be a locksmith in this state?"

Speaker McPike: "Mr. Turner is asking you a question."

Turner: "What are the current requirements to be a locksmith in this state right now?"

Bugielski: "There are no requirements."

Turner: "And what would they be under this legislation?"

Bugielski: "Well, there is a whole list got to be 18 years old, must have...not have violated any provisions of Section 90 of this Act, not have been determined by the department to be unfit by reason of a felony conviction or conviction of a misdemeanor offense directly to the practice of locksmithing. So, if you were, you know, arrested for burglary and entering they would not issue you a license."

Turner: "Whether it be a misdemeanor or a felony, is that correct?"

Bugielski: "Misdemeanor or felony offense directly related to the practice of locksmithing."

Turner: "Okay, what about academic requirements?"

Bugielski: "You would have to pass an examination, an examination authorized by the department in the theory and the practice of the profession. It's not saying that you have to be a college graduate or a high school graduate, but you have to, you know there would be courses, they do have courses right now continuing education courses, in the art of locksmithing. So as long as you took those, but it's not that you have to be a college graduate."

Turner: "And how will the existing locksmiths be affected by this legislation? Are they grandfathered in?"

Bugielski: "They are grandfathered in."

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Turner: "Okay, thank you."

Speaker McPike: "Representative Pankau."

Pankau: "Mr. Speaker, and Members of the chamber. I, too rise to support this Bill. These people can let you into your car, into your house, into your office, and they can do it in a matter of seconds. I know this because I've locked myself out many times. If they can do that, thank God most of them are honest, but some of them aren't, and hopefully this Bill will clean up the ones that aren't. I urge your support."

Speaker McPike: "Representative Deuchler."

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

Speaker McPike: "Yes, he will. Representative Bugielski."

Deuchler: "Representative Bugielski, I noticed for example, in our analysis that the Retail Merchants Association had opposition to this legislation as well as Sears..."

Bugielski: "Amendment, Amendment #2 has taken care of that."

Deuchler: "Could you explain what the genesis for this legislation..."

Bugielski: "Well, because of their garage door openers, they were worried because they install garage doors, electronic garage doors, and an Amendment has been taken in. The Illinois Manufacturers had reservation about it; Amendment #1 took care of the Illinois Manufacturers Association. Illinois Retail Merchants Association had some questions, Amendment #2 took care of Illinois Retail Merchants Associations concerns, and Amendment #6 took care of the electronic alarm people. These were all the concerns of the individuals that had questions when the Bill was first drafted, and when the first, when the Bill was first entered into the record all of those concerns have been taken care of by the Amendment. Everyone now is in



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agreement with the Bill."

Deuchler: "Did I understand you to say that the alarm detection owners have removed their opposition to this legislation?"

Bugielski: "Yes, I have."

Deuchler: "Thank you."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. The Bill certainly has some outstanding Sponsors, and enjoys great bipartisanship, but I rise in opposition to the Bill. Now, Ladies and Gentlemen of the House, this Bill creates an entirely separate Act that the Department of Professional Regulation will now have to set up at a cost of approximately \$75,000, The money is not appropriated. If this is indeed a problem, it could be piggybacked onto the Private Detective Licensing Act, or number of places without creating yet another new licensing Act, and we've created about a half a dozen in the last two years that we don't fund. Now, Ladies and Gentlemen of the House, you're going to go home Friday, and I...the Majority Leader mentioned this last week, he wants to go home Friday. He's going to go home and see his baby daughter, and that baby daughter is going to look up at him and say, 'What did you do daddy, what did you do daddy this week to protect the people of the State of Illinois?' Our Medicaid Bills aren't being paid, our budget is in disarray. We have emergency legislation that we can't get called but, 'What did you do daddy to protect the people of the State of Illinois?' And the Majority Leader is going to say, 'Sweetheart, I...'"

Speaker McPike: "Mr. Black. Mr. Black, I would like to save you a little effort, would you lay your microphone down, it's been off for the last three minutes. The Speaker..."

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Representative Hicks."

Hicks: "Thank you, Mr. Speaker. I'm not quite sure what Representative Black said, but I'm with him, whatever it was."

Speaker McPike: "Whatever he said, it won't be recorded. Representative Skinner."

Skinner: "Our analysis says that each applicant must submit two sets of fingerprints, who are going to take the fingerprints."

Speaker McPike: "Mr. Representative, Representative Bugielski. Mr. Bugielski."

Bugielski: "They could be taken through the association and they'd be submitted to the state."

Skinner: "Will they be taken by a police agency or will they be taken by a private agency?"

Bugielski: "Private agencies are qualified to do this or police agencies are qualified to this and be submitted to the state."

Skinner: "Well, Mr. Sponsor, I think that's a gaping whole. I think that if we're trying to keep crooks out of the business, we ought to keep, we ought to make sure that a police agency takes the fingerprints so that the agency knows that the fingerprints that's examining through the state police system will be from the person who is submitting the application. Now, your Bill says that someone may be, have an inactive status for up to six years. Could they be in jail during that six years for molesting a child?"

Bugielski: "Well, if they were in jail, any criminal offense can revoke their license."

Skinner: "Yes, but, molesting a child has nothing... Molesting a child has nothing to do with locksmithing."

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Bugielski: "Well, then it's still brought up to the board, it would be brought up to the board, you know that's set up the locksmith board."

Skinner: "This Bill says that out of the last five years, you have to of been an active locksmith for two years, two out of five years to be grandfathered in. Could those other three years have been spent in jail as a peeping tom?"

Bugielski: "Well, the previous three years until it gets set up. Again, these would be, if they've served, you know this is the grandfathering clause, so if they have two years previous, they're not looking at their previous convictions until actually the law gets set up into place."

Skinner: "There's no background check."

Bugielski: "There is a background check, and then it would be given to the board for their approval. Each case is taken that when there is a criminal background, it would be up to the board to determine the eligibility of that person and being granted a license."

Skinner: "I read from my staff analysis, the applicant cannot have been convicted of a felony or a misdemeanor directly relating to locksmithing, unless the department determines that such applicant is sufficiently rehabilitated to obtain a license. It sounds to me like there are not enough restrictions in this Bill to keep crooks out of the locksmithing business. In fact, I'm wondering if we shouldn't amend the Bill to allow the Department of Corrections to conduct locksmithing classes, because there's just not a prohibition in here to keep felons out of the business, and I think there should be. In addition, it seems to me, I would, I would like to lay on my boiler plate objection to additional licensing of any profession. We license more people in the State of Illinois than any

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other state in the country. We have created a guild system for almost every imaginable profession. It is not a good idea. It does not come from consumers. These requests never come from consumers, they come from providers of services. Businessmen who want to restrict competition. That is not the way to get the best service or the best prices."

Bugielski: "Just in response, this is not restrictive, we do not have it's..."

Speaker McPike: "Representative Bugielski, you can, you can close, you can close. Representative Olson."

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

Speaker McPike: "Yes."

Olson: "Representative, Representative. Early in your presentation you mentioned some dollars and amounts. There was a cost of the license and a cost to the state and there was to be a net profit in that for the state?"

Bugielski: "Yes, Sir. Yes Sir, and also I was going to bring this back. As Mr. Black was giving his dissertation, Mr. Black pointed out that it's going to cost the state \$75,000, but what Mr. Black failed to report was that in the first year, this state was going to take..."

Olson: "Representative. Representative. Representative. Representative, I heard Mr. Black's presentation. I'm asking you a question."

Bugielski: "You're asking about the figures."

Olson: "What was the net amount to..."

Bugielski: "The net revenue to the State of Illinois is \$2,638,523, and this is a four-year plan that they have."

Olson: "All right."

Bugielski: "The four-year revenues, four year expenses, and the net revenue is \$2.6 million."

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Olson: "What, where does this \$2.6 million get deposited?"

Bugielski: "Well, it goes to, goes to the Department of Professional Regulation, and then the department, I think, they turn it back over to the state, to any of the proceeds. They are making money on this Act."

Olson: "So, many other... So, many other things that we regulate, and realtors comes to mind, but it stays in a special fund. A few years ago when we had some budget problems, I remember that we, if I can use the word raided, we raided a lot of those special funds, and we got a lot of objections from the professional people that were paying those license fees."

Speaker McPike: "The question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 47 'ayes', 62 'noes'. You want it postponed or do you want it killed? The Gentleman asks for Postponed Consideration. It will be placed on postponed. House Bill 2613. Representative Burke. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2613, a Bill for an Act amending the Naprapathic Practice Act. Third Reading of this House Bill."

Speaker McPike: "Representative Burke."

Burke: "Thank you, Mr. Speaker. This is basically a clean up Bill, something the Department of Regulation is asked for, technical language. I'd be happy to answer any questions."

Speaker McPike: "On the 'do pass' Motion, Mr. Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Now this Bill, unlike the previous Bill, is simply a technical clean-up of legislation passed last year, and I know that Representative Burke and I will sleep

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much better if we get the naprapaths taken care of right here and now. So, this is a good Bill, and I rise in support of it."

Speaker McPike: "The question is, 'Shall House Bill 2613 pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 113 'ayes' and no 'nays'. House Bill 2613, having received the Constitutional Majority, is hereby declared passed. House Bill 3079. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3079, a Bill for an Act to create the Uniform TOD Security Registration Act. Third Reading of this House Bill."

Speaker McPike: "Representative Capparelli."

Capparelli: "Thank you, Mr. Speaker. House Bill 3079 creates a new Act in which individuals may register a security indicating the present owner of the security and the intention of the owner regarding the person who will become the owner of the security upon death. Registration can include securities, both real estate and property. This has been approved by the National AARP Association and the National Conference Commission on Uniform Law. So, I would ask for a favorable roll call."

Speaker McPike: "The question is, 'Shall House Bill 3079 pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there are 115 'ayes', no 'nays'. House Bill 3079, having received the Constitutional Majority, is hereby declared passed. Government Administration, Second Reading, appears House Bill 4094. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4094. The Bill has been read a second

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time, previously. No Committee Amendments. Floor Amendment #1, offered by Speaker Madigan."

Speaker McPike: "Representative Dart."

Dart: "Thank you, Mr. Speaker. This is the police Amendment, and I move for its adoption."

Speaker McPike: "On that, Mr. Black."

Black: "Are we on Floor Amendment #1, Mr. Speaker?" This is the policemen in every precinct, constable, in every garage. Okay, fine."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

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

Speaker McPike: "Representative Cross withdraws the Amendment. Further Amendments?"

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

Speaker McPike: "Mr. Curran."

Curran: "Move to withdraw Amendment #3."

Speaker McPike: "The Gentleman withdraws Amendment #3. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Biggert."

Speaker McPike: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. This Amendment is to extend the, the penalty for sexual abuse of a child and the statute of limitations for a Class A misdemeanor, Class I felony."

Speaker McPike: "Any discussion? The question is, 'Shall Amendment #4 be adopted?' All in favor say 'aye'; opposed,

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'no'. The 'ayes' have it, and the Amendment's adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #5, offered by Representative Curran."

Speaker McPike: "Mr. Curran."

Curran: "Thank you, Mr. Speaker. Amendment #5 enhances the penalty for armed violence from a Class X, which had been 60, six years to 30 years and a \$10,000 fine to a Class X felony which of 16 to 40 years and a \$10,000 fine, if the offense is committed with a firearm, and the firearm is discharged during the offense. It also says that the minimum sentence may not be reduced by good conduct credit. I'd be glad to answer any questions. Move the adoption of the Amendment."

Speaker McPike: "On that, Mr. Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. We didn't have a copy of the Amendment, but we did, we did just receive it. Will the Sponsor of the Amendment yield?"

Speaker McPike: "Yes."

Black: "Representative, you said that it would be 30 years and \$10,000 fine?"

Curran: "Six to 30 years."

Black: "Six to 30 years."

Curran: "Which is the range now, would be, we would add ten years to that. Make it 16 to 40 years."

Black: "So, 16, 16 to 40 years and a \$30,000 fine, and that would be the penalty if you were an unlicensed locksmith, is that, that's what this is after?"

Curran: "No, that is not the case, and I know you're not being serious, but I want to correct you and say the \$10,000 fine remains the same."



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Black: "Okay, I'm with you now. Does Amendment #5 become the Bill?"

Curran: "No, it does not. It leaves Representative Biggert's Amendment on, and it leaves Representative Madigan's Amendment on."

Black: "I'm sorry, whose Amendment was that?"

Curran: "Representative, is it Biggert, yes she put it, she..."

Black: "Biggert and then Speaker Madigan's Amendment."

Curran: "And that's Speaker Madigan."

Black: "Oh, yes, I was very concerned that, that might be knocked off."

Curran: "Thank you."

Black: "Is the only crime in this, you are going after in this Amendment is the armed violence, you're not adding anymore Acts or, looks like what, aggravated, armed violence, is used..."

Curran: "When that offense is committed with a firearm and the firearm is discharged."

Black: "Wonder why we couldn't just make it even if you just have a firearm?"

Curran: "We could have done that, and I'd be glad to support you, and I've had that legislation in the past. It just never got this far in the process."

Black: "Okay. Well, and I am serious, I did have two police officers testify on this very thing about two years ago, and since a firearm is a weapon of distance, they would like to see us add on any kind of dispute where a firearm is in your possession illegally, that that should be an aggravated assault penalty and maybe we can work on that. I appreciate your..."

Curran: "Now, I've introduced that Bill before, and I appreciate your concern."

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Black: "Yes, thank you, I appreciate your patience."

Speaker McPike: "Representative Cross."

Cross: "Thank you, Mr. Speaker. An inquiry of the Chair. Could you tell us when this Bill, Amendment was filed?"

Speaker McPike: "Today."

Cross: "Hasn't it been a practice of the Chair to wait an additional day to call an Amendment after filing."

Speaker McPike: "Sometimes."

Cross: "But does it hold true, are we going to use the same rule on Republican Amendments that we'll hear them the same day as filed?"

Speaker McPike: "Sometimes."

Cross: "Is there, is that sometimes in the future, or will that apply, or that of the past will that apply to future as well?"

Speaker McPike: "You're right. That only applies retroactively."

Cross: "Pardon me."

Speaker McPike: "Only retroactively."

Cross: "How about in the future? Can we expect our Bill, our Amendments to be called in the same day?"

Speaker McPike: "Sometimes, yes, sometimes."

Cross: "Mr. Speaker, we're going to have to, I think consider a Eleven Woods speed reading course. We're having a little tough time reading these Amendments. We'd appreciate it if we could have a little more time in the future. Thank you."

Speaker McPike: "Representative Tom Johnson."

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

Speaker McPike: "Yes."

Johnson, Tom: "On your Amendment, Representative, I believe what you're saying here is you're increasing the minimum sentence to 16 and a max to 40, right?"

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Curran: "That is correct."

Johnson, Tom: "Okay, and you're saying that good times shall not apply unless they have served at least 16 years, right?"

Curran: "That is correct."

Johnson, Tom: "But, if I am sentenced under one, under this section, and say I'm sentenced to 32 years, basically, I'm still in a position where I'm only going to have to serve probably 16, correct? If we figure it day for day good time?"

Curran: "This does not take away discretion from the judge, but it, but in terms of the day to day good time, it says that the minimum sentence which is 16 years will not be...he'd serve 22, I'm sorry."

Johnson, Tom: "Right, but what we're saying here is this really is not a classic truth-in-sentencing, because the, the max that anybody would probably have to serve is going to be 20 years, is it not? If I'm sentenced to 40 years, and I'm entitled to good time on a day per day, so really my sentence is really 16 to 20 years, is it not?"

Curran: "No, I don't believe that's accurate."

Johnson, Tom: "Why isn't it?"

Curran: "The Bill spells out, it's from 16 to 40 years."

Johnson, Tom: "Yes, but I'm entitled to good time as long as I serve a minimum of 16 years under your Bill here. Is that what you intend, so it's really 16 to 20 years?"

Curran: "What I intend is that the minimum sentence may not be reduced by good time, conduct credit."

Johnson, Tom: "Okay, but again, the Bill is saying that as long as I have served 16 years, I am entitled to good time. So if you read the language of your Bill, what we're really saying is if I'm sentenced to 40, and I get a day per day, and actually it's a little more than that..."

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Curran: "Let me, let me help you through this, if you get a 20 year sentence."

Johnson, Tom: "Correct."

Curran: "With this Bill, you'd serve 16 years with no good time, and then if you had been a model prisoner for the next two years, you would get the good time for those years."

Johnson, Tom: "Well, I appreciate what you're doing here because I had a Bill in that was similar to this in terms of trying to make that happen, so I'm familiar with it, but I don't believe that your paragraph 6 on page 5 of the Amendment says that. If I may, you're saying that the minimum sentence shall not be reduced by good conduct credit, that is just the minimum."

Curran: "That is the 16 years."

Johnson, Tom: "That's right. But, if I have been sentenced to anything in excess to that, there's nothing in here that says the good conduct doesn't apply to the whole sentence, it's just that I've got to serve 16."

Curran: "I, I think you're reading it differently than I am..."

Johnson, Tom: "I think there's some problem with this language. I appreciate what you're doing, though."

Curran: "Well, I appreciate your concern. I, I respectively think there's a problem, perhaps, with the way you're looking at it, but we think that the 16 years have to be served and beyond that good time is possible, but not automatic."

Speaker McPike: "All right, Representative Johnson is, Representative Johnson to the Bill, if you want to speak against the Amendment, proceed. The question is, 'Shall the Amendment be adopted?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk, will take the

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record. On this Motion, there are 108 'ayes' and no 'nays'. The Amendment's adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker McPike: "Representative Mautino intended to vote 'aye' on that Amendment. Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 4094, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker McPike: "Representative Curran."

Curran: "In addition to the Amendment and to the, the three Amendments that were just put on the Bill, the underlying Bill increased the penalty for aggravated assault from a Class A misdemeanor to a Class IV felony if the assault was committed against a police officer, a person summoned by a police officer, or a firearm while the officer, or firearm is engaged in his official duties. Last Session we increased the penalty for aggravated assault against a corrections officer, or an employee for, or an employee for a Class A misdemeanor to a Class IV felony. We're now doing for police officers what we did for corrections employees last year. I ask for an 'aye' vote."

Speaker McPike: "The question is, 'Shall House Bill 4094 pass?' All those in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted who wish? The Clerk will take the record. All right, a lot of people weren't in their Chair, so let's dump this record. Let's dump this roll call. The question is, 'Shall House Bill 4094 pass?' All in favor vote 'aye'; opposed vote 'no'. Have all voted? Have all voted? Have all voted who wish? The Clerk will take the record. On this Motion, there's 107 'ayes', no 'nays'. House Bill 4094, having received the Constitutional Majority, is hereby declared passed. Government Administration, Third Reading, appears House Bill 3193,

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Representative Currie. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3193, a Bill for an Act relating to conservation rights. Third Reading of this House Bill."

Speaker McPike: "Representative Currie."

Currie: "Thank you, Speaker, Members of the House. This is a proposal for the open lands project to try to increase the amount of open space that is devoted to conservation and public recreational purposes. The idea is based on legislation that already is the law in Maryland, Vermont, New Hampshire, and Maine, and the measure has support not only of the open lands project, but also several other conservation and open space groups, including the Illinois Association of Conservation and Forest Preserve districts, the Illinois Environmental Council, the Conservation Foundation of DuPage County, and the Fox Valley Land Foundation. The ideal of the Bill was to encourage people who are prepared to give up development rights to a parcel of land that has public recreation open space value to permit a lowered assessment on that land. That proposal actually is part of our State Constitution, part of our state's statutes as well. The Bill is very carefully drawn so that the State Department of Conservation has clear standards to guide it in determining whether the land is valuable for open space public recreation purposes, and in addition any land loaner, land owner who renigs, who decides at the end of the day they made a mistake when they gave up their development rights will have a ten year look-back period and will be required to pay the difference between the taxes that they originally paid and the taxes they would of paid had they not granted the public conservation easement. I know of no opposition to the Bill. I'd be happy to answer your questions, and I would

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appreciate your support for this measure."

Speaker McPike: "And on a 'do pass' Motion, Representative Hughes."

Hughes: "Well, will the Speaker yield, or the Sponsor yield?"

Speaker McPike: "Yes, she will."

Hughes: "Have you analyzed what value of property may be reduced from the roll? The concern that many of us have is that we keep, we exempt more and more either through seniors homestead, and now this, and it places a growing burden on the young families who are trying to save for college, health care, et cetera, et cetera. Have you got any estimates on what the impact of this might be?"

Currie: "I can tell you current conservation easements as a proportion of total counties space for DuPage, Lake, Kane, McHenry, and Will. There are some 50 lots in DuPage County out of a total of 284,229 parcels. That amount represents less than 6/1,000 of 1% of the total number of lots in Lake County, 100 out of 213,955 less than 2/100 of 1%. The amount of land, total land currently under easement is extremely small, would have negligible effect upon anybody tax rolls. Why we certainly hope that this measure will encourage the willingness on the part of owners of the kind of property that's valuable for public space natural habitat areas. First of all, a lot of land isn't valuable for that purpose; and second, I don't think that the incentive in this Bill is sufficient to discourage people who might otherwise be interested in development, so, then the affect will be negligible."

Hughes: "Have you had any estimates from open lands and the other groups as to, as to the volume of properties for which this incentive might lend participation?"

Currie: "I just told you what the current amount..."

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Hughes: "Right, I understand."

Currie: "...conservation easement property is. In the states that have done something similar to the proposal in House Bill 3193, there is not been a huge rush to provide conservation easements and again the effects have been negligible with respect to other taxpayers and to local taxing units. This Bill was heard in the Revenue Committee where many of those units of government maintain full time lobbyists in attendance, there was no opposition to the Bill from any of those."

Hughes: "Thank you very much."

Speaker McPike: "Representative Moore, Andrea Moore."

Moore, A.: "Thank you, thank you, Mr. Speaker. I rise in support of this Bill, obviously because I'm a Co-Sponsor. This really is an incentive on the conservation easements which is slightly different than the effect of purchase, because that's really what happens in a lot of those urban areas around the metropolitan area. The forest preserve districts, as an example, are in the position to acquire properties rather than just the conservation easements. So, really this is a benefit in that respect and it will give opportunities for people to preserve very sensitive natural resource areas and as our state continues to grow this is, of course, really a priority. Thank you."

Speaker McPike: "Representative Lawfer."

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

Speaker McPike: "Yes."

Lawfer: "How will this affect or is this different than land that used under the Farmland Assessment Act at the present time?"

Currie: "Under the which?"



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Lawfer: "Farmland Assessment Act."

Currie: "This will not affect the Farmland Assessment Act. My understanding is that farmland assessments tend to be lower than the assessment level proposed in this Bill, and it's unlikely that this will create an incentive for farmers to provide conservation easements on their land."

Lawfer: "But, on the other hand, this would tend to change the value, it could change the assessed valuation tremendously of some rural counties. Is this correct?"

Currie: "It could as I, as I answered Representative Hughes. It looks as if the impact will be negligible. First of all, a land would have to have some particularly valuable public purpose. That means it's not just a corner of the farm. It would have to be good for natural habitat, big enough to provide good public use, and that decision is made by the Department of Conservation. So, it would be a limited number of properties that would qualify for the public purpose of the Bill, and secondly, anyone who chooses to give up development rights would get some advantage under this Bill, but the estimate is that the actual effect from the perspective of other taxpayers, or taxing districts would be negligible. I believe that is why units of local government did not oppose the Bill in committee or on the floor."

Lawfer: "But on the other hand, if the rules change there, it could, Department of Conservation change rules, you know this could change significantly the amount of acreage..."

Currie: "The standards are established in the Bill for the Department of Conservation to follow."

Lawfer: "Well, I rise in opposition to this Bill. I think that it could affect the rural areas tremendously. I can realize that there would be benefits in the suburban areas,

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but I think as far as the rural areas this could be very detrimental. I urge a 'no' vote on this."

Speaker McPike: "Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker McPike: "Yes, she will."

Meyer: "With this, how would this affect land that might be up against say a river, or a bicycle path, that type of thing? Would it have any effect on residential land that would be up against that?"

Currie: "No. The proposal merely says that if a land owner who has land that would be valuable for natural habitat or for public recreation and those standards are set in the Bill administered by the Department of Conservation. If the owner proposes to give up in perpetuity any development rights and put this land into public conservation easement that the assessment of that land would be at a lower than usual rate."

Meyer: "Okay, I guess my concern lies, and I do like your Bill, but my concern lies in residential areas where they might have like 150 foot backyard that butts up against a park district..."

Currie: "This will not require any land to go into a conservation easement without the consent of the property owner."

Meyer: "Well, that land that might butt up against it though, could that property owner say take the last 100 feet of his backyard and declare it a conservation land, and thereby reduce the assessment of his house?"

Currie: "Well, they wouldn't be able to do so and maintain it as a private backyard. They would have to make that available to the public, and my guess is that in that circumstance they wouldn't be interested in doing that."

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Meyer: "Okay, thank you."

Speaker McPike: "Representative Virginia Frederick."

Frederick: "Thank you, Mr. Speaker. I rise in support of this Bill. It's important especially in our area of this state, because it offers an...alternative to local government other than expensive land acquisition. It also allows landowners to place the conservation easement on their development rights for the future and it results in more recreational land being available for citizens of future generations. I urge you to vote 'yes' on this Bill. It's important and it deserves your support. Thank you."

Speaker McPike: "Representative Persico."

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

Speaker McPike: "Yes."

Persico: "Representative, how does a homeowner qualify? Do they have to be certified by the Department of Conservation? Do they make this application..."

Currie: "Certified by the Department of Conservation, which supports the measure, and there are standards in the Bill that will guide the department's determination. So, the land would have to meet particular criteria. It isn't just any old backyard or hedge row, or what have you, that would qualify for designation as a conservation easement."

Persico: "And, and if the landowner qualifies, then he's entitled, or he or she is entitled to a, approximately a 75% reduction in the property taxes on that particular parcel..."

Currie: "In the assessment would go to a, the third percent, and we work this number out by virtue of looking at the number of parcels that are in conservation easement status today, and by looking at the experience of other states. If a landowner decided to change his or her mind and decided

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that they wanted to develop a after all, then there would be a ten year look-back and that owner would be required to pay not only the difference in tax, but also any interest that might occur."

Persico: "And, what happens on the sale of the property?"

Currie: "It would be sold with the, with the easement."

Persico: "Okay."

Currie: "So, in effect, when you give this up, you would be...yeah, you would be selling the land with that give back, give up of the development rights so that the new owner wished to develop that land after all they would then be required to pay the ten years back, back taxes and interest."

Persico: "Thank you. I stand in strong support of this Bill. I think it is a much needed Bill to protect our wetlands and natural habitats. Thank you."

Speaker McPike: "Representative Brady."

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

Speaker McPike: "Yes."

Brady: "Representative, I might have to apologize, because I, because of the noise level, I couldn't hear everything that you and Representative Persico and others talked about, but did you say that to qualify, the guidelines would be left up to the Department of Conservation?"

Currie: "No. I said the standards are established by the Bill."

Brady: "Mr. Speaker, I'm sorry, I cannot hear the Representative."

Speaker McPike: "Well, it is relatively quiet in here, this is an unusually quiet day."

Currie: "I said the standards are established by the Bill itself. The Department of Conservation would presumably draft appropriate rules and regs to meet those standards and

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would administer the Act."

Brady: "And is there a time requirement in those standards?"

Currie: "A time requirement for the standards?"

Brady: "For this property to qualify. Is there a minimum amount of time, a maximum amount of time?"

Currie: "No, we're talking perpetuity, which is I understand it means forever."

Brady: "So..."

Currie: "So, if you give up, if you give up your development rights to this parcel of land to this attractive land, then you can't take it back without having to pay 10 years of taxes that represent the difference between what you paid, and what you might otherwise of owed, and all of that..."

Brady: "So, you would simply have to make the difference for the last ten years?"

Currie: "That's right. That's a much different standard, I'm sure you know..."

Brady: "There's no interest costs..."

Currie: "...than what it's like under the open space land today."

Brady: "There's no interest costs or anything of that nature?"

Currie: "Yes. I said there, you will pay the difference in the taxes that you would have paid without this, and with this and you would pay interest as well. This is a much stiffer standard, a much tougher look-back and applies under the open space law."

Brady: "Obviously, this Bill is going to take away some source of generating revenue for local units of government, is it not?"

Currie: "Representative, as I said earlier, in answer to a variety of earlier questions, I think that the impact will be negligible. I believe that is why units of local government have not opposed the Bill."

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Brady: "Excuse me, who's not opposed?"

Currie: "Local units of government have not opposed this Bill."

Brady: "Is the Farm Bureau opposed to this Bill?"

Currie: "Not to my knowledge."

Speaker McPike: "To the Bill, Mr. Brady. To the Bill. To the Bill."

Brady: "Okay, regarding the Bill. Would you consider this Bill taking away the rights..."

Speaker McPike: "No, not to the Sponsor. To the Bill, address yourself to the Bill. You may speak against the Bill, if you so choose. Proceed."

Brady: "Will the Sponsor yield?"

Speaker McPike: "No, she's not going to yield anymore. Proceed."

Brady: "Well, I guess I would say to my concern, I intend to vote 'no' against the Bill, and the reason for that is I consider this taking away local rights from local units of government."

Speaker McPike: "Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the Bill. I think everybody needs to take a look at this and obviously depending on where you live in the State of Illinois, you may have a different viewpoint on this Bill. You know one of the things I've tried to find out down here for about six years, how many of thousands of acres is already owned by the State of Illinois, Department of Transportation, Department of Conservation. Who knows how many thousands of acres are off the tax rolls for one form or another, and I can tell you in my district about 20 years ago, using the right of eminent domain, the Department of Conservation took approximately 20,000 acres off the tax rolls to build a reservoir. Now the reservoir will never be built, and we

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can't sell the land back to the landowners. This Bill while it's very, very well-intentioned, particularly in those areas of the state that have a thriving, growing population, and you need to save land for green belt laws, I can understand that. But, this law has statewide implications, and the statewide implications can be extremely limiting to the rights of ownership of land where we don't have those kinds of pressures. I think you need to take a very, very long and careful look at this Bill, because basically no matter how you phrase it, no matter how you color it, what you are doing is taking taxable land off the tax rolls. Either completely or at a great, greatly reduced rate of taxation, and that simply puts more pressure on the land that stays on the tax rolls to support local government. Good idea, I don't think it works the same all throughout the state. It doesn't work that way in my district, and I rise in opposition of the Bill."

Speaker McPike: "Representative Flinn moves the previous question. The question is, 'Shall the previous question be put?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the previous question is put. Yes, Mr. Skinner. Representative Currie, to close. I will recognize you to explain your vote."

Currie: "Thank you, Speaker and Members of the House. Former speaker suggested this Bill had something to do with eminent domain and large quantities of property disappearing from the tax rolls. Nothing, unfortunately, could be further from the truth. The State of Illinois is 47th among the states in open land, and open space opportunities for our citizen, for natural inhabitants. We're not about to spend a fortune buying up land through the Department of Conservation. All this measure does is

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to help a landowner who has property that will be valuable for each and everyone of us to enjoy the outdoors, give that, that landowner an incentive to participate in this program. The standards are tough. The look-back is among the most stringent I know for any program that has ever been adopted by this General Assembly. I urge your support for this measure intended to help us expand open space opportunities for us and for all of our people."

Speaker McPike: "The question is, 'Shall House Bill 3193 pass?' All those in favor vote 'aye'; opposed vote 'no'. Representative Biggins, to explain his vote."

Biggins: "Thank you, Mr. Speaker. I rise in support of this Bill. I think it's a very good conservation Bill. It's a good land-owning Bill. We will not drain much tax revenues from local governments because it's not really going to affect acreage that is extremely valuable or in large quantities throughout our state. So, I urge all my colleagues to join me in a 'yes' vote."

Speaker McPike: "Representative Ryder."

Ryder: "Mr. Speaker, if I may. I rise not to explain my vote, but on a point of inquiry of the chair. One of the most favorite opportunities that we have in this chamber is when at the end of a long debate, I get to hear the tones of Representative Flinn rise to move the previous question, and this Chair, this Speaker has been denying me that pleasure. I have yet to hear Representative Flinn raise those, raise and speak in those tones. Now, Mr. Speaker, you're denying us our rights of an opportunity to hear him. I think he has a vital part to play, and we're going to start chastising the Chair for that if it continues into the future."

Speaker McPike: "Representative Skinner."



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Skinner: "Well, Mr. Speaker, I was assuming that Representative Black would be more efficacious in his arguments against this Bill than he has been. So, I don't need to talk."

Speaker McPike: "No, you don't. Have all voted? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 97 'ayes', 19 'noes'. House Bill 3193, having received the Constitutional Majority, is hereby declared passed. Could the Chair have your attention for a moment? Representative Flinn. Everyone would like to listen to this."

Flinn: "I've been enjoying all this chatter; therefore, I am sitting here listening, and I'm not going to move the previous question."

Speaker McPike: "Oh, come on. Representative Schakowsky, for what reason do you rise?"

Schakowsky: "Mr. Speaker, I intended to vote 'no' on House Bill 4094."

Speaker McPike: "All right, the record will so reflect. Mr. Black."

Black: "Thank you very much, Mr. Speaker. I have an inquiry of the Chair. What, what order of call and Calendar are we on at the current time?"

Speaker McPike: "What was the last Bill, Mr. Clerk? That was 3193, that was Government Administration, Third Reading, and that Bill has been declared passed."

Black: "Okay."

Speaker McPike: "Now we're going to Government Administration, Second Reading, House Bill 3891, Representative Dart."

Black: "Could I have an inquiry of the Chair on that one?"

Speaker McPike: "Yes, Sir."

Black: "Now, I'm following you. I have, my inquiry, and it's directed at you in a serious vein. I have a four page

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sheet of Bills on a special order of call, and I noticed, I've never seen this before. Perhaps you could enlighten me. These Bills are not even in numerical order. They appear to be arranged in alphabetical order by Sponsor and you're going back and forth right down an alphabetical list. I've never seen that done before. Is that something new?"

Speaker McPike: "I don't think alphabetical order is something new, Mr. Black."

Black: "Maybe we should just do away with numerical numbering system of the Bills. I, well, to the, to my inquiry, Mr. Speaker. There are four pages of Bills, and you seem to be going in alphabetical order on these four pages, and there simply is not one Republican measure on the call. Now, I'll admit to you that does not surprise me a great deal, but it, I must tell you in all due respect, that at this point in the afternoon, I'm a little disappointed in this, and my inquiry, if I might. I would like to reach out to the Chair and I think I'm joined by many Members on my side of the aisle. There is a tremendous backlog of Bills on the Calendar and I don't care who gets the press release as to whose fault it is. Ultimately, it's everybody's fault in the chamber. The responsibility of the Majority Party is to move legislation through this chamber in an orderly fashion. Now, we don't expect all of our Bills to be called. We're the Minority Party, but I think we have a right to some inheritant fairness and having our Bills called, and if we could just simply reach out today, I see no reason why we couldn't come to some kind of agreement, call those Bills that the Members feel are important, even coming up so, even so far as coming up in agreed Bill list, and maybe finishing our business by Friday. So, I, my, my

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question to you, Mr. Speaker, is. 'Why can't we just take about five minutes out of this process?' Let's get together. Let's see what Republican Bills perhaps could be called, what Democrat Bills need to be called, and maybe we could put some of this behind us. We could be done, we could be done by this time tomorrow afternoon. I just don't understand why as I look through this list, I don't mind if you stick a sharp instrument in my ear, but what you're doing with this Calendar goes in a little to far and hurts a little to much."

Speaker McPike: "Mr. Black, the Chair certainly agrees with you. If Mr. Tristano would leave the floor and go back and meet with Mr. Mapes, and put together an Agreed Bill list, we could call it for a vote. So, you just turn around and look at Mr. Tristano and tell him to leave the floor and go see Mr. Mapes, put together an Agreed Bill list, or we could pass a Consent Calendar since all the Bills were knocked off the Consent Calendar, we could do either one. I certainly agree with you, Mr. Black. Representative Churchill."

Churchill: "Thank you, Mr. Speaker. Since we were on the order of business of Members whose last names start with C, and we have now gone on to the Order of Business of Members whose last names start with D, I would look to you to call the Bills of Representative Clayton, Cowlishaw, Cross, and Churchill whose names begin with, with a C, so can we go back to that order of business on the C's and can we, can we bring up our Bills, and have our Bills called at this time since we also survived through the C's, and listened to Currie and Curran, and everybody else, and now it's our turn."

Speaker McPike: "There's Mr. Tristano, right there, he's still

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standing there. Representative Ryder."

Ryder: "Mr. Speaker. Perhaps I could appeal to you your personal sensibilities. Your last name begins with 'M', that put you in the middle of the alphabet."

Speaker McPike: "You notice that I don't have any Bills on this, on these four pages."

Ryder: "Well, Speaker, neither do I, and that's the point that I'm raising."

Speaker McPike: "You got it."

Ryder: "My name begins with 'R', and in fact 'Ry' puts me at the very end and that was okay when I was growing up, when I was in grade school, and they were asking questions alphabetically, I had a chance to think of an answer, but I don't have an answer for why it is that we're going on an order of call that I've never seen in the years that I've been here, and alphabetically order of call. As a result, I, as an 'R', we may not even get to mine today, but I have a hunch that we aren't going to get to mine anyhow, because you didn't put it on your list. This is the most frivolous way of proceeding that I can imagine, especially Mr. Speaker, especially Mr. Speaker, because we've been assured by the President of the Senate that all of the Bills that we're struggling on today are DOA, Dead on Arrival. Just as, just as early as approximately noon today, we received assurances again. So, for all of the folks, and I have to direct this on the Democratic side of the aisle because Republicans aren't being called, for all the folks on the Democrat side of the aisle, your efforts today are in vain, you give new definition to 'exercise in futility', because your Bills are DOA."

Speaker McPike: "Minority Leader Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Let me

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see if I got this straight. What we're now being told is that the Chief of Staff, one of the operatives of the Speaker can make decisions on behalf of all of the Members of this House. In other words, you, the Majority Party that are elected by the same numbers of people that elect me have regulated your rights, your responsibility to your Chief of Staff who make decisions on your legislation, life or death decisions. Well, I stand here on behalf of the Republican side of the aisle, and say absolutely not, we don't want anything to do with that kind of legislation, Mr. Speaker, and I'll tell you this, I'll tell you this more. One of the things that you're doing now as you know, and you may not understand this, Mr. McPike, who's sitting there for the real Speaker, the one that's back in his office. You may not understand that yesterday I called the real Speaker, the man in his office and said, 'Why don't we put a list of Bills together that maybe we could get out of here in a cooperative atmosphere with an idea of moving forth some of your legislation, and some of ours, because of the deadline at midnight?' You know what his answer was, his answer was 'no'. His answer was he didn't care enough about the Majority Party, about your side of the aisle over there that thinks that you're gaining some procedural benefit by doing what you're doing. Well, I've had my discussion with Senator Phillips as you expect I do, and I've talked to him, and he said your Bills are dead, you understand that. All that you're doing right now, these Bills are dead because you didn't meet the rules that you agreed to in trying to operate this House. Now, the most unfortunate thing about this whole problem right now is in the first time in the history of the State of Illinois, we have an operation of a House that you cannot

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run this House, you've been unable to run this House, unable to move Bills through this House, unable to reach the consensus, that every Speaker in the history of this state has been able to do. Seven hundred and fourteen Bills died last night at midnight, because of the action of the Majority Party. Well, I got to tell you the people of Illinois ought to remember this come election time, and they ought to defeat you all for what you're doing in ignoring their rights and their Legislature, defeat you all."

Speaker McPike: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. I would just like to quote the words of a famous American, Rodney King, who before he became a millionaire said, 'Why can't we all just get along?'"

Speaker McPike: "House Bill 3891. Mr. Clerk, this Bill has been read a second time, previously. Are there any Amendments?"

Clerk Rossi: "No Committee Amendments. Floor Amendment #1, offered by Representative Cross."

Speaker McPike: "Representative Cross."

Cross: "Thank you, Mr. Speaker, Members of the General Assembly. This Amendment addresses the issues of homelessness for the issue of, where homeless kids in the State of Illinois go to school. It's known as Charlie's Bill. There are couple of women on the House floor standing over here in the bottom right hand corner have been in all of your offices, I know numerous times lobbying for this Bill. This Bill, at this point, I don't know of any strong opposition. We've attempted to work out all of the nooks and crannies in it. The Illinois State Board of Educations' objections are now gone through this Amendment. It's a Bill, or an Amendment that mirrors the Federal McKinney Act, and if you have any

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questions I'd be glad to try to answer them."

Speaker McPike: "The question is, 'Shall Amendment #1 be adopted?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the Amendment is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments."

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

Clerk Rossi: "House Bill 3891, a Bill for an Act to create the Education for Homeless Children Act. Third Reading of this House Bill."

Speaker McPike: "Representative Dart."

Dart: "Thank you, Mr. Speaker and Members of the House. Representative Cross hit this one on the head when he said 'This is something that deals with a major problem. We've worked with numerous groups who are affected by this', is to deal with homeless children who right now are caught in the switches, where they have no place to go for schooling. This is something that is horribly unacceptable and something as a state we cannot accept, and this is the first step we're making to try and cure that problem, is something we've worked at long and hard with people and have come to a consensus on this, and I urge your support of it."

Speaker McPike: "On a 'do pass' Motion, Representative Hoeft."

Hoeft: "A consensus might be pushing a little bit. There are some major problems with this Bill, which are mandates on the public schools of this state. It is saying that a homeless, that the public schools will have to transport a homeless child up to 200 miles a day. There are a number of problems that I think that your districts are going to face with this, you ought to be aware of it. I'm going to vote 'yes' on this Bill, because I believe the area needs

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addressing, but this, there are a number of mandates to not only to the schools, the state board of education, and also to the regional superintendent. If this is passed out, I would hope that in the Senate you could continue working on modifying this so that we can address the area without harming the schools, helping the children, without harming all the children in this state. Thank you."

Speaker McPike: "Representative Persico."

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

Speaker McPike: "Yes, he will."

Persico: "Representative, I intend to support this legislation, I think it's a good and needed piece of legislation, but I do have one question and one major concern. Have you answered the question dealing with the transportation cost for this particular..."

Dart: "Yes, as Representative Hoeft mentioned, there are some bugs that have to be worked on it. Representative Cross admitted that when he was putting the Amendment on. The transportation costs were a concern, we worked out the majority of those concerns, we've talked with Ludo, and a couple of other school agencies that were worried about this, and the state board of education has signed off on it this time, that where the transportation concerns are not a problem at this point. There is some work that needs to be done, but their major concern was the reason for the Amendment, and that was what I think satisfied them for the most part, because of that."

Persico: "Thank you."

Speaker McPike: "Representative Deuchler."

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

Speaker McPike: "Yes, he will."

Deuchler: "Representative Dart, since this is such landmark



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legislation, and will be a first in the country. Would you please define for us what you consider the definition to be for a homeless child?"

Dart: "Sure, I can read it to you. It's in the statute itself, if you want me to read it to you, I can. Homeless child, child or youth includes but is not limited to any of the following: One, an individual who lacks a fixed regular and adequate nighttime place of abode. Two, an individual has a primary nighttime place of abode that is a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations; b) an institution that provides a temporary residence for individuals intended to be institutionalized, or c) a public or private place not designed for ordinary use as a regular sleeping accommodation for human beings."

Deuchler: "Thank you, Representative Dart. Have you and Representative Cross pledged then to work on the transportation issue as the Bill moves through process here?"

Dart: "Yes, as a matter of fact, there's been a lot of people saying that, talking about the Bills being DOA and the whole nine yards. This is something that really is of the utmost importance is really gotten bogged down in this mess here, and is something however though even though people are saying things are DOA, we want to get it out as quickly as we can, so that when it does hit the Senate, it hopefully can get heard, and if it can't get heard there, we are very open to have any of these other bugs that are left in it worked out. But as you're well aware of it, and we've been talking about, we want to get it over there as quickly as we can."

Deuchler: "Well, thank you for responding to those questions, and

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to the Bill. I certainly do stand in strong support of this legislation, and it has been an issue that has arisen in Aurora. It's in Representative Cross's district, but as received very much publicity, and some, some very sad stress for the children involved. So, I do think we need to move this legislation forward and send it to the Senate."

Speaker McPike: "Representative Granberg moves the previous question. The question is, 'Shall the previous question be put?' All in favor say 'aye'; opposed, 'no'. The 'ayes' have it. The previous question is put. Representative Dart, to close."

Dart: "Thank you, Mr. Speaker. I will be brief. As Representative Deuchler mentioned, this is landmark legislation. It has a couple of things that need to be worked out about it. But the present situation is totally unacceptable. Once again we've turned our backs on too many children in the State of Illinois, and this is an attempt to try to give them the bare minimum, which is an education, and I'd urge your support."

Speaker Currie: "Representative Currie, in the Chair. Representative Dart moves passage of House Bill 3891. All in favor vote 'aye'; all opposed vote 'no'. Voting is open. Representative Cowlshaw, one minute to explain your vote."

Cowlshaw: "This is not an explanation of my vote, Madam Speaker. This is an inquiry of the Chair."

Speaker Currie: "State your inquiry."

Cowlshaw: "The person in the Chair just before you came there said that Representative Granberg moved to go immediately to this vote. Representative Granberg at that time was not even on the floor. Can you make Motions when you're not

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here?"

Speaker Currie: "He was under his desk, Representative. Representative Biggert, one minute to explain your vote."

Biggert: "Thank you, Madam Speaker. I had my light on, and wish to ask another question. So, I will just put into the record, and that is I'm concerned about the...ombudsperson, and wonder if we are, if we are really creating another state mandate. I know that our schools are very concerned about the fact that we increase their costs without the finances for it."

Speaker Currie: "Representative Granberg, for what reason do you rise?"

Granberg: "Point of personal privilege, Madam Speaker."

Speaker Currie: "State your point Representative Cowlshaw."

Granberg: "I just want to clarify, I was on the floor, in fact, I was over here working on that Resolution that you asked for my help with. Well, I just wanted to clarify that."

Speaker Currie: "Representative Murphy, Maureen Murphy, one minute to explain your vote."

Murphy, M.: "Thank you, Madam Speaker. While I voted 'yes', I wanted to point out that I do have a public school official sitting in my chair visiting today. My school superintendent from Evergreen Park, and once again he gets to witness that we're passing an unfunded mandate, and while the homeless plight is certainly one that we need to address, we are not adequately funding our suburban schools. My district is getting 7% funding, yet here, we're going to put an unfunded mandate on the back of schools that can barely function with their problems and their programs. So, at this, I certainly hope calmness and sanity prevails. I hope Representative Dart will work with the Senate and watch this unfunded mandate and cut the

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costs to our school district. Thank you."

Speaker Currie: "Representative Mautino, one minute to explain your vote."

Mautino: "Thank you, Madam Speaker, Members of the House. To explain my vote. I have a school district, LaSalle Elementary School District, which is currently involved in this situation, and I'm voting 'yes'. But I have concerns that the transportation issue must be resolved, place a burden to the districts, and I think that should be corrected if we're going to pass this on, the funding should follow."

Speaker Currie: "Representative Martinez, one minute to explain your vote."

Martinez: "I ask to be recorded as 'yes' on the Bill that we just heard, 3891."

Speaker Currie: "Representative Mar...press your green button, and Clerk would you vote Representative Martinez as 'yes'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 114 voting 'yes', 3 voting 'no'. And this measure, having received the Constitutional Majority, is hereby declared passed. Senate Joint Resolution 148. The Chair would like to inform the Members that we would like to go now to Senate Joint Resolution 148. That is a Resolution in memory of Nelson Rice, our former colleague who died two days ago. Senator Emil Jones is taking this Resolution with him to the funeral this evening and asked if we could pass this Resolution at this point. As you know it is our custom to adjourn on passage of a Death Resolution in honor of a former colleague. We do have on file in the House a Resolution in honor of this very same former colleague, so if it would be all right

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with the Members, we would perhaps save our, save our discussion, and our own memorial to Representative Rice until we deal with the House version. Perhaps, if Representative Turner would move passage of this Senate Joint Resolution with the addition of all Members as Sponsors, we could then carry on with our usual business, and honor Representative Rice at the end of our work day today. Is that satisfactory? Hearing no objection, Representative Turner so moves, and there is leave for the Attendance Roll Call. Leave is granted, and Senate Joint Resolution 148 is adopted. Yes, with the addition of all Members of the House added as Co-Sponsors. Representative Turner, who is the Sponsor of the House Resolution will, in fact, offer that Resolution to us at the close of business tomorrow, rather than today after the funeral has happened. So, we will return to our regular business, and on Page 43 of the Calendar, appears House Bill 4074. That Bill is on Second Reading. Clerk, are there any Amendments?"

Clerk Rossi: "House Bill 4074. The Bill has been read a second time, previously. Amendment #1 was adopted in committee. No Motions have been filed. Floor Amendment #2, offered by Representative Daniels."

Speaker Currie: "Representative Daniels. Representative Hoeft for Representative Daniels."

Hoeft: "Thank you, Madam Speaker. Amendment #2 addresses the state board provision to allow the state board of education to demandate certain areas. We are trying create flexibility in this state's educational system. The State of Illinois is a very diverse state. It meets many, many needs of many children from Cairo all the way up through to the Wisconsin border. When we in Springfield make a mandate, we are asking that this uniformly be applied to

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rural, urban, suburban schools. There are 4,000 schools in this state and they're all different. This would allow the state board of education to waive certain of the mandates of the state so that we could have greater flexibility and we can individualize education. It is an important provision that we have talked about in committee, has been round the Legislature for a number of years. Amendment #2 is, I think, a very good step forward in terms of allowing flexibility in the educational system of the state, and I would ask that this Amendment be placed on."

Speaker Currie: "Representative Hoeft moves adoption of Amendment #2 to House Bill 4074; and on that Motion, Representative Davis."

Davis: "Thank you, Madam Speaker. We do not accept Amendment #2. This is the same Amendment that was a Bill that was attempted to be passed on April 27, and at that time the Bill received 29 votes 'yes' and 79 votes 'no'. It's not the kind of legislation the people in Illinois expect today in reference to charter schools or changing the delivery system of our public schools. I urge a 'no' vote on this Amendment."

Speaker Currie: "Further discussion? Representative Brunsvold."

Brunsvold: "Thank you, Madam Speaker. And I would join Representative Davis in saying that we have looked at this issue before and voted it down with a large number of 'no' votes, and I would ask everyone to again cast a 'no' vote and not support this Amendment. Thank you."

Speaker Currie: "Further discussion? Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Currie: "He will."

Granberg: "Representative, refresh my memory, is the same Amendment as you proposed last week on the floor?"

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Hoeft: "Last week on the floor, we were talking about a Bill that was not allowed to be heard in committee, we were talking about a Bill that has not been allowed to mature through the process. I listened to that discussion and there were two points that were made that had very great merit, and this has been changed in order to meet those two points. One of which, deals with governance, trying to make sure that it in fact the governance changed and the other is one that I can't recall at this particular point, but we did try and meet the individual needs. This is a different Bill."

Granberg: "Representative, you made two changes, one in which you enunciated. Does this still allow an unlimited number of charter schools throughout the state with those specifications?"

Hoeft: "That was the second change, it relimited it to 45."

Granberg: "Have those sites been specified where those would be?"

Hoeft: "Fifteen Chicago, 15 suburban, 15 downstate, so that was one of the things we addressed."

Granberg: "And do we know where those locations would be?"

Hoeft: "Fifteen in the City of Chicago, 15 schools in collar Cook County, and 15 in the rest of the State of Illinois."

Granberg: "Representative, are you, are you sure that is this Amendment, or is that the previous Amendment?"

Hoeft: "I am not sure in terms of the Amendments, because we do have them switched here. If you want the honest truth..."

Granberg: "Well, I think for the benefit of the Body, we need to know which, what items are in this Amendment, so our Members could be fully aware of what they're voting on. I'm not trying to be, I'm not trying to be dilatory..."

Hoeft: "Madam Speaker, we will withdraw this at this point."

Speaker Currie: "Representative Hoeft withdraws Amendment #2 to

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House Bill 4074. Clerk, are there additional Amendments?"

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

Speaker Currie: "Representative Cowlshaw, on Amendment #3."

Cowlshaw: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. To begin with, Madam Speaker, I would request of the Chair that there be a Roll Call Vote on this Amendment, and if it requires that several people join me, I'm sure I have an adequate number of people to join me, and I hope the Chair has listened and registered that that request was made. This Amendment has been heard before. It however, did not have a Roll Call Vote. I have discussed with several of those of you who sit on the other side of the aisle as well as those on this side of the aisle. This is a very simple Bill. It simply authorizes the state board of education, under certain conditions, to waive provisions of the School Code if that is made into the form of a formal request by a school district or other agency that serves school districts or school children. It simply provides for some additional flexibility for our local school districts. And in order to assure you that there is no danger in this kind of provision, first of all, those portions of the School Code that none of us would want to have waived under any conditions, such as personnel matters and special education do not apply. You cannot apply for a waiver for those kinds of provisions, but the other thing and I read this to you before directly from the Bill so that you understand. We're not waiving any requirement. We are only providing a waiver so that the requirement can be met in a non-traditional way. This is what the Amendment says, it reads, 'Any school provision or regulation containing a waiver procedure, the state board



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of education may grant a waiver request only if the district or agency has provided an effective alternate plan or option that addresses the intent of the provisions sought to be waived or the state board of education determines that a waiver would be in the best interest of the district; its governing body has held a public hearing that is, there is a public hearing requirement, properly noticed as herein provided upon the waiver and given those affected an opportunity to comment and as long as their request does not violate any other state or federal law'. This is a simple waiver Bill, one with protections, so that it would in fact have to be approved by the state board of education, and there would still have to be compliance with the intent. It is just that a different or non-traditional means might be used to achieve that intent. It seems to me, my colleagues, we have long needed to give our schools a little more freedom. We have long needed to show them that we have faith in the people in these school districts back home, that they can make decisions, every bit as well if not better than we can, and I move for adoption of Floor Amendment #3 to House Bill 4074, and request once again a Roll Call Vote?"

Speaker Currie: "Representative Cowlshaw moves adoption of Amendment #3 to House Bill 4074; and on that Motion, Representative Davis."

Davis: "Thank you, Madam Speaker. Once again, the charter school Bill has been voted down by this Body before we urge the Members to stick with their guns and continue to oppose chartered schools. It is very important that we recognize that we have a state board..."

Speaker Currie: "Representative Skinner for what reason do you rise?"

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Skinner: "I rise to a point of order. The Lady is not being at all germane. We're not discussing charter schools now."

Speaker Currie: "Representative Davis, continue."

Davis: "That's one of the criteria for a charter school when you start to waive state board mandates or state board rules. I really worry when you think that some schools don't have to obey the rules that we have passed in this Body and had been signed by the Governor. I urge a 'no' vote on this legislation, on this Amendment."

Speaker Currie: "Further discussion? Representative Skinner."

Skinner: "Well, Mr. Speaker, I think it's time to take the strait jacket off Illinois schools that previous Legislators and governors have put them in, and this Amendment will do that. I thank you, Representative Cowlshaw."

Speaker Currie: "Further discussion? Representative Persico."

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

Speaker Currie: "She will."

Persico: "Representative, you said this is a simple waiver law. For example, could you give me an example of what possibly could be waived in your particular piece of legislation?"

Cowlshaw: "Let us suppose that there is a requirement for a certain number of semester hour credits in mathematics, for example, and let us suppose that the school district decides that rather than requiring seat time, that is the student has to sit in a classroom in which they are teaching geometry and warm a seat for one whole semester, then, instead of going about meeting that mathematics requirement that way, that they will instead take advantage instead of spending five days a week warming a seat in a typical traditional classroom, the students will spend three days a week warming a seat and the other two days a week, the equivalent, the time that would of been spent

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there is spent instead in one of those Saturday morning programs at Argon National Laboratory or the Firmy Lab. Now, that is not a traditional way to go about teaching mathematics, but it is a very successful way. At least in my part of the state, where our high schools have taken a lot of advantage of those Saturday morning scholar programs at Argon, and Firmy. That, it seems to me, is the kind of thing that is really different, that is, I think more appealing to the students because it seems to be more directly related to their capacity to get a job. That is not perhaps the best example Representative Persico, but it's one that's simply comes right off the top of my head."

Persico: "Well, Representative, I can understand that, and that sounds like that would have tremendous merit, a waiver to this type. You said that your waiver Bill would not deal with personnel whatsoever. So, in other words a, a school board could not waive tenure for example..."

Cowlishaw: "No, that is correct. This thing does not have anything to do... It says that state personnel laws, including those contained in the School Code, are not subject to waiver, you cannot get a waiver from any of those things."

Persico: "Could it, so, it could not deal with collective bargaining rights in any form..."

Cowlishaw: "Absolutely not."

Persico: "Could it deal with the requirement of, let's say, driver's education?"

Cowlishaw: "I doubt very much, whether the state board of education would grant a waiver for that kind of thing. However, if there were some school district that wanted to go about providing the behind the wheel portion or the classroom portion of driver education in some way

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differently than it has traditionally been done, and if they could convince the state board of education that the student would be every bit as well trained by this alternative method, then I would suppose that they could, they could apply for that kind of waiver, but of course, it would depend entirely on the state board of education was convinced that the intent of driver education training was still being met."

Persico: "If that was the case and the state board of education did agree with the school board, let's say of hiring a private company to teach driver's ed, would that not in effect deal with personnel, because wouldn't you have a loss of personnel, then in the school district, if that waiver was granted?"

Cowlshaw: "If that waiver was granted, there's, yes, there is a possibility that that would be the ultimate result of that kind of a waiver. However, I believe the state board of education has always been very protective of the rights of teachers and the rights of students, and I believe that they would be very unlikely that the state board would grant a waiver under those kinds of circumstances, particularly since this Amendment clearly states that waivers that have anything to do with the Personnel Code are not to be permitted."

Persico: "Thank you very much."

Speaker Currie: "Representative Flinn."

Flinn: "Madam Speaker, I change my mind. I move the previous question."

Speaker Currie: "Representative Flinn moves the previous question. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and the previous question is moved. Representative Cowlshaw moves adoption of Amendment #3 to

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House Bill 4074. All in favor vote 'aye'; all opposed vote 'no'. Voting is open. Representative Ostenburg, one minute to explain your vote."

Ostenburg: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Amendment, and let me tell you what this allows. This allows for a multi-tiered system of education throughout the State of Illinois. The poor student who's going to be a student in one of these districts where some requirements are waived may at some point transfer to another district where those requirements are in place. We're going to create chaos. It's going to be a bureaucratic mine field that's going to explode in every possible option. This is not any type of reform. This is going to complicate the educational system, and I urge you to vote against this Amendment."

Speaker Currie: "Have all voted who wish? Representative Roskam, one minute to explain your vote."

Roskam: "Thank you, Madam Speaker. With all due respect to the previous speaker, what we have in existence today is a bureaucratic nightmare. You talk about a system that stifles innovation, you talk about a system that quelches all types of creativity, that's what, that's what's in place today. This is an opportunity, in a very reasonable way, in a very effective orderly way to have different types of experiments out there statewide. I urge an 'aye' vote."

Speaker Currie: "Representative Hoeft, one minute to explain your vote."

Hoeft: "I'd like to address Representative Davis concern about Chicago. Can you think of the power that can be generated by having a waiver that would allow an art student in Chicago to have courses at the Art Institute or a history

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student at the Historical Society or if someone from Hyde Park using the museum there. This would allow the City of Chicago to use its vast wealth in its cultural institutions to the benefit of the children. It definitely is a positive for the children of this state, and I would urge a 'yes' vote."

Speaker Currie: "Representative Hughes, one minute to explain your vote."

Hughes: "Thank you. I am voting for this because, not only is it well-crafted and carefully thought out to put limits and safeguards on it, but also because teacher after teacher after teacher in my district has said, 'Please give us some little bit of flexibility in order for us to do a better job with our students and in the classroom.' And, it's for those teachers and their students that I'm voting for this Amendment."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Woolard, one minute to explain your vote."

Woolard: "Madam Speaker, this is not to explain my vote. I've negotiated a deal and (w) comes at the back end of the alphabet, and (h), Mr. Hannig is in the middle of the alphabet, and I've traded him two dinner engagements this week for a change of position in the scheduling, and I wondered if you could see if that could get accomplished before the day was over."

Speaker Currie: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 33 voting 'aye', 82 voting 'no', and the Amendment fails. Further Amendments?"

Clerk Rossi: "Floor Amendment #4, offered by Representative Daniels."

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Speaker Currie: "Representative Daniels. Representative Hoeft, if you put your speak light on, sir, that would help."

Hoeft: "Thank you. I would like to address the previous speaker."

Speaker Currie: "Are you presenting the Amendment, Sir?"

Hoeft: "Yes, I am, but I would like to..."

Speaker Currie: "Then, please present the Amendment."

Hoeft: "Well, I'd like to trade him my position."

Speaker Currie: "So, that we can get to the w's. Representative Hoeft, on the Amendment."

Hoeft: "I appreciate Representative Granberg's courtesy in terms of getting us straightened out. This is the Amendment that I was addressing, in terms of changing the charter school Bill to meet the needs of those individuals who talked about some of the discrepancies and weaknesses. We have, we have three areas of concern. One, is limiting the number, and this is bringing it from unlimited to 45 as I described, and I don't have to repeat that for you, because you heard it. Also, addressing the pension system which we had ignored in the original Bill; and thirdly, we talked about what happens when a university wants to set up a charter school, and we set up the apparatus that they would get it approved through the height ed board. So, we have modified it in three ways to try and meet the needs of those individuals. Madam Chairman, I would ask that this be discussed and then we have a Roll Call Vote when the Amendment is finally voted upon. I'll be open for any questions."

Speaker Currie: "Representative Hoeft moves adoption of Amendment #4 to House Bill 4074; and on that Motion, Representative Davis."

Davis: "Thank you, Madam Chairman. This House has already

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defeated charter Bills twice. This is the very same Amendment in which the House voted 29 'yes', 79 'no'. I don't believe the charter schools are really what our communities are seeking. I don't believe that we should ignore the rules and regulations that we have placed with the state board and I think the state board is attempting to follow the dictates of the Governor and the Legislature.

I urge a 'no' vote on this Amendment."

Speaker Currie: "Further discussion? Representative Persico."

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

Speaker Currie: "She will."

Persico: "Representative, I..."

Speaker Currie: "I'm sorry, he will. I'm sorry it's Representative Hoeft, not Cowlshaw. He will."

Persico: "Representative, I understand what you're trying to do here and your Amendment changes a few things by setting up only 45 charter schools as well as dealing with the pension system that any teacher that teaches in a charter school is still eligible for the state pension system, is that what this Amendment does?"

Hoeft: "Correct. It is the Senate version that's been passed over. We were adopting the House version onto the Senate version with those three changes."

Persico: "If a teacher decides to teach a charter school, are they eligible to return to their school of their first school that they were teaching at if they decide to no longer teach at a charter school without loss of seniority, without loss of pension?"

Hoeft: "It would keep the same provisions in the contract that the individual would have in the district as a whole. So, once they left the charter school they would come back into the regular school system with full union ability."



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Persico: "Do they lose any seniority?"

Hoeft: "No, they do not."

Persico: "Are...does your charter school Amendment deal with a non-certified teachers?"

Hoeft: "Charter school Amendment does not bring up the subject of non-certified teachers."

Persico: "Is it, and is it your intent in this legislation to allow non-certified teachers to teach in a charter school?"

Hoeft: "If in fact the charter indicates that there shall be non-certified teachers involved then that would be part of the application for the charter."

Persico: "Thank you."

Speaker Currie: "To the Bill."

Persico: "I believe that Representative Hoeft is working very hard to pass a charter school, this charter school concept is new, it is being tried in some states. There are certain aspects, which I am definitely in favor of. I do wish that he would go a little bit further to address some of the concerns that I have, especially in terms of non-certified staff, and to also to ensure the right that all teachers that choose to teach in a charter school will be not denied any of their rights."

Speaker Currie: "Further discussion? Representative Brunsvold."

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

Speaker Currie: "He will."

Brunsvold: "Doug, does this, this is Senator O'Malley's Bill, right?"

Hoeft: "Correct."

Brunsvold: "All right, we heard this in committee the other day, and the waiver provisions still exist on the Bill."

Hoeft: "The waiver of all mandates?"

Brunsvold: "The waiver of some mandates."

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Hoeft: "We did not change any waiver from the original Bill that was passed over."

Brunsvold: "So, it still contains waivers of the School Code. Does it, as you indicated to Representative Persico, it does indicate the waiving of teacher certification."

Hoeft: "Teachers certification is part of the area that may be waived."

Brunsvold: "Yes, correct. Thank you, Representative. To the Bill. Let me add just one point to, to the, to my opposition to this Amendment and to Senator O'Malley's Bill. Presently, there is a portion of the School Code that would allow a school district to set up a special school, if the school board approves that special school that can then be okayed by the state board and they are in business, they can run this special school. So, it becomes evident to me that if this situation exists presently and we want to do some innovative different things that we can do it under the present School Code and the present teacher certification. So, I guess why do we need this Bill, or why do we need charter schools? And so I would ask everyone to vote 'no' on the adoption of this Amendment."

Speaker Currie: "Further discussion? Representative Schoenberg."

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

Speaker Currie: "He indicates he will."

Schoenberg: "Thank you. Representative Hoeft, I know that you have extensively researched the model of the charter schools which exist in other states. Which states in the country that have either considered charter school legislation, or which have enacted such legislation, would you say this the closest model?"

Hoeft: "To be honest with you, I think each of the eight states

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that had generated these has such a district path with which this is taken, they come entirely different, some of them terribly restricted. At this particular point, this Bill is not as restricted as any, and needs to go through the process of meeting the needs of the various communities. I think this is distinct. I can't label it as a California, Minnesota, Colorado, Massachusetts model. It is an Illinois Bill right now."

Schoenberg: "I'm sorry, how, perhaps you've addressed this earlier, how is collective bargaining addressed with respect to this Amendment?"

Hoelt: "The collective bargaining in this would be that the individual teachers inside that charter school could create their own particular bargaining unit."

Schoenberg: "The, you had referenced a change from the previous charter school legislation to indicate that it's, that institutions of higher education could indeed establish a charter school. What would the admission criteria be, more specifically how open would that be, or would these charter schools merely be affiliates for faculty members to send their children."

Hoelt: "It is very clear in this charter school that the application process is open, that it shall not discriminate and that the people will be chosen on a lottery system, that would be blind to the various discriminations that we have in our society."

Schoenberg: "So, the procedures would be identical to the university school in Michigan which is run with Wayne State University, which was featured during the briefing, correct?"

Hoelt: "I wish I knew about that, but I'll take your word for it, yes."

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Schoenberg: "The final question that I have is, what...is it possible under this Amendment for any public funding to go to a parochial school?"

Hoefft: "The Amendment is very clear that no public money shall go to any existing public, excuse me, private or parochial schools of this state."

Schoenberg: "And, there are no exceptions, correct?"

Hoefft: "No exceptions."

Schoenberg: "Thank you very much. To the, to the Amendment."

Speaker Currie: "To the Amendment."

Schoenberg: "Madam Speaker. I have indicated earlier that because of a potential conflict, I will be voting 'present'; however, I would encourage my colleagues to vote for this."

Speaker Currie: "Further discussion? Representative Black."

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

Speaker Currie: "State your point."

Black: "Ladies and Gentlemen of the House, if I could have your attention. It has been a very fractious day, I ruptured something in my throat. But let me just say this. A new day is dawning, Madam Speaker. There are new things on the horizon. There is hope, there is hope alive not only in Springfield but in the State of Illinois. Ladies and Gentlemen of the House, the Chicago Cubs won today. All right."

Speaker Currie: "Thank you very much, Representative Black. Representative Walsh, you were right, all right all right. Further discussion? Representative Balthis."

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

Speaker Currie: "He indicates he will."

Balthis: "Representative, if this is Senator O'Malley's Bill,

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does this Bill contain the language that says that charter schools will receive 95 to 105% of the per-pupil cost of local school districts that the charter school will be involved with?"

Hoeft: "That is correct."

Balthis: "Can you explain to me, since I as a former mayor know that mandates are a very expensive proposition, why upon removing all the mandates, that a charter school is going to cost as much or more than my existing school districts in my district, after you remove all these mandates and I don't believe that they are getting a better education is a logical answer to that, because that says you're only throwing more money at the system. So I would like to have you give me an answer. Besides, it's going to get better education."

Hoeft: "Let us take two models. One would be a latch key school, that would start at 7:00 in the morning and it would end at 6:00 at night. You would have an expanded day by three or four or five hours. Obviously, with expanded services to protect the children and keep them in activities, you might need to have as much money or a little bit more money than the normal school. Let us take a second model in which we would have a computer school in which every child would have a computer and would go through computer programming in terms of the learning. Every child would need to have that computer in front of them before we could initiate the program, so obviously it is going to take some up-front money. When you have innovation you are obviously going to have certain periods of time in which you need greater funds and certain periods of time when you're going to get savings. I think initially you are going to greater costs, that happens with any program that you start new, hopefully

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down the road we will then have less need and we can go under the 100% then we can go 95 and 96% level. So, it is a question of how much of a program have you generated in this charter that would make the difference between the regular funding and the additional funding?"

Balthis: "Representative, are there any other states or any other history on charter schools that would support the statement that they cost less down the road?"

Hoeft: "The charter schools have one year of history in California. That is not a long enough history to create any generalities about funding or even results. There is no history to indicate that, in fact, this will cost less or more. There is no history indicating that this is going to create higher scores or lower scores. We are the implementation stage."

Balthis: "My last question. Can a private a current private school go to a school district in my district and request to start a charter school?"

Hoeft: "If, in fact, the faculty of a existing school would say this is a very good idea, we would like to implement it, let's say like the Montessori approach, or a basic approach, a phoenix approach, a whole language, they would want to implement some outside programs by vote of the faculty and the parents they could then bring in this idea into their regular school and it's called a conversion school. So, yes, they could do it by converting the present school to this model."

Balthis: "Would they have to get the permission of that local school district, and would they take the money from that school district for this new school?"

Hoeft: "The conversion school would be an existing public school. They would take the ideas; they would take the curriculum;

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they would control the process; the faculty would control it and the parents and this would all have to be approved by the local school district, or in the case of the university by the Board of Higher Education."

Balthis: "So if this school district is a private school district such as Lansing Christian School, has 500 students in it. Can they go to school 158, which is a great school in my district, and they have permission to set up a private...or a charter school and there's 500 children, there does that mean that School District 158 is going to give them the equivalent of the per capita cost for those 500 kids that have not been in public education before?"

Hoeft: "No, let me repeat again. You're talking about an existing faculty, an existing parent group developing a charter on an idea or thought. It has nothing to do with the outside group, they can't come in and circumvent the process. An existing public school faculty and parent group would have to initiate the concept and the writing of the charter. That would then go to the local school board for their consideration."

Balthis: "So that precludes any private current private school from participating in this charter school process?"

Hoeft: "It precludes any private or parochial school from seizing a charter. It has to start from inside a present Illinois public school."

Balthis: "Thank you Representative."

Speaker Currie: "Further discussion? Representative Flinn moves the previous question. All in favor say 'aye'; opposed, no. The previous question is put. And Representative Hoeft moves adoption of Amendment 4 to House Bill 4074. All those in favor vote 'aye'; opposed vote 'no'. Representative Maureen Murphy, one minute to explain your

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vote."

Murphy, M.: "Thank you, Madam Speaker and Members of the General Assembly. If you're in favor of any education it should be public education, private education, charter schools, why not give communities the opportunity to decide for themselves. There is a safeguard in here with the creation of a commission. I urge you to consider this would limit it to 45 charter schools and allow a community its own destiny. I urge 'yes' votes on this. Thank you."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 26 voting 'aye', 81 voting 'no'. The Amendment fails. Any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill."

Clerk McLennand: "House Bill 4074, a Bill to amend the School Code. Third Reading of this Bill."

Speaker Currie: "Representative Davis."

Davis: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 4074 passed out of the Elementary Education Committee...22 to nothing and it's a piece of legislation that extends the time that the mayor has to appoint to the Chicago Board of Education. The reform legislation that we passed in 1988, gave the mayor only 30 days. This legislation extends to 60 days, his time to appoint from the slate given him by the nominating commission. If after 60 had passed and the mayor has not appointed, it does allow the nominating commission to submit the names for the board, and I really urge an 'aye' vote on this. Thank you."

Speaker Currie: "Representative Davis moves passage of House Bill



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4074; and on that Motion, is there any discussion?  
Representative Ryder."

Ryder: "Thank you, Speaker. I have a question of the Clerk. Are there any Amendments on this Bill?"

Speaker Currie: "Clerk, tell us the status of the Amendments on this measure."

Clerk McLennand: "Amendment #1 was adopted in committee. That is the only Amendment."

Ryder: "No Floor Amendments were adopted?"

Clerk McLennand: "No Floor Amendments."

Ryder: "Thank you."

Speaker Currie: "Further discussion? Representative Maureen Murphy."

Murphy, M.: "I'm sorry. Yes, thank you, Madam Speaker. Will the Sponsor yield just for a question?"

Speaker Currie: "She will."

Murphy, M.: "On the genesis and intent of legislation, I wondered is this because of the number of vacancies with the Chicago Board of Education? Is the Chicago board not been filling these vacancies? And so what is the genesis?"

Davis: "Well, it appears that the 30-day time span was not long enough for the mayor to make a decision. So this extends it to 60 days."

Murphy, M.: "So it gives the mayor 60 days."

Davis: "Yes."

Murphy, M.: "And then if he does not decide..."

Davis: "Then the nominating commission submits a name, right?"

Murphy, M.: "Was there, out of inquiry, are there many vacancies now that we trying to address?"

Davis: "I believe there may be about three."

Murphy, M.: "Three?"

Davis: "Yes."

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Murphy, M.: "Okay, all right."

Davis: "There are some terms, too, that will be up in about a month."

Murphy, M.: "Do they have to run in the next election after they have been appointed?"

Davis: "No, they don't."

Murphy, M.: "All right. Thank you."

Speaker Currie: "Further discussion? Seeing none, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Schoenberg, 'aye'. Schoenberg, 'aye'. Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this Motion, there are 98 voting 'yes', 12 voting 'no', and this Bill, having received the required Constitutional Majority, is hereby declared passed. On page 43, 46 of the Calendar, appears House Bill 2349, on the Order of Third Reading, Representative Deering. Clerk, read the Bill."

Clerk McLennand: "House Bill 2349, a Bill for an Act in relation mining and explosives. Third Reading of this Bill."

Speaker Currie: "Representative Deering."

Deering: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. What this Bill does is some clean up language for the Department of Mines and Minerals. It deals with the Illinois Explosives Act. It deals with the Surface Coal Mining Land Conservation Reclamation Act. It also is an attempt to keep a analytical laboratory open in downstate Illinois. I would try to answer any questions."

Speaker Currie: "Representative Deering moves passage of House Bill 2349. Seeing no discussion, the question is, 'Shall this Bill pass?' All in favor vote 'aye'; oppose vote 'no'. Voting is open. Have all voted who wish? Have all

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voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion there are 112 voting 'yes', none voting. This Bill, having received the required Constitutional Majority, is hereby declared passed. On page 55 of the Calendar, on the Order of Third Reading, appears House Bill 4037, Representative DeJaegher. Clerk, read the Bill."

Clerk McLennand: "House Bill 4037, a Bill for an Act to revise the law in relation to the occupation of environmental health practitioners. Third Reading of this Bill."

Speaker Currie: "Representative DeJaegher."

DeJaegher: "Thank you, Madam Chairman and...House Bill 4037 was legislation that we passed last year. We did have a problem with it because of the necessary language that has to be incorporated into this particular piece of legislation. So the Bill, as it was last year, is again the same as it was, only we have included some additional language to make the Bill palatable, and I ask for a passage of 4037."

Speaker Currie: "Representative DeJaegher moves passage of 4037; and on that Motion, Representative Skinner."

Skinner: "I realize that I lost this fight last year. But what are we licensing here?"

DeJaegher: "Environmental, environmental health practitioners."

Skinner: "What on earth are they?"

Skinner: "Is that somebody that sweeps up the floor?"

DeJaegher: "Something such as that I guess, as long as it is a health related matter. So I imagine it would be that."

Skinner: "Well I would point out for the record that this Bill preempts home rule so..."

DeJaegher: "No, it does not."

Skinner: "Well, my analysis says it does, Madam Speaker. Could I

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have a ruling on whether this preempts home rule, and if so how many votes it would take?"

Speaker Currie: "We will check that question. Further discussion? Representative Wennlund."

Skinner: "Thank you."

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

Speaker Currie: "He will."

DeJaegher: "Yes."

Wennlund: "Most all of these licensing Bills, Representative DeJaegher, have a financial impact on the Department of Professional Regulations. Particularly in their first year of start-up. Is has there been any determination made as to what it is going to cost the State of Illinois to implement this program?"

DeJaegher: "To the best of my knowledge, no financial impact at all."

Wennlund: "So there is no start up cost to it?"

DeJaegher: "None."

Wennlund: "The Department of Professional Regulation indicates that there is a \$48,000 start up cost, \$48,119 start-up cost. Did the revenues equal that or are they more than that in the first year of operations?"

DeJaegher: "They will exceed that."

Wennlund: "By what amount?"

DeJaegher: "I don't have that with me I didn't bring it with me from my office, but I know from past experience that it does exceed the amount of implementation."

Wennlund: "Okay, thank you very much."

Speaker Currie: "Further discussion? Representative Lindner."

Lindner: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Currie: "He will."

Lindner: "I did not understand your answer to Representative

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Skinner's question. Who are environmental health practitioners?"

Speaker Currie: "Representative DeJaegher."

DeJaegher: "Yes, in regard to Representative Skinner; impact of Bill, impact a Bill on home rule powers and functions. House Bill 4037 will have no impact upon home rule powers and functions, because home rule preemptions in this area is already law. Mr. Skinner, did you hear me?"

Speaker Currie: "Representative Lindner."

Lindner: "Yes, did he hear my question? No, my question was, who are these people?"

Speaker Currie: "Representative DeJaegher, do you wish to respond to Representative Lindner?"

Lindner: "Who are environmental health practitioners?"

DeJaegher: "Well, let me give you some idea. Environmental health practice is a practice of environmental health by licensed health practitioners within the meaning of this Act includes but not listed the following areas of professional activities: milk and food sanitation, protection and regulation of private water supplies, private waterways management, domestic solid waste disposal practices, institutional health and safety consultation and education in these fields. So, it does cover a broad perspective."

Lindner: "Why are we changing this then to the Department of Professional Regulations?"

DeJaegher: "What you have got to realize, this Bill was already passed last year. The Bill is all ready enacted. All we are doing is adding some additional language to the Bill that was passed last year, to basically to conform with the regulations that had been imposed upon these individuals."

Lindner: "All right, thank you."

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Speaker Currie: "Further discussion? Representative Mautino."

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

Speaker Currie: "He will."

Mautino: "The environmental health practitioners, these would be responsible the sanitarians. Those who are responsible for say for example for going into the restaurants, kitchens, making sure that they are using sanitary practices to help ensure the public safety and well being."

DeJaegher: "True."

Mautino: "And these were as a matter of fact originally had been licensing, licensed in the past, and a report from this Body I believe in 1986 suggested that we relicense so that we can ensure the publics the public health and safety?"

DeJaegher: "Yes, because this...has been discussed for a number of years. Yes, and I think we have got the necessary language now to incorporate the licensing."

Mautino: "Thank you, Representative. Speaker, to the Bill."

Speaker Currie: "To the Bill."

Mautino: "I think this an excellent piece of legislation. It is necessary. If you remember back in Peoria a number of years, there were some people that came down with salmonella and created a great controversy. We want to know that the people who are out there serving food to the public are operating in a manner which will protect the public health and safety, and I commend the Sponsor for this piece of legislation and ask for everyone's support."

Speaker Currie: "Further discussion? Representative Black."

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

Speaker Currie: "He will."

Black: "Representative, as you know I have a deep seated suspicion of licensing Acts. I need to ask you a few

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questions about this. There is nothing, this Bill has not been amended to include locksmiths, is that correct? And what about those dog groomers?"

DeJaegher: "No, Sir."

Black: All right, it's my understanding that what you are attempting to do with this Bill, is you're simple attempting to correct a technical error that was made last year. Is that correct?'

DeJaegher: "You are right, and also a proponent is the Department of Regulations."

Black: "As well they should be, I might add."

DeJaegher: 'What's that, Sir?'"

Black: "As well they should be an proponent."

DeJaegher: "Right."

Black: "But would agree with me, Representative that we need to question them closely about how they let this Bill go out not in proper form last year?"

DeJaegher: "Mr. Black, you must not have been attentive last year. Somehow or another you ...blowed last year."

Black: "Well, they didn't explain it to me completely. Excuse me just a minute, let me get the liaison down here. I have just been informed that he is taking full responsibility for the error that was made last year. He is a man of integrity and man of his word. All this does is to correct an error that he is taking responsibility for Representative, not you; therefore, to bail him out. I don't want to add to the unemployment rolls in this county. He needs our help, and therefore my respect for you, Sir, my respect for this young man who works for the department and works very hard I'm ready to join you in voting 'yes' on this Bill."

DeJaegher: "Thank you, Mr. Black."

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Speaker Currie: "Representative Brady."

Brady: "Thank you, Madam Speaker. I am appalled at Representative Black. The department opposed this legislation last year. You and other Members of this Body let it slide through our fingers in error. We should be thanking the department. Vote 'aye'."

Speaker Currie: "In answer to Representative Skinner's question. First the Chair, would point out that Representative DeJaegher is right. We have already preempted home rule in this area. But, in fact, this Bill does preempt home rule. However, under Section, I believe it is h, because the state is providing exclusive jurisdiction, the vote requirement will be 60 not 71. Representative DeJaegher moves passage of House Bill 4037. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Walsh, 'no'. Vote Walsh 'no'. Have all voted who wish? The Clerk will take the record. On this Motion, there are 94 voting 'aye', 18 voting 'no', and this Bill, having received the required Constitutional Majority, is hereby declared passed. On page 34 of the Calendar, appears House Bill 3790. I believe that Bill is on Second Reading. Representative Dunn's Bill. Clerk can you tell us whether any Amendments or Motions were filed."

Clerk McLennand: "House Bill 3790 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Pedersen."

Speaker Currie: "Change the board to... I believe this is in the area of DCFS. House Bill 3790. Can we change the title? And Floor Amendment #1, is sponsored by Representative Pedersen. Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker, Ms. Speaker..."



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Speaker Currie: "Representative Dunn, for what reason do you rise? Just a minute, Representative Pedersen. Representative Dunn, for what reason do you rise?"

Dunn: "Madam Speaker, the Amendment being offered amends the Public Aid Code and this is a DCFS...DCS Act Bill. I believe the Amendment is not germane, and I would ask the Chair to rule on the germaneness of the Amendment, please."

Speaker Currie: "We are checking it. The Parliamentarian suggests to the Chair that the Amendment is not germane for two reasons. First, the Bill does nothing, the Amendment does something so, obviously we are not in the same neighborhood here. Secondly, secondly, the Bill deals in subject matter, children. The Amendment deals in subject matter, elderly. So, for those reasons, this Amendment is not germane. Are there further Amendments, Clerk? Representative Pedersen, for what reason do you rise?"

Pedersen: "Both of these Bills deal with people. We feel that it's germane, but regardless of that we...that's right; it's germane as the Speaker's. But in any event, we would like to... I make a Motion to overrule the Chair. I would ask for a Roll Call Vote."

Speaker Currie: "Representative Pedersen moves to appeal the ruling of the Chair. Representative Pedersen moves to appeal the ruling of the Chair. And on that Motion, Representative Skinner."

Skinner: "Could you repeat what you just said? The Bill is about nothing so it may not be amended?"

Speaker Currie: "I think you misunderstood the Chair. We are on the Motion to overrule the Chair."

Skinner: "No, no. On your original ruling."

Speaker Currie: "The ruling was the Bill before us did nothing. That Bill was a shell Bill. Representative Pedersen's

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Amendment, on the other hand, did something."

Skinner: "Therefore, it is not germane?"

Speaker Currie: "Secondly, the subject matter of the Bill itself which does nothing, is children. The subject matter in Representative Pedersen's Amendment was the elderly. The Chair has ruled."

Skinner: "How can a Bill that does nothing have a..."

Speaker Currie: "The Chair has ruled that the Amendment is not germane; and on Representative Pedersen's Motion to overrule the Chair, those in favor of appealing the ruling vote 'aye'; those opposed vote 'no'. Voting is open. Representative Skinner, do you wish to explain your vote? Actually you spoke in debate."

Skinner: "I have not even finished speaking in debate. So how can you possibly be having a roll call?"

Speaker Currie: "One minute to explain your vote."

Skinner: "I assume that there won't be no Amendment that will be allowed to this Bill, because obviously the Amendment will not be germane to a nothing Bill. Is that correct? Oh well, I'll question the germaneness of any Amendment on this Bill."

Speaker Currie: "Representative Churchill, one minute to explain your vote."

Churchill: "Madam Speaker, I was going to rise a few minutes ago and congratulate you for making it a full hour without causing this place to go up in grabs. But here you go. You did not make it just a little more than an hour, a couple of seconds more than an hour, and you already started another fight. Why don't you recognize the Members on our side when they have points? Why don't you let them talk? Why do you have to cut them off and go to a vote and make them explain their vote? Why can't you just use the

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proper decorum of a governmental Body like you are supposed to?"

Speaker Currie: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 51 voting 'aye', 66 voting 'no', and the Motion fails. Are there further Amendments on the Bill?"

Clerk McLennand: "Floor Amendment #2, offered by Representative Dunn."

Speaker Currie: "Representative Dunn."

Dunn: "Thank you, Madam Speaker,..."

Speaker Currie: "Representative Skinner, for what reason do you rise?"

Skinner: "I assume the Bill, the Amendment has contents so I question its germaneness."

Speaker Currie: "Thank you, Representative. We will check that. The Parliamentarian informs the Chair that the Amendment is germane because both amend the Children and Family Services Act. Representative Skinner."

Skinner: "Madam Speaker, I appeal the decision of the Chair; and according to Rule 55 (c) I am joined by four other Members and ask for a Roll Call Vote and I would like to argue the Motion."

Speaker Currie: "Representative Skinner moves to appeal the ruling of the Chair and would like to make an argument. Go right ahead."

Skinner: "Yes, I would only argue for consistency in this Body. If a shell Bill has no contents, and if in the previous Amendment, in considering the previous Amendment, you have ruled that it is non-germane because the Amendment had content; obviously a second Amendment with content also has to be non-germane. QED."

Speaker Currie: "Further discussion? Representative Krause."

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Krause: "Thank you, Speaker. I would have to support the previous speaker on the Motion to overrule. The ruling of the Chair was initially that because we have before us a shell Bill that has nothing in it, we ruled that the previous Amendment was non-germane. We still have before the House a shell Bill that has nothing in it. Therefore, also this Amendment #2 must be ruled also out of order as non-germane. There can be no basis or no merit for us to proceed at this time with Amendment #2. It has no further standing than Amendment #1. There is no merit for it to proceed. It must be ruled on the identical ruling that we have for Amendment #1. This Amendment #2 is non-germane."

Speaker Currie: "Further discussion? Representative Rutherford."

Rutherford: "Thank you, Madam Speaker. It's the inconsistency that's amazing. But yet again it's the consistency that is amazing. The consistency is if the Sponsor of an Amendment is a Republican, it's not germane. The continued consistency is, if the Sponsor of the Amendment is a Democrat, it is germane. Madam Speaker, how in the world can you possibly, blatantly, in front of God and all, do these type of things as a malicious attempt to do nothing but direct a personal, personal effort to politicize this process. I strongly encourage Members on both sides of the aisle to overrule this effort."

Speaker Currie: "Further discussion? Representative Maureen Murphy."

Murphy, M.: "Thank you, Madam Speaker. I, too, speak in support of overriding the Chair. Not only because of inconsistency but about insensitivity with regard to our largest problem in Illinois, DCFS. And there are good Republican ideals; yes, there are. There are good Democratic ideas about what to do about this DCFS situation. And to have a blank,

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zero, blank piece of paper and to say our DCFS idea is non-germane, while the Democratic version is, with all due respect to the Sponsor who has to endure that his good idea is under fire, can't we work together on doing something for DCFS and more importantly the children of the State of Illinois? I really ask you to be consistent, sensitive, and logical. Thank you."

Speaker Currie: "Further discussion? Representative Moore, Andrea Moore."

Moore, A: "Thank you, Madam Speaker. The whole idea of germaneness is almost to the point of ridiculous in this chamber. This small sentence that is placed in this Bill on such an important issue is an insult to the people of this state. DCFS has things that are crucial and in need of change. We put something like this and spend one half hour debating whether if it's even germane. You talk to yourself about a Bill that does nothing. Now we have an Amendment that does nothing on an issue that really does need something. I would ask that this be put in the Resolution, not a Bill and it probably would get unanimous support."

Speaker Currie: "Representative Stephens."

Stephens: "Madam Speaker, I have heard some incredible things on this House floor these last few years. I don't think I've heard anything more moronic than to say that an Amendment is not germane because it does something to a Bill that does nothing. I think, I can't believe that every Member on the other side of the aisle is not standing up in protest to have you removed from the Chair. That takes the cake of all the rulings I have ever heard."

Speaker Currie: "Further discussion? Representative Hughes."

Hughes: "Yes, Madam Speaker. I think it's really a shame that we

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have spent literally hours today, yesterday and the day before trying to fight for a reasonable hearing, for those of us who are representing a very substantial number of citizens in the State of Illinois and isn't it too bad all of the time we are wasting bickering over Motions to overrule and germaneness can't be devoted to the numerous, numerous serious and weighty issues of this Body? It would be far more expeditious to simply allow the Amendment to be debated and heard and voted up or down on its merit."

Speaker Currie: "Representative Churchill."

Churchill: "Thank you, Madam Speaker. Perhaps there is some confusion. Maybe we ought to ask you again and ask the Parliamentarian, if you would please review the ruling. And make or tell us why Amendment #1 was not germane and why Amendment #2 is germane? Would you please explain that to us, please?"

Speaker Currie: "Representative Pedersen."

Pedersen: "Madam Speaker and Ladies and Gentlemen of the House, all we have been talking about for the last several days, is that issues of interest to all Legislators in this House be presented to the Legislators. All we want to do is to explain it. We can debate it. We can vote it up or down. That's all, we just want to be heard. It's just a question of elemental fairness, so why not change the way we are operating and let's talk about these things in all sincerity and make our points and then vote them up or down."

Speaker Currie: "The question is, 'Shall the ruling of the Chair be appealed?' All in favor vote 'aye'; all opposed vote 'no'. Voting is open. Representative Kubik, one minute to explain your vote. Representative Kubik. Representative Kubik, do you wish to explain your vote?"

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Kubik: "Madam Speaker. I think that the Gentleman, the previous speaker, Representative Churchill, asked for a clarification as to your ruling, and again I don't think it is unreasonable for any Member of this House to have your ruling explained. I think this is legitimate. We are talking about rules here. We...this House cannot exist without having a basis of rules, and it's obvious to me that unless you're going to explain your rules, that this is kind of well let's make them up as we go along, and that seems to be the way this is going. I think it's only fair that Representative Churchill get a response to his question."

Speaker Currie: "Representative Leitch, one minute to explain your vote."

Leitch: "Thank you, Madam Speaker. I think it is extremely rude that we did not get an answer to Representative Churchill's very valid and legitimate question. And I think that it would be appropriate if you would permit to have an answer to the question on that important subject of germaneness between those two Amendments."

Speaker Currie: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 51 voting 'aye', 61 voting 'no'; and the Motion fails. Clerk, are there additional...we are on now Amendment #2 to House Bill 3790. Representative Dunn. Representative Leitch, for what reason do you rise?"

Leitch: "The Republicans would request an immediate conference, please."

Speaker Currie: "How much time would you like, Representative Leitch?"

Leitch: "Probably 45 minutes to an hour."

Speaker Currie: "Forty-five minutes...how about if we say we

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return at 5:15 p.m.? Do you think you can do it in that...that's 45 minutes?"

Leitch: "Probably not; I think it's going to take longer than that. Probably an hour and a half."

Speaker Currie: "Fifty minutes; how about that, 50 minutes? The House will stand in recess until 5:15. Republicans will conference in Room 118."

Speaker Currie: "Representative Dunn, is Representative Dunn in the chamber? House will come to order. We are on House Bill 3790. I believe we are on Amendment #2. Representative Dunn, on Amendment #2."

Dunn: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment #2 is an Amendment which is proposed, supported, and advanced by a large group of social service agencies in the State of Illinois. The Child Care Association, the Catholic Conference of Illinois, the Lutheran Social Services, Voices for Illinois Children, the Illinois Chapter of the National Association of Social Workers, the League of Women Voters, the United Charities of Chicago, the Legal Assistance Foundation, and Illinois Action for Children, support this Amendment. What this Amendment does is codify the BH consent decree, BH versus Ryder. As many of you probably know, the Department of Children and Family Services was taken to federal court because it was felt that there was not enough activity on behalf of children who need their services, and a consent decree was entered into. The purpose of this legislation is simply to codify that consent decree. It doesn't require the expenditure of one penny more or one penny less than what is in the consent decree, and it is our opportunity now, this evening, to put it in the statute books what has been agreed to. So, I would simply ask for



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an 'aye' vote. I really don't know of any opposition to this legislation. If there are questions, I will try to answer them."

Speaker Currie: "Representative Dunn moves adoption of Amendment #2 to House Bill 3790; and on that Motion, Representative Wennlund."

Wennlund: "Thank you, Madam Speaker. I rise to announce the presence of a friend of yours and a friend of mine, a former well-respected colleague in this House and now Deputy Auditor, Margy Parcels."

Speaker Currie: "Welcome, Deputy Auditor. On the Amendment, Representative Biggert."

Biggert: "Thank you, Madam Chairman. Will the Sponsor yield?"

Speaker Currie: "He will."

Biggert: "Representative Dunn, the Amendment becomes the Bill. Is that correct?"

Dunn: "Correct."

Biggert: "And it's Section 5 of the Children and Family Services Act?"

Dunn: "That is correct, it amends Section 5."

Biggert: "So the only change really is on page 4 of the Amendment that we have?"

Dunn: "I believe that's correct."

Biggert: "Could you tell me what a sufficient supply of child welfare services would mean? How do we define 'sufficient'?"

Dunn: "Well, the...I suspect that the best way to answer that is to refer you to the decree itself. What happens is that a caseworker will evaluate a child after a child is called to the attention of DCFS and then a case management plan will be developed and that will result in a number of services that are deemed appropriate for the child. And the purpose

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of the consent decree is to say that once that determination has been made (and it is subject of course to review by DCFS), then that child will receive those services."

Biggert: "Would this have any effect then on House Bill 1102, which is the permanency plan, that was passed out last year?"

Dunn: "What has happened in the past is that, is that there might be a plan that services would not be delivered or unfortunately a child might be in need of services but the services available are over on one side, the child needs services on the other and a child would receive service but they might not be appropriate for that particular child. So the purpose of this legislation is, once again, is basically and simply, to codify the BH Consent Decree, and it doesn't do anything more or less than what is in the consent decree."

Biggert: "But does it have any effect on House Bill 1102, the permanency plan?"

Dunn: "I don't know what Bills by House number. I don't know whether that particular Bill passed this chamber. I don't know whether it was sent to the Senate. I don't know the status of that Bill. If it's not law, it wouldn't have any effect on it."

Biggert: "It was a Bill that provided for the permanency plan after adjudication."

Dunn: "Is it statutory? Is it a Public Act now?"

Biggert: "Yes."

Dunn: "Once again you have to refer back to what the consent decree provides. And that is that it will enumerate services to be provided, and if it enumerates permanent services then they would have to be provided. The

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questions are all good that you're asking, and there may be other good questions but basically and simply this Bill codifies the BH versus Ryder Consent Decree."

Biggert: "Is that a good idea for us to codify? Is that a good idea for us to codify the BH decree?"

Dunn: "Yes."

Biggert: "Why?"

Dunn: "Because the consent decree was, first of all, a policy set and established before someone outside the State of Illinois, a federal judge. And the consent decree requires implementation and is subject to modification and is subject to termination, and the decree might be terminated, it might be modified; the judge might change. And if we set policy on behalf of children in the state in our statute books, then we have made commitment and not just given a promise."

Biggert: "Would it cost anymore than to codify that law?"

Dunn: "No, the cost, because of this legislation provides for codification of the BH Consent Decree, it will cost no more or no less. And there has been a commitment on the part of the Governor to fund the BH Consent Decree, and that's a good commitment, one that should be."

Biggert: "Do you think that there is any difference than if we are just codifying what is federal law and really giving up our prerogative as the State Legislature?"

Dunn: "No, this is not a matter of codifying federal law. This is a matter of codifying a court ruling."

Biggert: "Excuse me, yes, I misspoke, it would be codifying what a federal judge has decided."

Dunn: "That is correct and it is the view of each of these organizations which has devoted the careers of its employees and members over several generations that it is

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very important and the top priority to do this, because of the indications I made earlier, that consent decrees can change, the judge might change, but if the State of Illinois says on behalf of 11 million people, we will make a commitment to children; we will not just promise to serve them, then we have done something that is good and proper and will enable us to move ahead to serve children more effectively and obviously that is a goal that we would all endorse."

Biggert: "If we pass this legislation, will we be doing anything more than what the BH Decree has asked us to do?"

Dunn: "No."

Biggert: "No, thank you."

Speaker Currie: "Further discussion? Representative Krause."

Krause: "Thank you, Speaker. If the Sponsor would yield for just a few questions."

Speaker Currie: "He will."

Krause: "Going back to the point about the consent decree. Since the consent decree has been already entered again to the point, what are you, in effect, doing by codifying into the statutes since the state is obligated to follow the consent decree?"

Dunn: "The state is obligated to follow the consent decree, but the state can seek modification of the consent decree. There is an implementation plan and a consent decree expires at some point and time. So what we are talking about here is what to do for children. So if we're going to say to children, 'We will serve you pursuant to this decree; maybe, for a period of time; maybe, unless it is changed; maybe unless a different judge says differently.' We are not sending very clear signals to children. If we enact this Amendment into the statute books, if we adopt

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the Amendment and pass this Bill and it becomes law, then we have said to the children of this state, 'We make a commitment to you to provide services to you that are deemed to be necessary for you to receive'."

Krause: "Okay, but on the other hand is it not true that there could be a benefit to these same children to renegotiate on the consent decree? By putting it in the statute we have limited that right. ... because that could happen with consent decree...cause it could be a benefit to later look to renegotiate.

Dunn: "No, no because remember why the consent decree happened in the first place. We had statutes on the books and they were deemed not appropriate and the Department of Children and Family Services was taken to court. That obviously could happen again no matter what we do here today."

Krause: "Thank you."

Speaker Currie: "Further discussion? Representative Mulligan."

Mulligan: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Currie: "He will."

Mulligan: "Representative Dunn, I'm sure that this is very well meaning, but I serve on Human Services Appropriations and don't you think by codifying this you're letting the federal court tell us how to spend our tax dollars?"

Dunn: "No, you have that just backwards. The federal court right now is telling us how to spend our tax dollars and it is the purpose of this Amendment to say that the State of Illinois will determine its own destiny and by statute determine how our dollars will be spent."

Mulligan: "But basically what you're doing is you're accepting that decree, which is telling us how to spend that tax dollar."

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Dunn: "The decree has already been accepted."

Mulligan: "I know if you're codifying it, you're perpetuating it."

Dunn: "What we are saying is that this is an honorable commitment on behalf of the children. And as you know, statutes change from time to time, but this policy needs to be set for children in the State of Illinois not by a federal court, but by you and by me and the other people in this room and by the people in the Senate and the Governor."

Mulligan: "I could not agree with you more. To the Bill. And I think quite frankly we are saying we are allowing the federal court to dictate to us how we spend our tax dollars. In Human Services Appropriations we find that more and more. Human Services is the biggest drag on education dollars right now. Also we are all aware of the many Amendments, the many Bills that have been introduced, Representative Dart, Representative Biggert have all introduced reform. If we allow something to get in the way of that reform, repeated court decisions from the federal court that tell us how to spend our tax dollars, what we're saying to your home constituents, by voting for this Bill is, we're going to let the federal courts dictate how the Illinois Legislature spends your tax dollars, that we are advocating our position. We are advocating what we should be doing in passing legislation, cleaning up agencies, and doing what we need to do. And I think that's wrong. I think we're perpetuating something that we don't want to continue and we are encouraging further suits. I would definitely recommend, although some of the agencies on this list are in my home districts, and have lobbied very strongly, and I tend to support them, I think this is a mistake and I think we should vote against this; otherwise

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you're going back to your constituents and saying, 'I don't want to straighten this out and I want the federal court to tell me how to do my job'. As Legislators, I think that's wrong."

Speaker Currie: "Further discussion? Representative Schakowsky."

Schakowsky: "Thank you, Chairman and Ladies and Gentlemen of the House. This Bill says that we are serious about the reforms we have agreed to under BH. This is not us rolling over for the courts. This is saying when we made an agreement with the federal courts to reform the Department of Children and Family Services, that we really and truly mean it; that we are going to provide the services that we say that we are going to provide; that we're going take the steps that the children of the this state need to be protected from abuse and neglect. This is not a capitulation to a court that's disinterested. This is saying when we agreed to these changes we will implement them, and that's what this Bill is. Are we serious? If we are, we should be voting 'yes', on this Amendment, which is now the Bill HB3790. I urge a 'yes' vote if you really mean reform in DCFS."

Speaker Currie: "Representative Cross."

Cross: "Thank you very, very, very, very much. May the Sponsor yield, please?"

Speaker Currie: "He will."

Cross: "Representative, it's my understanding that BH Decree is about a 30-page federal court order, is that correct?"

Dunn: "I beg your pardon?"

Cross: "Isn't the BH Decree about 30 pages plus?"

Dunn: "I think it may be longer than that."

Cross: "Well, it's at least 30 pages. My understanding of your answering of these questions is that you're trying to

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capsule the whole BH Decree within this Amendment in five lines."

Dunn: "That's easy to do. You just say we want to codify the BH Decree. But, but."

Cross: "So you're...my question is, are you codifying the whole decree in five lines?"

Dunn: "No, we are codifying the service requirement."

Cross: "My understanding of the BH Decree, is that the Federal Government gave the Department of Children and Family Services through the year 1999, approximately, that much time to rectify some of the problems. Is that correct?"

Dunn: "Well, what we are codifying is Section 17 of the BH Decree which says 'services identified in the case plan, by July 1 1994, DCFS shall ensure that all services provided in a case pursuant to paragraph 16 are provided when the time necessary to accomplish this for their purpose'. And that's one very small part of the decree. What we're after again, the reason this Amendment is here on behalf of all these child care organizations is that they are concerned about children, and we all know that a large number of our children either are receiving no services or are receiving services which are not appropriate for them at this time, and we need to get about the business of turning that around."

Cross: "Representative, I don't think anyone is questioning the need to protect the children of this State of Illinois. I know I certainly am not."

Dunn: "That's good."

Cross: "Yes, well thank you very much. My question though is once again, aren't there specific sections of the BH Decree and specific proposals that they have suggested that the department enact one after another?"



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Dunn: "There is an implementation plan."

Cross: "A very specifically outlined implementation plan. Is that not correct?"

Dunn: "And what we're codifying here is Section 17 of the decree, as I indicated."

Cross: "This language does not appear to be very specific. It talks about sufficient and quality services. How specific is that?"

Dunn: "Well, the answer to each of the questions which has been propounded today, is that you are either for having a federal judge tell the State of Illinois what it shall be doing about children, or you are for having the State Of Illinois determine its own destiny about its own children. That's what this is all about, plain and simple."

Cross: "What are the...give us some examples of a sufficient supply of child welfare services throughout the state. What are we talking about here?"

Dunn: "Well if what, if....I don't think we are going to take the time in here today to talk about an individual child. I presume that every one in this room knows that there are children who are abused and neglected and need services that the state can provide. The mechanism is that when a child is identified there will be an assessment of that child's needs, and that assessment of course, is the safeguard for the taxpayers if you want to put it that way, is that the assessment can be reviewed within the Department of Children and Family Services, and after finalization of that review there is a plan for a particular child, and what we are saying is that we won't just make promises and we won't just make plans, we will do what needs to be done. And that's what this is all about."

Cross: "No one is arguing the need for that."

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Dunn: "I guess you are, I'm not."

Cross: "I'm asking how we are going to do that. This is so vague that we are just looking for some examples."

Dunn: "Yes, we have to do it the same way we're doing it now, through the legislative process, and we are going to do it the way Governor Edgar suggested in his budget. The Governor endorsed the implementation of the BH Consent Decree and with his good blessings we are going to do this. The Governor has said he will do this as I indicated. We are not going to spend one dime more or less, than we had planned to already. But we will say that we will determine our destiny and not have some federal judge do it."

Cross: "I think the federal judge has already done it."

Dunn: "The federal judge has done it for the time being. Apparently, you have trouble embracing that concept."

Cross: "No, I understand the concept."

Dunn: "Wait a minute. You asked a question."

Cross: "No, I didn't."

Dunn: "The federal judge has done it for the time being. Federal judges change. The consent decree has a termination date. A statute is a statute. That's the question you have to decide for yourself, 'Do you want this in the statute books or do you want a federal judge telling you what you're going to do, on behalf of the children of 11 million people of the State of Illinois'? That's the question."

Cross: "What's it going to cost us to implement this five line Amendment?"

Dunn: "It's going to cost us exactly the same as it was going to cost to implement the BH Decree. No more no less, not one dime more or one dime less."

Cross: "And what exactly will that cost be?"

Dunn: "And...we are....the plans already...this crosses more than

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one agency. So I can't tell you what the total will cost. It is not free, of course, but the Governor, on the second floor who is in charge of all the agencies, has investigated the decree and instructed Mac Ryder to sign the decree on behalf of DCFS, and the Governor is behind implementation. So, if you want to know more about this, ask the Governor. He has a staff that knows all the details."

Cross: "He has a very good staff, I understand that. I guess once again the question is if this is a federal consent decree, why codify it? We don't codify federal consent decrees as a rule, if that's the law."

Dunn: "What we have had in the State of Illinois is backsliding. We used to be really good with providing children's services and because of lack of funding we have been backsliding, so that's why we wound up in court. We were not doing the job. And the purpose of this Amendment is to say that we're going to reverse that trend; we're going to comply with the consent decree and we are going to make it our policy that the provisions recited in that decree will become part our statute books, and that's just for the children."

Cross: "Thank you."

Speaker Currie: "Further discussion? Representative Pedersen."

Pedersen: "Thank you, Madam Chairman and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Currie: "He will."

Pedersen: "Is this decree the one where the American Civil Liberties Union sued and we had the ACLU and the DCFS kind of sitting down and working out a decree that the...with a judge? Is that the one were talking about?"

Dunn: "This is the BH versus Ryder Consent Decree. It is

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a...federal judge and entered into by Mac Ryder, the head of Children and Family Services."

Pedersen: "But is this the one where the ACLU is involved in?"

Dunn: "I guess that they tell me that...I don't know. I don't keep track of who the lawyers are on particular cases, but I guess the ACLU was one of the driving forces in this case, I guess."

Pedersen: "I understand that they received a pretty nice settlement, cash settlement after this was all over, is that correct?"

Dunn: "I don't know about that. I know that the Governor has instructed the director of the Department and Child Family Services to enter in to the consent decree and all its particulars and details. What we are debating here is one aspect of that decree. We are not...I don't know about any of that. What we are talking about is, what services will be provided to children. And this Amendment says that we will provide the services which are called for, and maybe there are those who don't want to do that. I doubt that very much. I think most of us are for taking care of the children, and that's why we should adopt this Amendment and enact this Bill."

Pedersen: "Well, one of the things that I think concern some of us, is that we have you know these kind of outside groups outside the Legislature making these decisions for us. Really, it is a Legislator's responsibility to be a part of this."

Dunn: "I think you're getting on board now. The reason this Amendment is advanced is that an outside party, a federal judge, made its decision, and we think it's best if we determine our own destiny and do so with this Amendment."

Pedersen: "But how can we determine our own destiny when we adopt

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what other people have decided?"

Dunn: "If we think it's wise to do, of course if you, I would not say to you, but if someone thinks it's not wise to provide services to children, I guess that's a point of view. But I can't go home tonight and sleep if I don't advocate that we assess each child, assess that child's needs; a child who is called into our state agency, not the child that does not need services but the child that needs help, we assess what the child needs and then once that assessment is made and reviewed, then we determine that we will provide those services. That's what we are all about. We are not about attorney's fees or petitioners or respondents, we are about children."

Pedersen: "To the Bill, Madam Speaker."

Speaker Currie: "To the Bill."

Pedersen: "I think what we're really talking about here is a situation where we have defaulted on our obligation. We should be deeply involved in this. We should not be involved with group of bureaucrats who are going to decide all this thing for us. We should be making those decisions ourselves, as a Legislature, and so I would bring that to your attention, the way this thing was set up, and maybe it's time we held back on this."

Speaker Currie: "Further discussion? Representative Brady."

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

Speaker Currie: "Representative Dunn, will you yield, or do you feel that you have pretty much answered the same questions? Representative Dunn will yield."

Brady: "Representative, once we get beyond the issue of whether or not the courts ought to be telling us what to do, and we all agree that we ought to be involved and take very seriously the children of Illinois. My question to you is,

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'As I understand it, the BH Decree is continually being negotiated as they interpret and monitor what we're doing, they continue to evaluate and direct us. Could we not be writing a blank check, in essence, not knowing what they are going to direct us to do in the future as they continue to monitor us by accepting and codifying what they have done are we not also accepting codifying what they will do'?"

Dunn: "Well, the answer to your question is 'yes'. Now wait, you have to hear my answer. The consent decree certainly can be negotiated, and that's what makes it difficult for the children. I really kind of hope the children are not listening here tonight because to negotiate the decree is to promise them something, but say maybe we will deliver and maybe we won't. And a commitment in the statute books is a commitment to say we will do this, and what we will do is what we say in the statute books, what is in the decree now. The reason we are coming with this statute is so that whatever happens later it will not be more, not less; it will be what the child needs."

Brady: "But, and I agree with you, Representative Dunn. But my question to you is, if everyone in this Body agreed with the courts and what they have ruled to date by codifying a decree, will we not give them blanket authority over anything in the future?"

Dunn: "No, no."

Brady: "So if someone enters in and says we are not doing something the right way, they way we think we interpret it to be today, and the courts come in and rule that no, you need to do this. We just were not clear on that. You're saying you won't be codifying that."

Dunn: "No, there is a fundamental point here. A statute is a

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statute. It is the enacted policy of the State of Illinois and a court decree is something else. A court decree is what a judge says. What we are talking about here tonight is enacting into the statute books what we think is good policy, for children in the State of Illinois and the particulars are defined, and so once we do that, our statute....and what a judge says later or after or sooner or different has nothing to do with it."

Brady: "We know that the particulars are defined up to today."

Dunn: "Yes, we do."

Brady: "But, what are all the particulars defined for tomorrow?"

Dunn: "I opened this debate by saying this is a simple decision. You are either for telling judge...letting a judge tell you what to do, or you are for determining your own destiny. And I think we have beat this around enough. I think we ought to move on..."

Brady: "So, you think it is just, do we want to turn over this to the hands of a judge for what he has already said and what he wishes to say in the future?"

Dunn: "No, no just to opposite. Just the opposite."

Brady: "That's what I'm having trouble understanding."

Dunn: "Then you're on board. Thank you."

Brady: "Pardon, couldn't you help me understand that?"

Dunn: "Yes, as soon as this debate is over, I'll come over and we will talk individually. We will work out all these details."

Speaker Currie: "Further discussion? Representative Lawfer."

Lawfer: "Thank you, Madam Chairman. To the Bill, I think this is an example of correcting DCFS. I have met with people that have had dealings with this organization, and they feel there should be some changes made. I have introduced two Bills that are now sitting in Rules Committee that would

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correct some of the things that need to be done in DCFS. I think that a reaction to a federal judge, a person that is taking taxpayer money out of my district and allocating it, supersedes my duties as an elected official, and I resent that. Thank you."

Speaker Currie: "Representative Balanoff. Representative Balanoff moves the previous the question. All in favor say 'aye'; opposed, 'no'. Representative...only two people are seeking recognition. Representative Parke, timer's on."

Parke: "Thank you, Madam Chairman. I just want to point out that Representative Cullerton, Representative Cullerton."

Speaker Currie: "Senator."

Parke: "Senator Cullerton, that's right thank you, that's part of my fear. John Cullerton, Senator Cullerton, I had a nightmare. I saw you up in the well again, in the Chair, and it brought back great fear, and I'm glad that you're not up there anymore, so I just will say, though, Barbara does a good job to take your place, though. Thank you."

Speaker Currie: "Representative Skinner."

Skinner: "This certainly qualifies as useless legislation. It's already a federal court order. We paid \$8 million to the ACLU to get this court order. That ought to make you feel really good, right? The ACLU is basically a bunch of people that sympathizes with bureaucrats, and what they did was cut a deal with the bureaucrats to hire more bureaucrats for DCFS. That's what this consent decree is all about. For that \$8 million, by the way, the ACLU had no billable hours. They could not justify it. I don't know why we would want to give the ACLU another court venue. I mean, it might be because the Sponsor is going to be a judge in Decatur, maybe he wants to try this order, or this law. There is certainly no reason to pass this Bill.



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We are yielding to federal blackmail again. There is no reason we have to say we are in favor of federal blackmail. We can vote 'no', and I certainly am going to."

Speaker Currie: "Representative Dunn moves adoption of Amendment #2 to House Bill 3790. All in favor say 'aye'; opposed say 'no'. The ayes have it. The Amendment's adopted. Clerk, read the Bill on Third. Third Reading, read the Bill on Third."

Clerk Rossi: "House Bill 3790, a Bill for an Act amending the Children and Family Services Act. Third Reading of this House Bill."

Speaker Currie: "Representative Dunn."

Dunn: "Thank you, Madam Speaker. I ask for a favorable vote on this Bill, on behalf of the children of the State of Illinois and on behalf of the organizations which have proposed this legislation and once again those organizations are: The Child Care Association, The Catholic Conference of Illinois, The Lutheran Social Services of Illinois, Voices for Illinois Children, Illinois Chapter of National Association of Social Workers, League of Women Voters, United Charities of Chicago, Legal Assistance Foundation, Illinois Action for Children. I ask for your favorable vote."

Speaker Currie: "Representative Dunn moves passage of House Bill 3790; and on that Motion, Representative Skinner."

Skinner: "Yes, I wonder how many of those endorsing agencies are getting contracts from the Department of Children and Family Services. Of course, they are supporting the Bill; absolutely and positively they are supporting the Bill. Eight million dollars we paid to the ACLU."

Speaker Currie: "All in favor of... Representative Skinner, had you not finished?"

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Skinner: "Five minutes; do I not have five minutes? I'm not going to take them unless you make me."

Speaker Currie: "Representative Skinner, can you bring your remarks along, please."

Skinner: "Thank you, the point I was trying to make is that the supporters of this Bill, the Gentleman has just listed have a conflict of interest, a galloping conflict of interest. If they displease the bureaucrats and DCFS... Just a minute, I just heard horses I think on the House floor. If they displease DCFS, they might not get the same contracts that they got this year. I wonder how much of this \$8 million is going to delay the execution of John Gacy? I mean is the ACLU involved? Are they diverting the money to that process? I would merely reiterate that this is useless legislation. I have taken less than a minute, Mr. Speaker, Miss. Speaker, Ms. Speaker, Representative Speaker, whatever. Thank you for your courtesy."

Speaker Currie: "Representative Dunn moves passage of House Bill 3790. All in favor vote 'aye'; opposed vote 'no'. Voting is open. Representative Deuchler, one minute to explain your vote."

Deuchler: "Madam Speaker, just to explain my vote. It was too late for Joseph Wallace and the many children who have died in Chicago, and it's in our desire to give the tools to DCFS, that I cast this green vote."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Representative Brady, one minute to explain your vote."

Brady: "Thank you, Madam Speaker. First of all, let me say, with all due respect to Representative Skinner..."

Speaker Currie: "I'm sorry, Representative...Carry on."

Brady: "Thank you, thank you very much. With all due respect to

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Representative Skinner, I have a lot of trust and admiration for the agencies that are sponsoring this Bill. Well, maybe not that group, but the reason I'm voting 'no' is simply because I was not given a clear interpretation. I'm very concerned about the future and I'm very concerned about the problems we all face down here, by having our hands tied by the folks in Washington. And I think this is just one move in the right, the same, not the wrong, direction in that way. So, I would ask you to consider that, and I think the intent of the Sponsor is very good, as is the intent of the organizations sponsoring the legislation, and I think we can take that responsibility upon ourselves as we move forward in these next few years and this particular year in the budget. Thank you."

Speaker Currie: "Representative Mulligan, one minute to explain your vote."

Mulligan: "Thank you, Madam Speaker. In good conscience, as being a Member of Appropriations, Human Services Appropriations, I don't think we should encourage law schools and other groups to sue us and cut their teeth on the General Assembly and our appropriations. I think we ought to take seriously what we are doing here; work hard to change what needs to be changed. We already have the decree. I'm certainly for children, but I don't think this is a good way to do it. When you hold a press conference in the morning and you put the targets on it, and you discuss it, it no longer becomes an issue of what are we doing for children; it's what are we doing to get reelected, and I can't, in good conscience, go along with something like that."

Speaker Currie: "Representative Dart, one minute to explain your vote."

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Dart: "Thank you, Madam Speaker and Members of the chamber. To this Bill as it is now, I unfortunately did not have enough time to look at this, this is the first I saw of it this afternoon which has been a problem on the other side of the aisle as well at times. I guess my major question with this is what this Bill actually called for is quality services, for the wards of the state right now. Well, what in the heck are we doing right now, that we have to mandate we give them quality services? Are we giving them inadequate ones and once this is passed we will give them the good stuff? It doesn't seem to make a lot of sense. And the people have been complaining about a federal judge running us, well, it's because we had to because we were not doing it very well, so for those reasons I can't in good faith vote on something I'm not really sure of what it does, and for those reasons I will hope the discussions are going to keep going, because this is going to fly out of here."

Speaker Currie: "Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Motion, there are 90 voting 'aye', 1 voting 'no'; and this Bill, having received the required Constitutional Majority, is hereby declared passed. The next measure on page 10 of the Calendar is House Bill 2774 on Second Reading, Representative Edley. Clerk, are there any Motions or Amendments filed?"

Clerk Rossi: "House Bill 2774 has been read a second time previously. No Committee Amendments. Floor Amendment #1, offered by Representative Stephens."

Speaker Currie: "Amendment #1 was...was, Representative Stephens. Representative Stephens."

Stephens: "Thank you, Madam Speaker. This...this Amendment,

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Amendment #1 to House Bill 2774, directs the Bureau of the Budget and the General Assembly to develop and enact a zero-based budget procedure. It's a simple Amendment that I think everyone understands. This just means that we're going to go back and justify every program on an annual basis that directs the Governor's Office, the Bureau of the Budget, and us, by our endorsement thereafter, to do zero-based budgeting. It's something that every...or not every successful business but many successful businesses and administrations already do this. It makes a lot of sense. It's zero-based budgeting procedure; will not become immediate. It will begin in fiscal year '98. I move the adoption of Floor Amendment 1 to 2774. I'd ask for..."

Speaker Currie: "Representative Stephens moves adoption..."

Stephens: "I am joined by five Members of my side of the aisle in asking for a roll call."

Speaker Currie: "Representative Stephens moves adoption of Amendment 1 to House Bill 2774; and on that Motion, Representative Biggins."

Biggins: "Thank you, Madam Speaker. Actually, I have a question of the Chair, and attempted to get your attention between successes before this last Bill, but may I ask this...address this issue?"

Speaker Currie: "Continue."

Biggins: "It's come to my attention that we have been asking, our Members have been asking a lot of questions of the Bills that are being discussed, and these Bills all seem to come from one Party, on the other side of the aisle. So, I was wondering and noticing that the Democrats never get to ask any questions, and I'm concerned that their questioning skills may be dulling or not getting them into practice and I was hopeful that maybe sometime tonight we could give

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them an opportunity to ask a question of somebody, and perhaps even afterwards the Chair could recommend a place where we could gather and they can ask questions of us. We have some Bills that they could even read over and talk about us and charter schools would be discussed, and they could ask questions. I think it'd be a very good thing to do, because I'm concerned about their abilities."

Speaker Currie: "The Chair appreciates your concern. Representative Flinn."

Flinn: "Madam Speaker, I have a question. Would I be out of order if I moved the previous question right now?"

Speaker Currie: "There are only a couple of lights on, Representative. Representative Edley."

Edley: "Thank you, Madam Speaker. Zero based budgeting is not really a bad idea, but it's the kind of idea that needs a lot of flushing out and a lot of discussion and a lot more understanding than I think we can provide here tonight. So, while I'm not necessarily opposed to it, I would ask the Membership to either vote 'no' or 'present' to ensure the integrity of the underlying Bill."

Speaker Currie: "Representative Lindner."

Lindner: "Thank you, Madam Speaker. I rise in support of Amendment #1. We certainly, our budget process, to say the least, is very screwed up in Illinois. We were given a 800-page budget an hour before we voted on it last time. It is a ridiculous way to budget. We need to get back to zero-based budgeting and get this state in...on a program of fiscal responsibility. I think every responsible Legislator should support this Amendment of Representative Stephens'. This is one of the most important pieces of legislation that we've had before this House this entire week and this entire Session, and I would urge everyone to

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support it."

Speaker Currie: "Representative Weaver."

Weaver: "Thank you, Madam Speaker. Ladies and Gentlemen on both sides of the aisle, this is a great campaign issue. For years the voters have been asking how we spend, what we spend of their tax money. Here's your chance to go on record to try and get State Government to justify how it spends their tax dollars. You vote 'present' on this, you're going to be in trouble in November; I'll guarantee you. You need to vote 'yes' on this Amendment. It's a great idea."

Speaker Currie: "Further discussion? Representative Granberg."

Granberg: "Thank you, Madam Speaker. You know, we talk about how this is a great, this might be a panacea for our budget, but about every 12 or 14 years, this idea comes up again, and it's used for campaigning. Governor Dan Walker did this. It was another failure when he was the Governor, and that doesn't speak too...that doesn't speak too...that's why we're being bipartisan on this. We're going to the merits, as always; and...but too often this is used for political purposes. I think it's a good idea that should be used properly, and I think we should look further to try to use it properly, but I hope it's not being used for political purposes, and I hope we do it on the merits."

Speaker Currie: "Representative Schoenberg."

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

Speaker Currie: "He will."

Schoenberg: "Mr. Stephens, my inclination is to support this, but I need a little guidance. Hypothetically, if we had an accumulated budget debt of \$1.9 billion, how would such a zero-based budgeting affect the reduction of that \$1.9 billion debt?"

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Stephens: "Well, that's relatively easy. We would...we would quantify..."

Schoenberg: "I'm sorry. I'm sorry, what'd you say?"

Stephens: "It's relatively easy. We would quantify it, first of all."

Schoenberg: "Could you explain it to me?"

Stephens: "Yes, if you'll pay attention, I'll be glad to, and you might ask Representative Edley, who says that he needs further explanation. Just like any other..."

Schoenberg: "I didn't think that this is a discussion about my native intelligence. Why don't you just explain it to me. I'm sorry, Sir. I'm listening. I'm just working on my questioning skills. Forgive me. Mr. Stephens..."

Stephens: "First of all, Representative, the zero-based budgeting measures that we're introducing is implemented gradually, starting with 10% of the budget."

Schoenberg: "Yes."

Stephens: "Any outstanding debt would be treated just like any other item in the budget. It would be quantified, explained, and then money appropriated to deal with it."

Schoenberg: "So, with a...debt that's deferred from year to year, we would quantify and explain it, but how would we retire it?"

Stephens: "Well, Representative, I guess we would appropriate the dollars to do that."

Schoenberg: "I see. And let me ask you, as well, I've introduced legislation which would have us go, in fact, this House has passed legislation which has five agencies of State Government using...establishing and using performance based criteria. Is there anything in this legislation which would enable us to quantify and measure services per unit so that we are able to determine the number of units served



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and how we can best improve that performance?"

Stephens: "Well, we would require that each agency through the Governor's Office when submitting their budget provide a quantitative-management-by- objective summary and that would include descriptions of the objectives of each of the programs implemented by the agency under review; it would include the activities intended to accomplish each of those objectives; and indicators of the quantity and the quality of each activity performed."

Schoenberg: "To the...to the Amendment. I rise in support..."

Speaker Currie: "Representative Schoenberg."

Schoenberg: "...and urge my colleagues on this side of the aisle to support this, as well, and I thank the Representative for his patience."

Speaker Currie: "Representative Edley, I believe you already spoke in debate. Do you have something additional that's important for us to hear?"

Edley: "Madam Speaker, after consulting my fellow Members over here, I think there is...I think there is a...a general understanding of the Amendment, and I would...I would fully..."

Speaker Currie: "All right, pardon me. Thank you, Representative. That's enough. We have heard from you before, and it was nice of you to tell us that you're now for the Amendment. Does anyone speak in opposition to this Amendment? Nobody seems to speak in opposition to the Amendment. Representative Meyer, with a question."

Meyer: "Thank you, Madam Speaker. I just had a question I wanted to further clarify in my mind what zero-based budgeting would do. Does that mean if this Amendment was enacted into law that each year the departments or any agency would have to come back to us and justify before their request

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for their moneys would be put into the budget, justify what they're doing and what any new moneys they're requesting would actually do for them?"

Stephens: "Yes."

Meyer: "Thank you."

Speaker Currie: "Representative Skinner, did you say you had a question or are you speaking in opposition?"

Skinner: "No, I have a question. I wonder if we would be able to have any votes in Appropriations Committee each week when we go as sort of an inducement to...to come to the meetings?"

Stephens: "This...this Amendment does not affect the Rules of the House."

Skinner: "Well, that's too bad."

Stephens: "It is unfortunate."

Skinner: "May I remind the Speaker that we have asked for a roll call under Rule 55 (c)..."

Speaker Currie: "Absolutely. The Speaker certainly remembers that request and all the many hands that joined in. And now on this unanimous Amendment, all in favor will vote 'aye'; and all opposed will vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Representative Weaver, for what reason do you rise? You spoke in debate. Are you going to explain your vote? Cann't."

Weaver: "Just an inquiry. Is this the Sponsor's first Amendment?"

Speaker Currie: "We'll ask him to tell us. Representative Andrea Moore, one minute to explain your vote."

Moore, A: "No, I'm not. I have a question regarding the Bill. If you would announce the roll, then I would request to speak."

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Speaker Currie: "Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this Amendment, there are 109 voting 'yes'; none voting 'no', and the Amendment is adopted. Are there further Amendments?"

Clerk Rossi: "No further Amendments."

Speaker Currie: "Third Reading. Clerk, read the Bill on Third."

Clerk Rossi: "House Bill 2774, a Bill for an Act concerning the state budget. Third Reading of this House Bill."

Speaker Currie: "Representative Edley."

Edley: "Thank you, Madam Speaker and Ladies and Gentlemen of the General Assembly. This is a piece of legislation that we passed out of the House a couple of years ago, has received bipartisan support in the Senate. I think it failed by one vote a couple of years ago to pass the Senate. What it would do is move the state to using generally accepted accounting principles; principles that we require or urge our local school districts to use, but we don't use ourselves. Essentially what it means is that instead of using a cash-based accounting system, which we currently do, which only recognizes an expenditure when we write a check for it, it would require the State of Illinois to budget and to recognize expenditures when they were incurred, like most of our for-profit corporations are required to do by the Federal Government. It would also phase in these principles out over five years so it wouldn't be something that would have to accumulate all in one...one budget cycle. And in this year I think it's especially appropriate because Governor Edgar's bonding program, if we would happen to go along with it, would end up paying off about \$1.4 million of accumulated old bills and would move us pretty close to a balanced budget at that time. And so it would be important that in conjunction

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with that bonding, if we happen to go along with it, that we have a...an accounting and budget structure that would not allow us to go through the cook in the books that we have over the last three or four years, so I would urge a similar roll call to the previous Amendment because they both strike at the fiscal integrity of our state and our budgeting system."

Speaker Currie: "Representative Edley has moved passage of House Bill 2774; and on that Motion, Representative Moore. Andrea Moore."

Moore, A: "Thank you, Madam Chairman. Would the Sponsor yield?"

Speaker Currie: "He will."

Moore, A: "Representative Edley, I have here information that I recall from committee that you made a pledge to the Elections and State Government committee that you would introduce an Amendment that would address the concerns of the Department of Public Aid and IDOT, and I do not see your Amendment introduced here and would ask that you have this Bill removed from the record."

Edley: "I made an offer to sponsor any Amendment that they thought would make this more palatable to them. They have never contacted me with any Amendment to sponsor, and I'm certainly...when it gets over to the Senate, they'll have an opportunity to do that, and I would support it at that time."

Moore, A: "No, no. Representative, I'm sorry, but in committee you made a pledge to this committee that you, and you are responsible for the Bill, not IDOT or Public Aid. You made a pledge that you would work out the difficulties on this issue with the Department of Public Aid and with IDOT. I think it's your responsibility, not the departments'."

Edley: "I certainly stand ready to do that, but I am not a

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mindreader. I can't anticipate what their problems are and draft an Amendment. They have to provide me some details so that we can draft the proper legislation, and I still stand ready to do that and support it as it moves on to the Senate."

Moore, A: "So, are you saying that the pledge that you made in committee to work out the problems with Department of Public Aid and the problems with IDOT don't mean anything? You're going to go forward regardless of whether those problems are worked out? That pledge means nothing."

Edley: "No, no, no. I'm saying it's a two-way street. No..."

Speaker Currie: "Representative Moore, do you wish to address the Bill?"

Moore, A: "I would like to also read that, it was handed out to every Member of the committee, that the fiscal impact of this Bill is dependent on the amount of medical bills that are currently provided in one fiscal year but paid from the following year's appropriation. In F.Y. '93 that amount was \$1.5 billion; in F.Y. '94 that amount is expected to increase by \$450 million to reach \$2 billion. Given the F.Y. '94 amount, the initial '96 phase and 20% would equal \$400 million. If the Bill had been effective '94, the only alternative would have been a severe rate or program reduction. I call that something significant to work out with the Department of Public Aid."

Speaker Currie: "Further discussion? Representative McPike."

McPike: "Thank...thank you, Madam Speaker. Thank you, Madam Speaker. Representative Moore has me confused. Could you clarify what happens to Representative Stephens' Amendment if we take this Bill out of the record?"

Speaker Currie: "The Clerk, I think, will inform us that the Amendment will be taken out of the record, along with the

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Bill."

McPike: "Well, I'm standing in support of Ron Stephens' Amendment."

Speaker Currie: "Thank you, Representative. Representative Moore, I'm sorry we cut you off. I thought you were finished. To the Bill."

Moore, A: "Okay, I want to...I want to better understand because so many people are confused by this gap process, though some of us understand it from local government; obviously the Department of Public Aid understands it. What really will we accomplish? We already report the financial status of the state on a gap basis, as it is."

Edley: "We do report it, but we report it about six months late, and so it's not used in our...our budgeting process. You know, your previous comments are one of the reasons why we must pass this kind of legislation because if we are facing run-away Medicaid expenditures and we aren't budgeting for them with our current cash-based accounting system, we should be more prudent fiscal planners and use a more accurate way of representing our fiscal obligations."

Moore, A: "All right, someone has to make... In any budget process, someone has to make revenue and spending assumptions for whatever process you use. If someone was to use this smoke and mirrors, which is referred to often, couldn't they do that under the gap process, as well?"

Edley: "It'd be much more difficult; much more difficult to do that because you have to recognize your financial obligation when it's incurred not when you write the check."

Moore, A: "Does House Bill 2774 contemplate two gap estimates, one by the Governor and one by the Comptroller?"

Edley: "The Comptroller is involved in this process, but is

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not...the primary responsibility for submitting the budget remains with the Governor."

Moore, A: "So, what was your answer? I didn't understand that. Were there two estimates?"

Edley: "The primary responsibility for presenting the budget remains with the Governor."

Moore, A: "And so the Comptroller would not make an estimate?"

Edley: "Would not be involved in...in formulating the budget using gap principles, that's correct."

Moore, A: "Who...who would establish and interpret the gap rules?"

Edley: "The General Assembly would have the ultimate responsibility for defining of the rules by which we account for our...our budgeting, but there's a governmental accounting board that would have general principles outlined that we would use as an outline."

Moore, A: "So, you're saying that an outside entity, the Government Accounting Standards Board and the Comptroller, would be the one that would interpret the gap rules?"

Edley: "They would provide the guidelines for doing that."

Moore, A: "And what if either entity chose to change the rules in such a way as to radically affect the budget? For instance, what if...what if the way pension or vacation days are accounted for suddenly change? Might the state be forced to cut hundreds of millions of dollars in one year?"

Edley: "No. The state would not be forced to do that because the ultimate responsibility for the accounting system rests with the General Assembly."

Moore, A: "So, you would suggest that we would have gap rules that we might now follow and if it didn't fit what we wanted, we just would change it anyway?"

Edley: "We would provide the flexibility; the General Assembly

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would retain the flexibility in defining the accounting rules that we would follow; that's correct."

Speaker Currie: "Representative Moore, I think you're about to run out of time. If you'd like to address the Bill, you might want to move in that direction."

Moore, A: "Thank you. I will pass on these questions so that they can get answered because this is really a critical issue for people in this state."

Speaker Currie: "Fine, go ahead."

Moore, A: "Excuse me, I didn't understand. I thought I was finished with my time."

Speaker Currie: "No, I asked you to because you have been talking for more than five minutes to try to bring your remarks to a close, and I suggested you might want to address the Bill. You're welcome to continue to ask questions if you would rather."

Moore, A: "Thank you. Thank you. All right, on the \$1.9 billion on cuts or tax increases, would the Sponsor suggest to gap balance the budget? How about the first year, the \$400 million? How are we going to be able to do that?"

Edley: "I'm sorry. You're going to have to repeat that question. I couldn't hear it."

Moore, A: "What \$1.9 billion in cuts or tax increases would you suggest to gap balance the budget? How about the first year, the \$400 million? How are we going to be able to accomplish that? What kind of tax increase would you propose or cuts in the budget?"

Edley: "Let...in response to that, let me say that this accounting system will not change the reality of the underlying state's fiscal condition."

Moore, A: "Then why do we need it?"

Edley: "All we're doing with this accounting system is



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recognizing it. We still have those liabilities whether we are operating under gap or a cash-based accounting system, so the problem is there. And I would urge, as I have urged for the last couple of years, that the Governor in his constitutional required duties submit a budget or a plan for us to get out of it. This year his plan would be for us to delay almost 600, \$700 million in general revenue payments on the state debt. If we do that and get a federal match, we will make a big cut in the \$1.9 billion gap deficit. That's why I say that it, this year, that it becomes even more incumbent upon us to reform or pass spendthrift kind of budgeting principles."

Moore, A: "Okay, currently the gap information is always at least a quarter behind, that's three months. Practically, how could this delay be accounted for?"

Edley: "Let...let me say that maybe what you need to do is to check with the Economic and Fiscal Commission or with the Comptroller on some of these technical kinds of questions. I think we will have an opportunity in the Senate to make any changes that...that they would like to make. I plan to go to some of the Republican Senators that sponsored an identical Bill here last Session. They took my Bill and just essentially changed their...changed the sponsorship. I plan to go to them and ask them to sponsor the Bill in the Senate so you'll have some people of your own Party to work with on."

Moore, A: "To the Bill, Madam..."

Speaker Currie: "To the Bill."

Moore, A: "To the Bill, Madam Speaker. We have no assurances that the changes that you're talking about, that are supposed to be made in the Senate, will actually be realized, because the changes that you proposed to make

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before our committee have not been realized. So why should we think that would happen when it goes to the Senate? And further, I think it would be irresponsible for this House to support something that would cause the kind of cuts in public aid and cause problems for people individually that...that would cause the state come to a halt in many areas. This is a serious issue that needs to be addressed, but it needs to be addressed in a different way."

Speaker Currie: "Further discussion? Representative Ryder."

Ryder: "For a Gentleman who has been ever critical of cooking the books of the State of Illinois to now say, 'Well, if we can't cook the books, we'll just change the system'. For a Gentleman who gave his word to the committee that he would accommodate those who had criticisms, legitimate criticisms, of this Bill suggesting that perhaps the Department of Public Aid might not be able to pay their bills, suggesting that continuing appropriations of the Illinois Department of Transportation might not be able to pay their bills, to now come before us in this late bewitching hour and suggest that this is the Bill that we need to work on, I don't think that we need to accommodate that. I stand with the Majority Leader in support of the Ron Stephens Amendment, but even that wonderful Amendment is not enough to save this Bill; and as a result, I would suggest that we help the Gentleman keep his word that he gave to the committee by not supporting this Bill."

Speaker Currie: "Further discussion? Representative Black."

Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. I, also, stand in opposition of the Bill. I think the Sponsor of the underlying Bill said it best himself about 45 minutes ago when he said clearly, 'It's a good idea that needs to be flushed out and studied

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a little more'. Now, his comments were aimed at Representative Stephens' Amendment, but those comments are just as germane to the underlying Bill. As Representative Ryder has so eloquently pointed out, you endanger every continuing appropriation by going to this standard. The Sponsor clearly said that he would amend those concerns before he moved the Bill, and he hasn't done that. I don't quarrel with the Gentleman's idea. I just borrow his phrase. It needs a little more work. It needs to be flushed out. It needs to be studied a little more. He had the same Bill last year and it didn't get even out of House Rules committee. So, I think we need to look at this very carefully. Help the Sponsor keep his commitment to amend the Bill and, Madam Speaker, should this Bill get the requisite number of votes, I will seek a verification."

Speaker Currie: "Further discussion? Representative Hannig."

Hannig: "Yes, thank you, Madam Speaker and Members of the Assembly. I think it's important for us to recognize that this is just a reporting system. It's an honest way for us to determine how much money we owe, how much money we have, and what it is that we have. It does not increase taxes. It does not decrease taxes. It does not change anything in the way that we spend our money. It's simply a reporting system. But the difference is that it's an honest reporting system. One of the problems that we have every year at the end of the fiscal year is we don't have any idea, as Legislators, how much money we owe various agencies. Only a few people over at the bureau and some of the other places really know that figure. And what this proposal's really saying is that we need to have that figure available; it needs to be reported to us on a honest and consistent basis; it ought to be available to the

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Members of the Legislature, to the general public, and it ought to be available in a reasonable fashion. So, I don't see anything in this Bill that's unreasonable or it's going to cause any great problems. It's only going to ask our state agencies to report their books in an honest way, the same way businesses do, the same way that every other individual has to do, and it seems to me that with the Ron Stephens' Amendment on it, it makes it that much better as we heard from that side of the aisle. And I'd ask Members on both sides of the aisle to join us in this budget reform and send it over to the Senate."

Speaker Currie: "Representative Edley, for what reason do you rise?"

Edley: "Madam Speaker, would you take the Bill out of the record."

Speaker Currie: "That Bill is out of the record. All right, Representative McPike now moves that the House stands adjourned until the hour of 11:00 tomorrow, Thursday, May 5. All in favor say 'aye'; opposed, 'no'. The 'ayes' have it, and this House does stand adjourned."

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