

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

37th Legislative Day

March 23, 1995

Speaker Churchill: "Good Morning, Springfield. The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is the Randy Dempsey of the First Baptist Church of Channahon, Illinois. Reverend Dempsey is the guest of Representative Steve Spangler. Will the guests gallery please rise to join us in the invocation? Reverend Dempsey."

Reverend Dempsey: "Let's bow together in prayer. Heavenly Father, we do thank You for this day for it's a day that You have made. We thank You for the opportunities that lie in this day. We ask that You would give us wisdom. We ask that You would give us guidance. We ask that You would give us the sense of servant hood. We know that there is no authority in government positions that has not been authorized from You. So, we ask that we would remember that as we make decisions that effect the lives of the states in this country. We pray today that this would be a day that would bring glory to You and will bring about a state, a community that would peaceable and it would be peacemaking in the land. We pray this in Jesus' name. Amen."

Speaker Churchill: "We will be led in the Pledge today by the early bird of the House, Representative Tom Cross."

Cross - 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 Churchill: "Roll Call for attendance. Representative Hannig is recognized for the excused absences of the Democratic side. Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. On our side of the aisle,

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Shirley Jones and Ben Martinez are excused, and we're all ready for work."

Speaker Churchill: "Thank you. Representative Cross is recognized on the Republican side for excused absences."

Cross: "Thank you, Mr. Speaker. I'm happy to report, on the Republican side, there's absolutely no one, on one absence today. Thank you."

Speaker Churchill: "Thank you. The excused absences will be journalized. Mr. Clerk, take the record. There are 115 Members answering the Roll Call and a quorum is present. The House will come to order. Senate Bills - First Reading."

Clerk McLennand: "Introduction and First Reading of Senate Bills. Senate Bill #5, offered by Representative Cross, a Bill for an Act that amends the Juvenile Court Act of 1987. Senate Bill #34, offered by Representative Persico, a Bill for an Act that amends the Election Code. Senate Bill #86, offered by Representative Roskam, a Bill for an Act concerning adoption. Senate Bill #111, offered by Representative Lawfer, a Bill for an Act that amends the Criminal Code of 1961. Senate Bill #112, offered by Representative Black, a Bill for an Act that amends the Counties Code. Senate Bill #162, offered by Representative Clayton, a Bill for an Act that amends the Gasoline Storage Act. Senate Bill #167, offered by Representative Leitch, a Bill for an Act that amends the Illinois Public Aid Code. Introduction and First Reading of Senate Bills."

Speaker Churchill: "House Bills - Third Reading. House Bill 23. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #23, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this Senate Bill...House Bill."

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Speaker Churchill: "The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Mr. Speaker, and good morning."

Speaker Churchill: "Good morning."

Stephens: "Senate Bill...House Bill 23 amends the Public Aid Code. It permits the Department of Public Aid to operate a demonstration project under which aid to families with dependent children clients are required to report their earnings on a quarterly basis. It also provides that public aid recipients who are exempt from the employment program and who become participants in the program may be sanctioned if they fail to meet the requirements without good cause. The present law provides only that the non-exempt recipients may be sanctioned. It also provides that with respect to the education, training, and employment program for the AFDC recipients, a program participant's assessment process, now the initial assessment, shall include standard literacy testing and a determination of English language proficiency, except where the client is enrolled in...enrolled or accepted for enrollment in a post-secondary program, and provides that certain AFDCU recipients may, and currently, which is now...is are...referred to work experience. It also makes other changes concerning participation in education, training, and employment programs. This language was originally in House Bill 2471. It's an agency Bill for the Department of Public Aid. It also creates the violation of unauthorized use of a medical assistance card, makes a violation of the Public Aid Code...makes it a violation of the Code to use, alter, transfer or otherwise abuse the card against public aid statutes. The...it makes it a violation of the Public Aid Code to knowingly obtain

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unauthorized medical benefits with or without a medical card. Penalties are outlined in the Public Aid Code and are based on the amount of financial worth involved in the violation. The penalties range from a Class A misdemeanor to Class I felony. I would be glad to respond to any questions, look forward to that and I would move its passage."

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

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

Speaker Churchill: "He indicates he will. Please, proceed."

Schakowsky: "Representative Stephens, is this more fast track welfare reform, is this considered to be on the fast track?"

Speaker Churchill: "Representative Stephens."

Stephens: "This would be under the order of morning track."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Morning track. This was a shell Bill and the Amendment, this is the Amendment that becomes the Bill. The reason that I asked if it's fast track is because it seems to me that this is another piece of legislation that did not have the kind of input and as I understand it, it also will use emergency rule making. Could you explain to me why this legislation would need emergency rule making to be implemented?"

Speaker Churchill: "Representative Stephens."

Stephens: "As before with public aid reform, measurers led by this side of the aisle, this Bill will require at least one waiver that I'm aware of and thus we want to move the process quickly."

Speaker Churchill: "Representative Schakowsky."

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Schakowsky: "I wanted to go through some of the Sections of this Bill so that at least those of us who were able to get here this morning might be able to have a better understanding of it even though I fear that most Illinois citizens won't have a clue until they're hit between the eyes. Let me ask you about this...I think fairly odd more government provision which requires now...that clients report earnings on a quarterly basis to the department. Could you talk to me about that?"

Speaker Churchill: "Representative Stephens."

Stephens: "You want me to talk to you about it. Well, it's a very interesting concept. It moves them from a current regulation which you may favor, I'm not sure, to quarterly reporting. The current regulation is they report every 30 days and this would make them report less frequently and I...if you want to talk about it some more, I don't know what...how much further we could carry that discussion."

Speaker Churchill: "Representative Schakowsky for more talk."

Schakowsky: "Thank you. Clients who do not report earnings will be deemed uncooperative and benefits will be discontinued and recovery actions. Have you defined what uncooperative means? What is...what is uncooperative and at what point will benefits be discontinued for lack of cooperation?"

Speaker Churchill: "Representative Stephens."

Stephens: "Oh, uncooperative could be described a lot of ways. I could relate it to the legislative process. Specifically, I'm not sure that the Bill describes 'uncooperative'. I believe that it's a term that's in the dictionary and maybe it might require a...a rule be developed to define the word 'uncooperative', but I think the word 'uncooperative' is relatively straightforward. It means that you don't cooperate, and if they don't cooperate and we're providing

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them with benefits, we think they should be sanctioned. I think that's pretty self explanatory. I would think 'uncooperative' could be one who does not want to go along with the program, one who does not want to participate, one who does not want to follow guidelines that they know the program has."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. To the Bill."

Speaker Churchill: "To the Bill."

Schakowsky: "It seems to me that this is another piece of legislation that is going to have very questionable results in actually so-called reforming the welfare system. Seems to me that the emergency rule making process and the whole way that the Bill has been discussed, or rather not discussed, is going to move us too quickly to some unwise legislation. I would urge a 'no' vote on this Bill and would request right now, should the Bill receive the requisite number, that we have a verification of that Roll Call."

Speaker Churchill: "Further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Churchill: "He indicates he will. Please, proceed."

Granberg: "Thank you. Representative Stephens, does this measure deal with the \$5 million in overpayments to the Healthy Mom-Healthy Kids program?"

Speaker Churchill: "Representative Stephens. Representative Stephens could not hear you, Representative Granberg. Could you please repeat your question?"

Granberg: "Thank you. Representative Stephens, does this measure deal with the \$5 million...\$5 million in overpayments in the Healthy Mom-Healthy Kids programs made by the

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administration?"

Speaker Churchill: "Representative Stephens."

Stephens: "No. And as you know we work...the Governor and the State of Illinois are contesting that that charge that we owe \$5 million to the federal government. We don't believe that we do and this Bill does not address that issue."

Speaker Churchill: "Representative Granberg."

Granberg: "Does your Bill address the \$2 billion worth of unpaid bills in the medicaid line item with the Department of Public Aid?"

Speaker Churchill: "Representative Stephens."

Stephens: "Are you saying you haven't read the Bill."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, Representative Stephens, I don't know. I heard your explanation. I did not hear you address that comment so I assume that you think whatever measures are in your Bill are more important than resolving the \$2 billion in bills, unpaid bills that we currently have in the State of Illinois. And this is a priority to paying our hospitals, our pharmacies which I'm sure you're aware of and our nursing homes. And I did not know if you attempted to address that issue in your Bill."

Speaker Churchill: "Is that a question, Representative Granberg?"

Granberg: "Yes, it is, Mr. Speaker. I did not know if that measure is addressed in Representative Stephens' Bill or not."

Speaker Churchill: "So, you're asking if it is addressed in the Bill. Is that the question? Representative Stephens."

Granberg: "That was the first question, Mr. Speaker."

Speaker Churchill: "Representative Stephens."

Stephens: "Thank you, Mr. Speaker. Representative Granberg, this is not an appropriation Bill, but indirectly of course

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because this is going to be...to lead, we hope to more education and training, shifting people off of the welfare rolls on to payrolls that indeed will in the long term help improve the state's cash flow problem caused by an ever increasing load of public aid recipients, an ever increasing cost of providing the broad spectrum of benefits that they receive. And so, I would answer your question in an indirect way. This will help solve the crisis that has been caused by the burgeoning roles, the burgeoning budget of the Department of Public Aid."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative Stephens, thank you for answering those questions. We, on this side of the aisle, were just wondering because we have yet to see anyone address the unpaid medical bills in the State of Illinois, the \$2 billion, the eight month budget to pay our nursing homes, the nine month budget this current year for the payment of hospitals, the \$5 million in overpayment for the Healthy Moms - Healthy Kids program. All of these issues that we are...that we would like to deal with on this side of the aisle but the new majority has not dealt with, the administration is not dealing with, so thank you, Sir. I appreciate the frankness."

Speaker Churchill: "The Lady from Cook, Representative Krause."

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

Speaker Churchill: "He indicates he will. Please, proceed."

Krause: "Representative Stephens, I could not hear you before because of the noise on the Floor. So, if I ask questions you've already stated, please excuse that. But, your proposal...the position of the Department of Public Aid is supportive?"

Speaker Churchill: "Representative Stephens."

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Stephens: "Yes."

Speaker Churchill: "Representative Krause."

Krause: "I have not read the Bill. It went through your Committee Executive. But reading this synopsis, it permits the department to operate a demonstration project. Is that correct? And therefore, if they wish too, it will be within their discretion?"

Speaker Churchill: "Representative Stephens."

Stephens: "That's my understanding, yes."

Speaker Churchill: "Representative Krause."

Krause: "Alright. It also then provides that public aid recipients who are now exempt from employment programs and then become participants in the program may be sanctioned, so it's again discretionary according to this?"

Speaker Churchill: "Representative Stephens."

Stephens: "They choose to participate in the program and then failed to participate in the program. They may be sanctioned, yes."

Speaker Churchill: "Representative Krause."

Krause: "I know, but Representative, the synopsis says, 'may be sanctioned' not 'shall'. But...okay. So, it could be discretionary and then further, that certain AFDU, ADCU recipients may be referred to work experience and it says, now the law reads 'are referred'. The synopsis says that certain AFDCU recipients may be referred to work experience and now it reads 'are referred'. Why the changes? Was this the departments wish to be broader, more discretionary? I sincerely do not see the goal of... If they support it, I will support it, but so much of this is may or a great deal of permission then within the department. Is that basically it?"

Speaker Churchill: "Representative Stephens."

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Stephens: "Well, to get to your original point, this is the department's Bill. They support it, they want to change the word to 'are' because they believe that that's going to give more teeth to the legislation. They want...they want, we're sending a strong message. We want people to participate."

Speaker Churchill: "Representative Krause."

Krause: "Further discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. There are some good things in this Bill but there are two provisions that I think suggest that perhaps we would want to either vote 'present' or 'no'. One is the sanction, if under the quarterly reporting program, a recipient fails to identify earned income. Those individuals would be bounced from the roles and the problem here is that even if the failure to report income is income that would not disqualify them from public aid, even if they still would be eligible under an earned income disregard, this would mean the likelihood that these individuals would lose their jobs in order to requalify for welfare or find themselves not able to keep the family together. This seems to me to be a fairly substantial sanction, one that is not required under current law. Those people who do not report income are then denied earned income, disregards, that seems to me to be a fair and more reasonable way to go. Secondly...secondly, the Bill deals, I think quite harshly, with people who are not required to participate in the jobs program but choose to do so. If those individuals under this proposal, if those individuals don't turn up for the school program for a few days or don't for whatever reason, child care problems, transportation problems, if they don't

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participate in the program they've chosen, they go to the bottom of the list. Now, under...under current rules while they will be bounced from that kind of program, they will be sanctioned, it doesn't mean that they're not going to have the opportunity ever again to participate in the jobs program. It seems to me that we ought to want to encourage public aid recipients to participate voluntarily in the jobs program. These are volunteers, but the sanction that's required under House Bill 23, will discourage, will provide a negative incentive from volunteering for the jobs program and should they for whatever reason fail to meet the requirements of their jobs choice, they'll essentially be bounced, put at the bottom of the list and instead of encouraging more people to become more economically independent, we will have encouraged more people to stay on the welfare roles for a longer time. For those two reasons, I think the right vote on this Bill is a 'no' vote."

Speaker Churchill: "Further discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Churchill: "He indicates he will."

Black: "Thank you. Representative Stephens, there's a very important part of the legislation embodied in the Amendment that I don't believe, if we've talked about it, I haven't heard it and excuse me if I'm being repetitive. I'm very interested in the section on the unauthorized use of medical assistants. What would the penalties be for a person who knowingly uses or acquires a medical card in a manner not authorized by law or rule?"

Speaker Churchill: "Representative Stephens."

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Stephens: "Well, Representative, it would be based on the value of the benefit of their fraud...fraudulent use of the card. The...I can read you the classifications. It's already in statute. It just refers to those sanctions found in...Section 588-6, classification of violations and the bottom line is, the amount of those sanctions should equal or approximate the value of the fraud or the money stolen, you could say, from the state."

Speaker Churchill: "Representative Black."

Black: "And this could be...we could be talking about a substantial amount of money in medicaid fraud, couldn't we?"

Speaker Churchill: "Representative Stephens."

Stephens: "Yes, it could. If there's...if there are tens of thousands or tens of millions of dollars worth of medicaid fraud and we can recapture those tens of millions of dollars, that could go a long way towards certainly straightening out the system and could have major positive budgetary benefit."

Speaker Churchill: "Representative Black."

Black: "Thank you very much, Representative, Ladies and Gentlemen of the House. To the Bill. You know, the Tribune, the Chicago Tribune did a very insightful series about a year ago on medicaid fraud in Illinois. I noticed in yesterday's Chicago Tribune, page 4 of Section 1, there is about a four column article on medical fraud. Listen to some of these figures, \$30 to \$100 billion in medical fraud is occurring in this country. The FBI currently has 1,500 cases of medical fraud pending or under investigation. They estimate that medicaid and medicare fraud alone may total more than \$20 billion a year. So, to my colleagues on the other side who have this record that the needle

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keeps sticking on the old refrain about money for this and money for that and solve these problems and we want to address it. Of course, you didn't address any of it when you were in charge of both chambers for 12 years. But, now I'll tell you what we're going to do. We're going to give you a chance with this kind of legislation to stop the unauthorized use of medical assistance, a \$20 billion fraud in medicaid alone, \$30 to \$100 billion fraud, not my figures, in the Chicago Tribune via of the federal government, that's President Clinton's administration. You start talking about that kind of money, you better vote for the Bill. If you really want money to pay off this and to pay off that, then it's time you put your vote where your rhetoric is. I've had it up to my eyeballs with medicaid fraud. I've had it up to my ears on the repeated refrain about how you are going to solve all these problems. I'll tell you what, we're going to welcome you to support this Bill. If you don't like part of the Bill, if you don't like some of the sections of the Bill, that's fine. No Bill is ever perfect, we all know that. But I intend to support the Bill simply because of Section 882-5, unauthorized use of medical assistance. It's high time we stop, as the Chicago Tribune clearly demonstrated, the fraud that is going on in the State of Illinois alone and now the Clinton administration pointing out that we could be looking at upwards of \$100 billion a year in health care fraud. It's time to tighten up the system and that then will give us the money to do some of things we've heard so much rhetoric about in the last two weeks. So..."

Speaker Churchill: "Representative Black, please bring your remarks to close."

Black: "So, it's relatively simple. If you want to reform a

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current system that you have said repeatedly, doesn't work, and if you want to start tufting upon medicaid fraud that hurts each and everyone of our constituents as well as ourselves, then you vote 'yes' for this Bill. If you would rather just have rhetoric about, well, we're going to look at it, we're going to study it and we're going to do this or that, then vote 'no'. That's simple. I intend to support the Bill."

Speaker Churchill: "Further discussion? The Gentleman from Effingham, Representative Hartke."

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

Speaker Churchill: "Yes, he will. Please, proceed."

Hartke: "Representative Stephens, I listened intently to Representative Black's remarks, talking about \$20 billion to \$100 billion worth of fraud and it occurred to me, where is most of this fraud being perpetrated? Is that done by the medicaid recipients or by the doctors and hospitals and the nursing homes?"

Speaker Churchill: "Representative Stephens."

Stephens: "Representative Hartke, I don't have the answer to your question, but I can tell you that wherever it is, we want to find it and we want our money back. Whether it's a recipient or whether it's a provider, we have examples of both. Representative Black referred to some articles that appeared in Chicago Tribune last year and just recently and whether it's a medical provider or whether it's a recipient, we...we intend before this Session is over to make sure that we have all the laws available to us to make sure that we can seek out and punish and recover the financial value of the benefits received from that fraud. And so whether it's a doctor, a hospital or a recipient, we

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don't care."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, Representative Stephens, I think I know where you're trying to go, but when I listen to Representative Black, and if their paper picks that up, they say, 'Oh, my God, we ought to be stopping this \$20 billion worth of fraud'. The picture of that is conjured up in many people's mind is that public aid recipients are walking into hospitals, doctors, and nursing homes and just getting paid cash for all this service that they're being provided fraudulently. Now, I might submit to you that I agree there probably is fraud and we ought to go after fraud because we all want to do that. Does this Bill, House Bill 23, have any section in it that goes after the provider fraud, because I feel in my heart and I think that you probably do too, that that's where the majority of the big dollars are. When you talk about the FBI going after a 1,050 cases when we have millions of people that are on public aid, why in the world would the FBI go after one small recipient who maybe used someone else's green card to provide health care services for a sick baby or someone who is in truly need of an emergency care. I think your big dollars, your major operation and so forth, where the big dollars are, your pharmacies and so forth, maybe that's where the fraud is. Can you show me in this piece of legislation where we go after the provider fraud?"

Speaker Churchill: "Representative Stephens."

Stephens: "Well, I would have to go back to last year when we created the office... Well you're asking about provider fraud and we passed language last year and you're well aware of it and that's where the teeth in going after providers is. This closes a gap. There was nothing in the

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statutes that actually said that if you borrow or steal someone else's medical card and take it in and receive benefits for it, that we could punish you. Now, with this we can close that loophole. Under last year's Bill, we have similar privileges and similar legislation for providers. Representative, it is this side of the aisle that's going to seek out, find, and punish and then recover all medicaid related fraud."

Speaker Churchill: "Representative Hartke."

Hartke: "Again, I'm going to repeat my question. Where in this legislation does it say that you're going to go after that? You know, it really is ironic that we should spend all this time and all this rhetoric talking about billions of dollars worth of fraud when we go after one public aid recipient or two that happens to steal, use, beg, borrow a green card to go after those that they maybe truly need the services for their baby or their sick child. You know, it's great to talk about this, but maybe we ought to go after the doctor or the provider that is fraudulently billing the Department of Public Aid, running them through like a factory through their system just to collect medicaid dollars. Maybe if the state paid those medicaid dollars on time, doctors wouldn't feel that..."

Speaker Churchill: "Representative Hartke, is that question are where you just concluding your remarks?"

Hartke: "Well, I guess I was rattling on, but I would hope that..."

Speaker Churchill: "Would you bring your remarks to a conclusion, please?"

Hartke: "But, I would hope that this piece of legislation would...put some teeth into the law to stop fraud and as I understand this legislation, there is nothing in it that

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goes after the...the provider of health care that is perpetrating the fraud. I think those where the big dollars are and that's where we ought to concentrate; Go after the big bucks first, then go after the little guy."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker. Good morning, Ladies and Gentlemen."

Speaker Churchill: "Good morning to you."

Santiago: "Would the Gentleman yield?"

Speaker Churchill: "He indicates he will. Please, proceed."

Santiago: "Representative Stephens, your Bill on Section 88-2.05 on unauthorized use of medical assistance, what are we doing about the medical providers? Are they included in the legislation if they're found in violation of the law?"

Speaker Churchill: "Representative Stephens."

Stephens: "Representative Santiago, I will assume that your question is in good faith. It was just asked, it was just answered. Let me expand upon my answer. Last year, this Body and Governor's Leadership signed legislation creating the Office of Inspector General in the Department of Public Aid whose sole responsibility is to seek out, find and help recover losses from fraud by providers. Do you understand that?"

Speaker Churchill: "Representative Santiago."

Santiago: "Thank you, Mr. Speaker. Representative Stephens, I'm sorry someone asked a question, but I didn't hear the question. I'm asking the question in good faith and I hope you answer them in good faith, also. But, I am very concerned with this part of the Bill. You know that we have discussed this in Executive Committee many times and we're all the time trying to go after the little person."

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But, my concern is that the medical providers are the ones that are going to get away with the fraud and we have seen that already. And Section 8(a), I believe is already in the statute. So what we're doing with this, we are being redundant. Let me ask you another question. On the two year limitation for an individual to participate in the educational programs, what happens if that individual doesn't speak the language and cannot, after two years, cannot function properly? What happens to that person?"

Speaker Churchill: "Representative Stephens."

Stephens: "Well, first of all, the Bill streamlines that system so that those who are obviously proficient are not...will not have to go through any program to show that. For those that are not, if you will just bear with me a moment, I will respond."

Speaker Churchill: "Representative Stephens."

Stephens: "Well, maybe I...staff is giving me an answer that...maybe I didn't hear your question correctly. Would you repeat the question? That way we'll all know what we're talking about over here. I'm sorry."

Speaker Churchill: "Representative Santiago."

Santiago: "Your Bill adds a two year limitation to an individual participating in the educational programs. My question is, if that person has a language problem, how are you going to deal with that individual, because naturally that persons not going to be able to function in a two year process?"

Speaker Churchill: "Representative Stephens."

Stephens: "They would stay in the program as long as they did some part-time work."

Speaker Churchill: "Representative Santiago, you have 45 seconds left."

Santiago: "So, they will...they will stay in the program, they

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will not be taken out of the program, am I correct? Is that your intent?"

Speaker Churchill: "Representative Stephens."

Stephens: "As long as they meet the requirements and as I said, I think...I want to make sure you understand this, they have to participate in the jobs program and part-time work."

Speaker Churchill: "Representative Santiago, you have 15 seconds left."

Santiago: "Yes. Mr. Speaker, to conclude. Most of the language from this Bill..."

Speaker Churchill: "Representative. Representative Santiago, just let me give you a little bit more time and then you can bring your remarks to conclusion. Proceed. Representative Santiago."

Santiago: "We're falling asleep at the switch there."

Speaker Churchill: "Wait until 11:00 tonight."

Santiago: "To conclude. To conclude, basically we debated this Bill in the Executive Committee. I know the Bill is going to pass. I know the Gentleman is doing this in good faith. I still have some serious problems with the Bill. The part that we are focusing on this morning and we heard the issue of fraud doing that. The problem is not the AFDC program. The problem is medicaid and once again, we're trying to cover up the medicaid problem that this state has with all of these hodge podge language. So, basically I ask my colleagues on this side of the aisle to vote 'no' on this issue. Thank you very much, Mr. Speaker."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Flowers."

Flowers: "Good morning, Mr. Speaker, Ladies and Gentlemen of the House."

Speaker Churchill: "Good morning."

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Flowers: "Will the Gentleman yield?"

Speaker Churchill: "He indicates he will. Please, proceed."

Flowers: "Representative Stephens, do pardon me. Good morning. But I may have missed some of your answers because again, I came in late. So, would you please explain to me what is the purpose of this legislation?"

Speaker Churchill: "Representative Stephens."

Stephens: "Representative Flowers, for the record, you were not late. I clearly was here at 8:00 a.m., I looked at the board and you were recorded as 'present'. You were not late. You might have been off the Floor for a moment, but you were not late. We want to recognize that."

Speaker Churchill: "Even the Chair noticed your timely appearance today."

Stephens: "There was not even a quorum call and... The purpose of the legislation is, I suppose to summarize it, is to help the Department of Public Aid operate more efficiently, more effectively, to clarify some of their procedural things that will...that are redundant like the English language proficiency change to shifting to the quarterly report of income instead of monthly. That's a benefit not only to the department but I believe to...not a benefit to the recipient, but less of a hassle for the recipient. And then finally, to deal with the issue to close the loophole, because as you know, last year we went after the provider fraud and now we're going after and closing the loophole on recipient fraud. I don't know why anyone would want us not to be able to recover and punish those who do not belong...are not on public aid, but use the public aid card. A person who has a bona fide card and the benefits that they're in and uses it property will not...they have nothing to lose and if it's true as they say that there is

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no fraud among recipients, then there will be no one punished under this statute. However, if there is abuse and some of us think there may be, this Bill allows that abuse to be sought out and recovery made. And so that in general is the purpose of the Bill."

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Stephens, what happens now? You mean to tell me that this legislation is not redundant legislation? Do you mean to tell me that right now as we speak there is no fraudulent legislation on the books to address this matter?"

Speaker Churchill: "Representative Stephens."

Stephens: "Well, after 12 years control of this chamber by your side of the House, the answer is 'no'. There's not."

Speaker Churchill: "Representative Flowers."

Flowers: "Excuse me, Representative Stephens. But I think before, you know, we've just had it for the last 12 years and prior to that it was your administration. But let's get back to the issue at hand here. You mean to tell me that right now, today, there is no legislation on the books to address the issue of fraud by recipients in the Department of Public Aid. And if that is true, I would like for you to explain to me under what law have people...in the past been prosecuted because of fraud, because they had more than one medical card, because they were collecting more than one check."

Speaker Churchill: "Representative Stephens."

Stephens: "Well, before, we could...our sanctions had to do with getting...if we could get them off the program as punishment. But as far as in the criminal court, a recent case was thrown out because the judge finally ruled that there was nothing that clearly in the statutes said that

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unauthorized use of medical assistance and defined it and said that any person who knowingly uses, acquires, processes or transfers of medical card in any manner not authorized by the law or by the rules and regulations of the department or who knowingly alters a medical card or who knowingly uses, acquires, processes or transfers an altered medical card is guilty of a violation of this article shall be punished as provided in Section 8-6. That was not in the law. I'm sorry that it wasn't there. I wish you would have put it there years ago, but you didn't. And now we're putting it there, last year we added the Office of Inspector General. We didn't have that before, that's a correction. We are making improvements in the law. That's what fast track was all about. There are changes that are long overdue. I mean, if your argument is because it wasn't there before, we shouldn't put it there now. Or if we were remiss in our duties before I share the guilt with you; however, there was an interim of two years when I wasn't here to help you and I'm sorry that...I might have done it during that two year period, but I just don't know. But today we're going to do it."

Speaker Churchill: "Representative Flowers, you have 50 seconds left."

Flowers: "One last question, Representative Stephens. You mean to tell me the director of public aid, by administrative rules does not have this in place. And just answer 'yes' or 'no', because you talk too much."

Speaker Churchill: "Representative Flowers, one of your questions took a minute 20 seconds, so Representative Stephens for a short answer."

Stephens: "Did you wish to comment on the last comment? I will tell you 'no', the director did not have this language on

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which to rely, just didn't have it. And more importantly, the court didn't have it and that's what we need. And as to your final remark, I know it."

Speaker Churchill: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Churchill: "There is a Motion for the previous question. All in favor signify by saying 'aye'; any opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Stephens to close."

Stephens: "Well, thank you, Mr. Speaker. I'll try to keep this brief because of Representative Flowers' last remark. I will you that this Bill is significant. When we came into power this year we said that there were many things that we wanted to accomplish. This helps finish...or another step towards the Republican Party's commitment to welfare reform. This is a solid piece of legislation, it sends a strong message. Provider or recipient fraud is the same, it will be treated the same, it will be sought out and we will seek and gain recovery. A system will be better off for it, and credibility of the department and all those involved as providers, recipients or administrators of programs will be better off in the end and the real winner will be the taxpayer of the State of Illinois and with that, I move passage of House Bill 23."

Speaker Churchill: "In Representative Schakowsky's questioning, she had requested a verification should this receive the appropriate number of votes. I assume, Representative Lang, that's what you're arising to remind me about. The question is, 'Shall House Bill 23 pass?' All those in

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favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 92 voting 'aye', 20 voting 'no', and 4 voting 'present'. Representative Schakowsky, do you persist? Representative Schakowsky says 'no' and removes the request for a verification. This Bill, having received the a Constitutional Majority, is hereby declared passed. For what reason does Representative from Cook, Representative Lang rise?"

Lang: "Thank you. Well, actually two points. First of all my light was on for a very long time and was completely ignored. But more to the point, this side of the aisle clearly made a request for a Roll Call Vote on the Motion to call the previous question. We were ignored by the Chair. We would like not to be ignored when we make those procedural Motions, Sir. If your side of the aisle can make procedural Motions to move the previous question, we should be entitled to make a request to have a Roll Call Vote on those Motions. And we hope in the future you will not fail to recognize us when we make such a request."

Speaker Churchill: "We will not fail. You will note that the Chair did recall the request by Representative Schakowsky for the verification and I...had I heard someone on the mic request a Roll Call Vote for that Motion, I would have been happy to give it to you. Someone on staff on your side has a problem with that. House Bill 199. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 199, a Bill for an Act amending the Toll Highway Act. Third Reading of this House Bill."

Speaker Churchill: "The Lady from Cook, Representative Zickus."

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Zickus: "Thank you, Mr. Speaker and Members of the House. House Bill 199 requires the Toll Highway Authority to acquire a building and any adjacent property used for the purpose of educating elementary or secondary students if the building lies within 100 feet of any ingress or egress ramp of a toll highway operated by the Toll Highway Authority. It also requires the authority to pay just compensation for the property in an amount equal to the replacement cost of the building and the adjacent property. This Bill is to address a situation in my district that has become known as the Disger dilemma, and we're asking the tollway authority to purchase the Doshier School, Indian Springs School District 109 in the Village of Justice. Since the mid 50's when the tollway was built adjacent to Doshier School, the air and noise pollution have continued to increase exposing the young students to continued carcinogenics diesel emissions and constant noise level. The situation has only increased with the tollway expansion. This legislation is about the health, safety, and welfare of 270 young grade school students trapped in an unhealthy and an unsafe learning environment. Doshier School was once surrounded by open spaces on a lonely gravel road, it is now squeezed into a small triangle of land with I-294 on one side. The fence of the tollway is only 41 feet from the school. On another side, is 88th Avenue. If Cook County expands, widens 88th Avenue as they had intended to do, the street will come within 12 feet, only 12 feet from the front of the building. The other street, the only ingress and egress to the property is a dead-end street that dead-ends into a trucking terminal. The young students must compete with diesel trucks, tanker trucks in order to reach their classrooms or their playground. The location has become

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unsafe and it is no longer desirable for school purposes. The superintendent of the school in his written testimony talks about the comprehensive school recognition process and he states, the Doshier School site does not lend itself to meeting these requirements as a result of noise impact, air quality, and a safe school environment. Illinois goal assessment plans scores and tested administered in March '93 and '94, throughout District 109 indicate that students attending Doshier School scored noticeable lower than students from the other District 109 schools in a majority of assessment areas. The teachers complain that road noise interferes with conducting classroom activities. The students complain of emission ordors from heavy traffic on the toll road which lies directly upwind and adjacent to this school. In 1991, the Tollway Authority appraise the property for \$1.2 million, then offered to contribute a walloping \$130,000 toward relocating Doshier School students. At that time, the replacement cost was around \$3 million. During the time the school district was attempting to negotiate with the Tollway Authority, the 79th street exit ramp was still open. The semi-trailer truck traffic was exiting that side at the rate of 90 trucks per hour. That's one truck every 30 seconds, all aimed at the front of the school. Many of these trucks were tankers and carrying flammable liquids. The exit ramp created yet another safety hazard, students living across the street from the school could not even walk and bus service had to be provided. The Tollway Authorities response to the concerns of the parents in the community was to close the ramp which they did in 1992, although it had been rebuilt and they can open it at anytime. The ramp closures just further complicated the situation. The noise

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and pollution from the tollway traffic remained a health and safety threat to the students, but then in addition, the residents were really inconvenienced by the closure. There were traffic jams along the tollway and the local businesses really felt the impact. From the local White Hen, to the gas station, to the restaurants, barber shops, the businesses that depended on the traffic on a daily bases were all left with a lot less business and the revenue to the village was greatly reduced. I believe that at that time it was about 23%. What we're trying to accomplish is to move the students to a safer learning environment, there's another building that can be added on to house the Doshier Schools. We would then be able to open the tollway ramp, the businesses could once again thrive and the students would have a safe place in which to learn and we're asking for your help to do this."

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

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

Speaker Churchill: "She indicates that she will. Please proceed, Sir."

Dart: "Representative, when was the tollway put in...what was there first, the school or the tollway?"

Speaker Churchill: "Representative Zickus."

Zickus: "I didn't hear the question."

Speaker Churchill: "Representative Dart."

Dart: "What was put in first, the school or the tollway?"

Speaker Churchill: "Representative Zickus."

Zickus: "The original school was built in 1926 and it had been added on to over the years. The tollway came in the mid 50's."

Speaker Churchill: "Representative Dart."

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Dart: "Then the ramp came from the tollway afterwards, correct?
After the school was already there?"

Speaker Churchill: "Representative Zickus."

Zickus: "The ramp came after the school was there."

Speaker Churchill: "Representative Dart."

Dart: "Why in the world would the tollway do that in the first
place? I mean isn't that the heart of the problem, why
they would do something that stupid?"

Speaker Churchill: "Representative Zickus."

Zickus: "I can not answer for the tollway."

Speaker Churchill: "Representative Dart."

Dart: "I don't think any of us can. The... Is this property
going to be offered to any other seller other than the
tollway? Why is it that it's just the tollway?"

Speaker Churchill: "Representative Zickus."

Zickus: "The expansion of the tollway is what has squeezed this
school site into this little triangle. The school
officials have met with with the village, they've discussed
different marketing options, they've discussed strategy is
zoning possibilities, tax breaks options. The problem that
they run into before they can auction the school, they have
to have so many months. They can't auction it more than, I
believe, 15 months. They could do auction or bid, but not
more than 15 months before they can give the property up.
In this situation they need more time. They need to be
able to built a facility to house the students. They need
the money to do that. Then what the thought here was that
the Tollway Authority could purchase the property so that
they would be able to construct the classrooms necessary
and then the Tollway Authority could market it, if they so
desired."

Speaker Churchill: "Representative Dart."

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Dart: "Isn't it a fact that we've already blown over a \$120,000 on erecting a wall to separate the tollway from the school, is not the ramp already closed?"

Speaker Churchill: "Representative Zickus."

Zickus: "A noise wall has been installed 41 feet from the school. They did close the ramp, however, the ramp had already been rebuilt. The ramp can be opened at anytime. The village needs the ramp open because it's had an adverse effect on the local businesses in the community, the tax revenue to the village. It's an inconvenience also to the people who live there who use the ramp."

Speaker Churchill: "Representative Dart."

Dart: "Shouldn't we have the village by the land then instead of the Tollway Authority if they are the ones that are demanding that it's...reopened?"

Speaker Churchill: "Representative Zickus."

Zickus: "The village is not demanding that it be reopened. The people in the community and the business people would certainly like to see it be reopened. However, it was not the villages fault that put the school site in such a bad position. It was the tollway and the expansion of the tollway."

Speaker Churchill: "Representative Dart."

Dart: "But, I mean we can't have it both ways. If they're the ones wanting to reopen this for business reasons and for the economic value of it, we can't be sitting there saying at the same time that we can have our cake and eat it too, that then we'll force the tollway to buy up the land. It's got to be one or the other, Representative. The other point is, now this is truly obviously as you mentioned, there is no other way of looking at it. This is special legislation directed exactly at your district. Why is it

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directed in such a particular way, because I find it rather troubling because on the outskirts of my district, I have Eisenhower High School where we send almost 30 kids and teachers to a hospital when the Clark Refinery emitted all source of dust and particles into the air. I also have an incinerator that's about to be dropped right next to the school as well. Don't you think it would be a better way to operate if we were to pass legislation which would require different bodies to purchase land when we have these environmental hazards dropped right next to schools, whether it be a tollway or garbage burner or a refinery?"

Speaker Churchill: "Representative Zickus."

Zickus: "Representative, first I must say that this is not about the village or about the business, it is about the health and safety of 270 plus young grande school students who we are forcing into a situation...their learning environment that is unsafe. We're asking the Tollway Authority to purchase it because the Tollway Authority is the one responsible for the situation. Yes, this legislation is drafted so that it pertains to this school. As far as I know there are...no there are no other schools that lie within 100 feet of the...of a exit ramp or face the safety threats and environmental threats that school does, not because of what they've done, but because of what's happened with the tollway."

Speaker Churchill: "Representative Dart with ten seconds."

Dart: "My last question. But, don't you think it would be fair that we had it for all schools that are faced with these environmental hazards? Gave them that same benefit?"

Speaker Churchill: "Representative Zickus for the answer."

Zickus: "I think that if you have a special situation, that you should try to address it for your district. That's what

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I'm trying to do for the students and the parents in this district."

Speaker Churchill: "Further discussion? The Lady from Cook, Representative Fantin."

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

Speaker Churchill: "She indicates that she will. Please proceed, Ma'am."

Fantin: "Thank you. When you spoke of the appraisals being done by the tollway, I believe you said. Have you ever had an appraisal done, did the school authorities ever had an appraisal done on this property or on the building?"

Speaker Churchill: "Representative Zickus."

Zickus: "I believe the school did have an appraisal that came out a little more, but I'm not sure and I would have to look that up. I do know that the tollway appraised it a few years ago when they were looking...when they first started with their expansion and those are the figures that I have in my file."

Speaker Churchill: "Representative Fantin."

Fantin: "Have the school authorities ever tried to sell the property to anyone else other than the tollway, have they offered the property for sell or..."

Speaker Churchill: "Representative Zickus."

Zickus: "Let me quote you a letter from the superintendent of School District 109. He has spoken to a realtor, Sheldon Good of Sheldon Good and Company to explore auction and bid means to sell this public property. It should be noticed...noted that public school property must be offered for sale by bid, either sealed or auctioned. Utilization of a minimum opening bid is permissible before they can use the broker. District 109 needs to utilize the classroom space at 'Doshier' School until the district can build other

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facilities. Therefore, we will need to utilize the Doshier School at least another school year, that would be '95, '96, while other facilities are built if funding is forth coming. The realtor indicates that we should not attempt to sell the property, now, if we cannot give occupancy for 15 months or more. So, there stuck, they can't sell the property because they need it to house the students. They cannot move the students because they need the money from the property and they are assuring us that they are exploring all marking options and have been trying to deal with the tollway on it themselves."

Speaker Churchill: "Representative Fantin."

Fantin: "If the Tollway Authorities would buy this, what is the asking price, what would they expect the Tollway Authority to pay for this property?"

Speaker Churchill: "Representative Zickus."

Zickus: "The legislation is drafted for an amount equal to the replacement cost of the building and the adjacent property. The Tollway Authority has had plenty of opportunity. They have known about this legislation for awhile. They've had plenty of opportunity to sit down to discuss this, they have not done so. I'm going by an appraisal from 1991 that was 1.2 million and hopefully it should have appreciated in value during those years."

Speaker Churchill: "Representative Fantin."

Fantin: "I'm sorry, I didn't quiet hear the amount. What was the amount again, please?"

Speaker Churchill: "Representative Zickus."

Zickus: "The 1991 appraisal by the Tollway Authority was 1.2 million. From that, they offered to school \$130,000."

Speaker Churchill: "Representative Fantin."

Fantin: "So, what amount are we asking the tollway now to pay for

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this and where is this amount coming from? Is this coming from an appraisal that the school board had made or where are you coming with the amount and what is the amount, please?"

Speaker Churchill: "Representative Zickus."

Zickus: "The amount would be equal to the replacement cost of the building and adjacent property. There's no specified dollar amount. We need to...whatever it's going to cost, I believe it's 16 classroom that they need to house the 279 students."

Speaker Churchill: "Representative Fantin."

Fantin: "Leaving that pretty wide open, I feel... What kind of school are we talking about. I mean we can go to a Taj Mahal and we can go to a basic school. If there's no clear definition here of what they're asking... We're asking to be voting...to tell the Tollway Authority to purchase this property with not even telling them exactly. Do we have specification, do we have drawings of what kind of school we're expecting to be building and what we're going to have them pay for, what we're voting to pay for here?"

Speaker Churchill: "Representative Zickus."

Zickus: "The school district is planning...would like to add on to an existing school, so I'm sure that it would be in conformity with the existing property. They have started...this Body approved, I believe it was around \$287,000 for phase one studies and engineering for the feasibility studies and engineering. So it would be in accordance with that. This school district does a very good job with very little money and tries to do the best that they can."

Speaker Churchill: "Representative Fantin, you are out of time. Further discussion? The Gentleman from Cook,

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Representative Schoenberg."

Schoenberg: "Thank you very much. Will the Sponsor yield for a question?"

Speaker Churchill: "She indicates that she will. Please proceed, Sir."

Schoenberg: "Representative, I'm sorry I couldn't hear you above the noise. What was the appraised value of the property and what was the offer that was made for that property?"

Speaker Churchill: "Representative Zickus."

Zickus: "In 1991, the Tollway Authority appraised the property for \$1.2 million, then offered them \$130,000 towards the relocation because after they did the appraisal, they decided that they just wanted some of the easement."

Speaker Churchill: "Representative Schoenberg."

Schoenberg: "And since that 1991 appraisal, that was 4 years ago. Obviously everybody's property, or I should hope everyone's property at least shows some kind of appreciation in value over a 4 year period. What would you estimate, I know you can't...what would you estimate the current value would be? What's the value of property in that surrounding area? Would it be fair to say that the property value has remained steady so that there's a minimum of 1.2 million, or would you say that it's declined or would you say it has increased?"

Speaker Churchill: "Representative Zickus."

Zickus: "I really don't know what the property value would be today. I would imagine it that it has appreciated somewhat during that time. Also at that time, the replacement cost of this school is estimated to be around \$3 million and I think that is what they're still trying to shoot for is about the 3 million replacement."

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Speaker Churchill: "Representative Schoenberg."

Schoenberg: "So, when the toll highway...so when the Toll Highway Authority comes in with a offer of 10% of what the appraised value is, meaning that they are ignoring 90% of what the value of the property is, has there been any attempt to make a counter offer to up that bid from the Toll Highway Authority?"

Speaker Churchill: "Representative Zickus."

Zickus: "The superintendent and the school officials have been in touch with the Tollway Authority. There's been correspondence back and forth, yes, but we've just run into a brick wall on it and that's why I'm submitting this legislation and asking for your help."

Speaker Churchill: "Representative Schoenberg."

Schoenberg: "So, what is the current position of the Illinois Toll Highway Authority with respect to this Bill?"

Speaker Churchill: "Representative Zickus."

Zickus: "I have not heard from them with respect to this Bill. This is not the first time I've tried this."

Speaker Churchill: "Representative Schoenberg."

Schoenberg: "Well, on the issue you had mentioned in a response to an earlier question, Representative, that this is necessary in order to preserve the environment and health and safety and well being of the students. I was wondering, isn't it standard procedure before any tollway or roadway is built, we don't by law currently enable private tollways to be built though we should, but for public tollways, aren't there environmental impact studies which are necessary before there is a sign-off to create any kind of roadway?"

Speaker Churchill: "Representative Zickus."

Zickus: "I would imagine, but if there is an environmental impact

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study on this, they wouldn't have been able to expand the tollway at that location. I have to add something. The original part of this building was built in 1926 and they have added on to it through about 1980 and some of the things that, you know, that the state required them to do, so the local taxpayers has also paid an awful lot of money. In a building that old there's no air conditioning. When the weather is warm, they can't even open a window. If you open the windows, you can't hear inside of a classroom and the emissions from the vehicles coming in is very hard to breath."

Speaker Churchill: "Representative Schoenberg, 45 seconds."

Schoenberg: "Representative Zickus, because of the physical condition of the school building, has the State Board of Education or any other over-seeing body indicated that this building is simply to old, to unsafe and therefore, it should not be used?"

Speaker Churchill: "Representative Zickus."

Zickus: "Not to my knowledge. I don't think the state board has been involved and this has been a local issue, a lot of concern from the parents and the people in the community as well as the educators."

Speaker Churchill: "Representative Schoenberg with seven seconds."

Schoenberg: "Mr. Speaker, Mr..."

Speaker Churchill: "Representative Schoenberg, the next person seeking recognition is the Gentleman from Tazewell. So, I would give you one more question and then we'll go to him. Representative Schoenberg."

Schoenberg: "If I'm only getting one more question, I won't make it a rhetorical question then. It'll be to the Bill then."

Speaker Churchill: "To the Bill."

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Schoenberg: "Representative Zickus, I don't think that anyone in good conscious could sign off on a deal where they were only getting 10%...where they were only getting 10%. There are a lot of school districts in the Chicago area and other suburban areas which are simply deemed to be of less than a safe nature, but nonetheless, students go there everyday to try to get an education, to try and enhance our economy, to try to enhance our society here in Illinois. It would seem to me to be contrary to good business sense and good public policy for us to suggest that we should vote for something that would only give .10 cents on the dollar..."

Speaker Churchill: "Representative Schoenberg, bring your remarks to a conclusion, please. Representative Schoenberg."

Schoenberg: "Just in closing, I believe that the Members of the Body should be very aware of the fact that I don't think anybody here would enter into any kind of agreement where they were only paying .10 cents on the dollar in order to get something that was worth 90% more."

Speaker Churchill: "The Gentleman from Tazewell, Representative Ackerman. For what reason do you rise?"

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Churchill: "There's been a Motion for the previous question. All in favor will signify by saying 'aye'; any opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Zickus to close."

Zickus: "Thank you, Mr. Speaker. I have to make a point, the appraisal was 1.2 million. It was the Tollway Authority who offered the \$130 that was not accepted. But in closing, I would like to quote from the testimony of the school superintendent. The school district in the

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community plead for your support of this Bill requiring the tollway to purchase the Doshier School for the students attending the school. When the students attending Doshier are away from negative safety, an environmental factor is effecting their educational environment and the tollroad 79th street ramp is open for the community business and commercial viability, our school and community will be ever grateful to our State Legislature and the the legislative process. I ask for your support and help for the students at Doshier School."

Speaker Churchill: "The question is, 'Shall House Bill 199 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Representative Lang, for what reason do you rise?"

Lang: "Thank you. Should this Bill receive the requisite number we would request a verification."

Speaker Churchill: "Have all vote who wish? Mr. Clerk, take the record. There's been a request for a verification. Poll those not voting."

Clerk Rossi: "Poll of those not voting. Representative Leitch."

Speaker Churchill: "They were polling those who had not voted to see if...not voted. Representative Leitch is not here and did not vote, so. Mr. Clerk, poll those voting in the affirmative."

Clerk Rossi: "Poll of those voting in the affirmative. Representative Ackerman. Balthis. Biggert. Biggins. Brady. Capparelli. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Lindner.

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Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore,
Andrea. Mulligan. Murphy, Maureen. Myers. Noland.
O'Connor. Pankau. Parke. Pedersen. Persico. Poe.
Roskam. Salvi. Santiago. Saviano. Skinner. Spangler.
Stephens. Tenhouse. Turner, John. Wait. Weaver.
Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki.
Zickus. Mr. Speaker.

Speaker Churchill: "Questions of the affirmative, Representative Lang."

Lang: "Thank you. Representative McAuliffe?"

Speaker Churchill: "He's in the back as always, here, always present smiling, ready to go early in the morning."

Lang: "Representative Capparelli?"

Speaker Churchill: "Alright, Rogers, what did you do with Capparelli? The Chair does not see Representative Capparelli. Please remove him."

Lang: "Representative Tom Johnson? I said, Tom Johnson."

Speaker Churchill: "Yes. For what reason does the Lady from DuPage, Representative Cowlshaw, rise?"

Cowlshaw: "Mr. Speaker, may I have leave to be verified?"

Lang: "No, I'm giving nobody leave to be verified, Mr. Speaker."

Speaker Churchill: "You haven't yet. The Lady has made a request."

Lang: "Excuse me."

Speaker Churchill: "The Lady has asked for leave to be verified."

Lang: "Well, then you can give her leave. I'm not giving her leave. You give her leave."

Speaker Churchill: "Representative Capparelli is here. Please add him to the Roll. Representative Lang, would you give Representative Cowlshaw leave to be verified so she can leave the Floor? I believe she needs to leave the Floor."

Lang: "I will give Representative Cowlshaw leave."

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Speaker Churchill: "Okay. Representative Cowlshaw, you have leave. Representative Tom Johnson. The Chair does not see Representative Tom Johnson. Please, remove the Gentleman. Further names, Representative Lang."

Lang: "Representative Wait?"

Speaker Churchill: "Representative Wait is standing there waving at us."

Lang: "Representative John Jones?"

Speaker Churchill: "Representative John Jones is in his seat."

Lang: "Representative Hassert?"

Speaker Churchill: "Representative Lang, Representative Hassert is in his seat. That's two that have been in their seat."

Lang: "I guess these glasses just aren't working as well as they used to, Mr. Speaker. Representative Spangler?"

Speaker Churchill: "Representative Lang, if you can turn around and look at the Gentleman behind you and fail to miss Representative Deering..."

Lang: "Oh, I'm not going to verify Representative Deering, I see him he's right here."

Speaker Churchill: "Well, then how could fail to see Representative Spangler?"

Lang: "Well, I don't know, Mr. Speaker. I guess these long hours have just dimmed my vision."

Speaker Churchill: "We believe that they are truly bookends."

Lang: "Representative Biggert?"

Speaker Churchill: "Representative Biggert is in the aisle."

Lang: "Representative Stephens?"

Speaker Churchill: "Representative Lang, Representative Tim Johnson wishes to know if you would give him leave to be verified."

Lang: "Sure. Why not. Representative Stephens, please."

Speaker Churchill: "Representative Tim Johnson has leave to be

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verified. I'm sorry, what is the other name, Representative Lang?"

Lang: "Stephens?"

Speaker Churchill: "Representative Stephens is waving at us from the back."

Lang: "Representative Zabrocki?"

Speaker Churchill: "Representative Zabrocki, would you please rise and wave at Representative Lang, so he can get to know who you are."

Lang: "Oh, I know Representative Zabrocki. He's a wonderful human being. Representative Tenhouse?"

Speaker Churchill: "Not only is he a wonderful human being but he is also in his seat. Representative Tenhouse is waving from the back of the chamber. How are you this morning, Representative Tenhouse? Nice to see you."

Lang: "Representative John Turner?"

Speaker Churchill: "Representative John Turner is standing right in front of you."

Lang: "Representative Cross?"

Speaker Churchill: "Surprise, surprise. Representative Cross is here."

Lang: "Representative Maureen Murphy?"

Speaker Churchill: "Representative Maureen Murphy is standing right in front of her desk."

Lang: "Representative Klingler?"

Speaker Churchill: "Representative Lang, Representative Klingler is clearly in her seat"

Lang: "Representative Mitchell? Representative Winters?"

Speaker Churchill: "Representative Mitchell is in the rear of the chamber in his seat, standing there waving at you, Representative Lang."

Lang: "Representative Winkel?"

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Speaker Churchill: "Representative Tom Johnson has returned, please add him back to the Roll. Representative Lang. Representative Lang, if you would like to, we would be happy to get a series of pictures of our freshmen. Perhaps that would help you in this Call. Oh, and your staff is saying 'yes'."

Lang: "Well, I have no idea what I would do with such a picture, Sir. Representative Poe?"

Speaker Churchill: "You've been here for a long time, you've never had to do these verifications. You had asked for Representative Winkle. Representative Winkle is in his chair."

Lang: "And Representative Poe, Sir?"

Speaker Churchill: "And Representative Poe is in his chair. Representative Lang, this is dilatory. The last 12 people you have called on have been in their chairs."

Lang: "Representative Myers?"

Speaker Churchill: "That's 13, he's in his chair."

Lang: "Did I...oh, 13. Oh, that's perfect. That's all, Sir."

Speaker Churchill: "Oh this question, there are 61 voting 'aye', 49 voting 'no', 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 323."

Clerk Rossi: "House Bill 323, a Bill for an Act amending the Illinois Pension Code. Third Reading of this House Bill."

Speaker Churchill: "The Bill will be brought back to second. And, now on the Order of Representative Bugielski. We have a separate Order of Business for Representative Bugielski. Is he in the chamber today? Mr. Clerk, would you read House Bill 731."

Lang: "Mr. Speaker, before Mr. Bugielski proceeds, since my speak light is still on..."

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Speaker Churchill: "Representative Lang, for what reason does the Gentleman from Cook, Representative Lang, rise to interfere with the order of Representative Bugielski."

Lang: "Thank you. On a point of order, Sir."

Speaker Churchill: "Point of order."

Lang: "The last Bill was the second Bill in a row where we've demanded a Roll Call Vote on a Motion to call the previous question and the second Bill in a row that the Chair has ignored the Motion. Are you going to continue to ignore that Motion or we abide by your own rules, Sir?"

Speaker Churchill: "If someone stands up and makes that Motion in a timely fashion, the Chair will recognize that Motion and we'll proceed that way. And the whole debate of the last time the Chair did not once hear, one person rise during that debate and request a Roll Call Vote on that issue."

Lang: "...vote on a Motion he makes at the end of the Bill, then should we demand that roll call, Sir."

Speaker Churchill: "Sir, if you'll recall the debate from last year, those Motions were made during debate. We never knew for sure whether or not we were going to have that right. Representative Lang."

Lang: "So, let me get this straight. You want someone during debate to say, Mr. Speaker, if the man from Tazewell, Representative Ackerman or someone else on that side of the aisle chooses to make a Motion to call the previous question, then and only then, we would like a Roll Call Vote on said phantom Motion if it happens? That's what you want us to do?"

Speaker Churchill: "That would be helpful, Sir."

Lang: "That's what we will do, Sir."

Speaker Churchill: "Thank you. Do you have anything further or can we proceed to the Order of Bugielski? Representative

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Bugielski, now that Representative Lang is finished, we'll turn our attention to you. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 731, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Churchill: "Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker, Members of the House. House Bill 731 amends the School Code to provide that persons who have been convicted of certain specified criminal offenses are ineligible to serve on members of the local school councils for the Chicago Board of Education. As most of you are aware, in the City of Chicago, every school has a local school council which is elected by the member of that school, by the parents of that school where there are six parent members, two community resident members, two teacher members and one student member. And all we are asking, and this is coming from the Board of Education, that the people that are convicted of certain crimes would not be able to serve on the local school council. These crimes deal with indecent solicitation of child, prostitution, public indecency, prostitution, keeping a house of prostitution, obscenity, child pornography, and criminal sexual assault to a juvenile. It's a very specific Bill. This only pertains to the local school councils in the City of Chicago and I ask for a favorable Roll Call."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Because of your pronouncement a few moments ago, I would like to have a Roll Call if the Gentleman from Tazewell would move...or anyone else would move the previous question. So, we're trying to abide by

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your ruling. So I would therefore, like to make that request at the present time and ask the Chair to honor that request."

Speaker Churchill: "The Chair hears your request. Do you have further discussion?"

Granberg: "No."

Speaker Churchill: "The Gentleman from Tazewell apparently, they want to test whether or not this really works. The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Churchill: "Representative Granberg, was that what you were requesting? So, we can now go to a Roll Call on moving the previous question."

Granberg: "Obviously not, Mr. Speaker. Your pronouncement was that we would have to be recognized during the debate to anticipate a Motion by Mr. Ackerman to close off debate. Now, if that's how you interpret your rules, you certainly are inventive. But, we're trying to go according to your interpretation. Obviously, this Bill wants to be debated, there are lights flashing. Now you chose not to recognize them, pursuant to what you have done earlier this morning. But these are important issues that the Chair would respond to our Members. We're trying to abide by your rules. I wish your Members would as well. So, if you would recognize Members on this side of the aisle for discussion on this Bill, that would certainly be appreciated and then, if and when Mr. Ackerman would make that Motion or anyone else, we would like to have a Roll Call on that Motion, Sir."

Speaker Churchill: "Well, there are no lights flashing on the Republican side of the aisle, so obviously, you wish to

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debate the Bill with Representative Bugielski. So, the Chair would ask the Gentleman from Tazewell if he would withdraw that Motion at this time and then we will return to him at some future time so that the Democrats can debate the Bill with one of their own Members. The Gentleman withdraws his Motion at this time and the Chair would recognize the Gentleman from Cook, Representative Dart."

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

Speaker Churchill: "He indicates he will."

Dart: "Representative, the underline notion makes sense in this, but what is...how are they proceeding right now that there is a problem here that we're having LSC members with criminal backgrounds? I mean, how is that going on right now?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "At the present time, I think they're asking for their removal, but they're not doing anything right now and because of this, they're asking for this to be enacted so that in case a person...when they...he fills out the application to be a member of the LSC and if he should lie on his application, he would be guilty of a Class III felony which would be punishable up to two to five years in prison and or a \$10,000 fine. So, they're asking for this to be enacted so that they could...you know, if a person should lie when he fills out to run, they have something to go back on."

Speaker Churchill: "Representative Dart."

Dart: "How it is that they would find out that the person is lying though, I mean, are these people subjected to background checks, the whole nine yards?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "This would authorize the School Board of

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Education...the Chicago Board of Education to perform criminal background investigations on the applicants that are applying for this."

Speaker Churchill: "Representative Dart."

Dart: "Well, this allows them or does this mandate them to do that?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "Directs them and mandates them."

Speaker Churchill: "Representative Dart."

Dart: "And you delineate specific offenses, Representative. What type of offenses make these people ineligible?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "The type of offenses that make them ineligible would indecent solicitation of a child, public indecency, prostitution, soliciting for a prostitute, soliciting for a juvenile prostitute, pandering, keeping a place for prostitution, keeping a place for juvenile prostitution, patronizing a prostitute, patronizing a juvenile prostitute, pimping, obscenity, child pornography, criminal sexual assault, criminal sexual assault of a juvenile."

Speaker Churchill: "Representative Dart."

Dart: "Was criminal sexual abuse one of those?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I'm sorry, I didn't hear you."

Speaker Churchill: "Representative Dart."

Dart: "Was criminal sexual abuse or aggravated criminal sexual abuse one of those?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "Yes, criminal sexual abuse, that's on...yes."

Speaker Churchill: "Representative Dart."

Dart: "Is aggravated criminal sexual abuse and aggravated criminal sexual assault also taken care of in this as

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well?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I don't have...I don't have it on my notes, but I believe it's in there. It's all parts of...to be specific, it's all the crimes that are listed in Section 34-18.5 in subsection (c)."

Speaker Churchill: "Representative Dart."

Dart: "So, the thrust of the offenses that we're prohibiting these people from being school council members are ones that have...sexual assaults, things like that, molestations dealing with children, correct?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "That is correct, Representative."

Speaker Churchill: "Representative Dart."

Dart: "Does your Bill or does the present law make prohibitions in regards to individuals that are convicted of offenses such as murder or armed robberies or home invasions, things like that, or is that not dealt with."

Speaker Churchill: "Representative Bugielski."

Bugielski: "I don't believe that that is pointed out in this Bill at this time."

Speaker Churchill: "Representative Dart."

Dart: "I'm sorry. What is your answer?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I don't believe that that is stipulated in there. This is just what was given by the Chicago Board of Education."

Speaker Churchill: "Representative Dart."

Dart: "As I mentioned before, I think it's...the ones that you have delineate here are laudable, the ones that we would rather not have those people there, but I would also contend that we probable wouldn't want murders or armed

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robbers probably being on these LSC's as well. Does this Bill deal with all backgrounds of teachers or coaches or..."

Speaker Churchill: "Representative Dart, are you done with your question? I thought there was an 'or' at the end there."

Dart: "Yeah, I just wanted to know if there was any other...individuals other than LSC members that were covered by this."

Speaker Churchill: "Representative Bugielski."

Bugielski: "It's pointed out in here that it would authorize them to do background investigations on certified and non-certified employees, but I think they do that already. But I not positive on that."

Speaker Churchill: "Representative Dart. To the Bill, Representative Dart, or are you done? Is there further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Churchill: "He indicates that he will. Please proceed, Sir."

Lang: "Representative, I'm sure...Representative, hi there. I'm sure you'll recall that there has been a big flak in the City of Chicago relative to people who are felons running for office and there's been some court cases, et cetera. How does this language mesh with the language relative to those running for alderman in the City of Chicago?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "Well, I think this is very specific where they bring out the points that these are mainly sexual commentated crimes that they are dealing with and I think they're just trying to keep these people away from dealing and being in the school with students, both elementary and high school,

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and they do not want these people to be associated with the students in those schools. And I think it's a very good point to be, you know, their not being in there when they're...if they were convicted certain crimes that pertain to children."

Speaker Churchill: "Representative Lang."

Lang: "So, is this different that the statutes in the City of Chicago regarding running for alderman as...is this a different set of things that you can't do or is the same law that has been challenged in the court recently?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I am unsure of that answer."

Speaker Churchill: "Representative Lang."

Lang: "Let me go on to another area. I note that Amendments were filed in Committee, Representative, for the funding of education. The Fund Education First Amendment was filed on your Bill and it never got out of Committee. As a matter of fact, the Committee never heard it. Can you tell me what happened?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I believe that that Amendment was presented in Committee and it was sent to a subcommittee."

Speaker Churchill: "Representative Lang."

Lang: "Representative, who is the chairman of that Committee?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "The chairman of that Committee is Representative Cowlshaw."

Speaker Churchill: "Represent Lang."

Lang: "So, I just want to get this straight because I have to know what is on your Bill and what is not on your Bill. So Representative Cowlshaw and the education Committee took the Fund Education First Amendment and took the funding of

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Education Priorities Amendment and shifted them off to a subcommittee. Is that right?"

Speaker Churchill: "Perhaps, Representative Lang, if you have questions about the status of Amendments, you could address those to the Clerk. Do have a question to the Clerk?"

Lang: "No, I asked the Sponsor of the Bill about his Bill. He is entitled to tell me and I'm entitled to ask him everything that pertains to his Bill, Sir. And what happened to Amendments that people in this House tried to attach to his Bill are relevant to his Bill."

Speaker Churchill: "If you address all that is not on his Bill, you will have a lot to address. Perhaps if you have questions regarding Amendments that are or not on the Bill, you can address those to the Clerk. Representative Bugielski."

Bugielski: "Thank you. There were Amendments that were filed to this Bill. They are not my Amendments. I presented House Bill 731 in Committee. There are other Amendments and I am not sure of the procedures that they have in that Committee because it seems that every committee has different rules, but there were Amendments, I believe there were two Amendments that were placed on this. Committee Amendment 1 and Committee Amendment 2 was put on this Bill and those two Amendments were given to the subcommittee and my Bill is just a clean Bill the same way that it was, you know, when I first introduced it."

Speaker Churchill: "Representative Lang."

Lang: "So the Fund Education First Amendments which you've supported and which you've agreed to put on you Bill, never saw the light of day in that Committee.

Is that correct?"

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Speaker Churchill: "Representative Bugielski."

Bugielski: "That is correct. They are in the subcommittee."

Speaker Churchill: "Representative Lang."

Lang: "That's really a shame, don't you think, that that Committee refused to address the problem of funding education when they had a perfect opportunity to do that with your Bill? Is that right?"

Speaker Churchill: "Representative Lang, please address the Bill before us. Do you have a question about the Bill before us?"

Lang: "I've asked...this is my last question, Mr. Speaker. All he has to do is answer it."

Speaker Churchill: "Representative Bugielski."

Bugielski: "It could have been addressed and it could have been attached to my Bill, but I have no control over those Amendments in that Committee."

Speaker Churchill: "Representative Lang has concluded his remarks. Is there further discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "First, may I go on record as saying I do not lobby for the Board of Education? Mr. Bugielski."

Speaker Churchill: "The Gentleman says that he will yield for a question."

Davis, M.: "Thank you. Do LSC people work with children? Do they work in the school?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I don't believe that they work with the children, but they are present in the school many of times and the children are there."

Speaker Churchill: "Representative Davis."

Davis, M.: "Are they in the school with the children unsupervised?"

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Speaker Churchill: "Representative Bugielski."

Bugielski: "I don't believe they are."

Speaker Churchill: "Representative Davis."

Davis, M.: "Representative, the LSC members come in for a scheduled and planned meeting. They have a meeting. The principal is a part of their meeting and they adjourn. Are there other times in which LSC members are in the school and let's say having contact with children and if so would you tell us when those times are?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "Well, it's not their function to be in the school. It's up to them whether they want to come in because I know of schools where I have been in visiting principals and the principal has introduced me to members of the LSC because they have just stopped by the school at that specific time. They are not banned from coming into that school, depending on time of the day. I believe LSC members...it's not where they have full freedom of the school, but there are times that I have been schools and I have met members of the LSC because they stopped in to drop something off or to ask a teacher or something like that. And I have met people, so it's not where they are banned from the school when school is in session."

Speaker Churchill: "Representative Davis."

Davis, M.: "Representative, when children enter the building at whatever time of day or evening, are there paid officials who are in supervisory capacities for those children?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I have no idea. I do not work for the Chicago Board of Education. I feel you would know the answer because you work for the Board of Education."

Speaker Churchill: "Representative Davis."

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Davis, M.: "Let me respond to you. Children are supposed to be under...Mr. Bugielski are you listening? Children are supposed to be under the direct supervision of paid staff at all times to my knowledge. Volunteers come into the building, but to my knowledge, volunteers are not approved nor legally responsible for the children they are there to supervise or be around. Our gang members who are people who were former gang members of gang recruiters, are they permitted to be on the LSC?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "If they run, they could be on there. You know, that's why we're putting this in if they were convicted of certain crimes they would have to declare that on their application."

Speaker Churchill: "Representative Davis."

Davis, M.: "Each person who is running, you're telling me, will have to list any crime that he or she had been convicted of and had served time for. Now, I think I heard you say child solicitation or sexual abusive children, prostitution. I didn't hear your response in reference to murder. I didn't hear you response in reference to kidnapping."

Speaker Churchill: "Representative Bugielski."

Bugielski: "Those were crimes that I listed and I believe in the application, they would have a line there and ask the question, have you been convicted of any crime or felony, whatever it may be, and it's going to be up to that person to write yes or no and if he answers yes, he should list what they are. And if he lies on that and they do a criminal investigation, then they have an option to go back and prosecute that person."

Speaker Churchill: "Representative Davis, you have a minute and

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15 seconds left."

Davis, M.: Thank you. Would you give me your time, whoever? Let me ask you this, Bugielski. Suppose a person does not put down that they have been convicted of a crime. What would instigate an investigation to find out whether they had or not? What would make this investigation begin?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "What would make the investigation? The Board of Education would perform this criminal background check."

Speaker Churchill: "Representative Davis."

Davis, M.: "...applicant."

Bugielski: "What?"

Speaker Churchill: "Representative Davis."

Davis, M.: "On every applicant?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "That applies for the local school council yes."

Speaker Churchill: "Representative Davis."

Davis, M.: "How many people apply to run for those positions? And how many people run?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I do not have statistics on that. You would have to ask your employer, the Board of Education."

Speaker Churchill: "Representative Davis."

Davis, M.: "Representative, I'm only asking you for the parents of the children that I represent. Now, if a person puts down...now you want to know how many people there are on the council? There's about 640 schools and there are..."

Speaker Churchill: "Representative Davis, we have another person seeking recognition and then I will come back to Representative Flowers who can give you addition time. At this point, the Chair would recognize the Gentleman from Will, Representative Wennlund."

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

Speaker Churchill: "He indicates he will. Please proceed."

Wennlund: "Representative Bugielski, now, I understand that what this Bill does is that it provides the persons who have been convicted of certain specified criminal offenses are ineligible to serve as members of these local school councils. My question is, does that also apply to alderman in the City of Chicago?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "As far as I know, it's for the City of Chicago, the Board of Education that has the local school councils."

Speaker Churchill: "Representative Wennlund."

Wennlund: "Thank you, Representative Bugielski. It's an excellent start. I suggest you pursue my suggestion, though. Thank you."

Speaker Churchill: "Further discussion? he Lady from Cook, Representative Flowers. Representative Flowers."

Flowers: "I would like to yield my time to Representative Davis, please."

Speaker Churchill: "Representative Davis, Representative Flowers has yielded five minutes to you. Proceed."

Davis: "Representative Bugielski do the board members across the State of Illinois, I think they are about 1,000 school districts, do they have criminal background checks of those people who get elected on those school boards or is this only for the people in Chicago?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I am not aware of that. I have no idea."

Speaker Churchill: "Representative Davis."

Davis: "If you have a student who graduated from a particular school and who was a gang member and who was a gang recruiter and he eventually gets convicted of a crime and

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he goes to jail and comes back. Can he run for local school council?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "Not if it's one of those specified crimes."

Speaker Churchill: "Representative Davis."

Davis: "Please list the specified crimes."

Speaker Churchill: "Representative Bugielski."

Bugielski: "I have listed them three times already. You should have paid attention."

Speaker Churchill: "Representative Davis."

Davis: "You just lost about 10 votes. Now, we were talking about how many people the Board of Education would have to have background checks for. Two members on the council are teachers and one is a principal, so that is three. Eight people times 640 is the number of people that would have to be investigated. Mr. Bugielski, do you happen to have an investigative business in which you are trying to get work for? Are you attempting to get work for an investigative service that you provide?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "I do not, but I wish I was an employee of the Board of Education maybe they would hire me."

Speaker Churchill: "Representative Davis."

Davis: "Mr. Bugielski, if you got a degree perhaps someone would hire you. But my final question is...my final question, Mr. Bugielski, is when people are convicted of a crime and they are given a sentence by a judge and once they have served their time, when is the sentence over in Illinois? They can't drive a school bus, they can't work in a nursing home. There are so many laws that we are passing to say if you have been convicted of a crime, you can not do this or you can not do that and yet as pointed out by this very

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elegant honorable Representative, they are allowed to serve in the city council and make laws for the whole city regardless to the crimes they have committed. But when you're talking about people sitting on a local school council who are there to make laws or recommendation to run a school only for their children, you want to eliminate them. Now with the people, I can name a whole lot of places. With the people in some of these areas where children have killed their parents or their brothers or their sisters, would they be denied for sitting of the council or is it just in Chicago? You see what you are attempting to show here is that the people in Chicago are all criminals and that those of us who do this investigative work can get a lot of contracts with the Board of Education if you pass a law that says we can investigate the people running for the council. Now, are the people elected when you investigate them or are they just running when you investigate them? Are they running when you investigate them or are they already on the council?"

Speaker Churchill: "Representative Bugielski."

Bugielski: "They are already elected. Elected or appointed."

Speaker Churchill: "Representative Davis."

Davis: "So, once they become elected or appointed then the Board of Education starts this investigation into their background."

Speaker Churchill: "Representative Bugielski."

Bugielski: "That is correct, and if they find out that they have lied on their application, then they have the authority to come back and prosecute them for lying on their application."

Speaker Churchill: "Representative Davis, 38 seconds left."

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Davis: "To the Bill I would suggest that your attempt perhaps is to discourage people from running. I think your attempt is to discourage parents from participating. The majority of our people in Chicago are not criminals. The majority have not been to jail, but those who have been to jail and served their sentence, do not need a scarlet letter on their back, Mr. Bugielski. We do not want to go back to the day where you put a scarlett letter on anybody whose committed a crime because some people in Chicago get away with committing crimes. They know the right people and they..."

Speaker Churchill: "The Chair would now recognize the Lady from Dupage, Representative Cowlshaw. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This is a good Bill. It is fair. It is reasonable. We ought to pass it. Thank you very much."

Speaker Churchill: "Further discussion? The Gentleman from Cook, Representative Lopez."

Lopez: "Thank you, Mr. Speaker I move to the previous question."

Speaker Churchill: "It's a Motion for the previous question. All in favor will say 'aye'; all opposed will say 'no'. The 'ayes' have it and the previous question is moved. Representative Granberg, if I remember correctly, you said if Representative from Tazwell or anyone else from that side of the aisle made that Motion you requested a vote, but you did not specify if someone from your side of the aisle made that same Motion. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. No, that was not the case, Sir. We said the Gentleman from Tazwell or anyone else in this House that would make that Motion."

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Speaker Churchill: "The Chair did not hear one dissenting vote from your side of the aisle during the oral Roll Call on that. Representative Granberg."

Granberg: "Mr. Speaker, we are trying to abide by your rules and your pronouncement on how we are going to operate the House. We complied with your request and that is what we've done and we would respect the fact that we have attempted to follow your request and we would hope you would do that, follow your own pronouncement. We have requested a Roll Call on a Motion to limit debate to move the previous question and you said you would acknowledge that request."

Speaker Churchill: "This is a really good test to determine whether these are dilatory Motions. There wasn't one person on your side of the aisle that rose to say no when I asked for the 'noes' on that vote. Representative Granberg."

Granberg: "Mr. Speaker, that's because we were operating under the assumption that you were going to give us a Roll Call which you indicated previously that you would."

Speaker Churchill: "I indicated I would give you a Roll Call if there was someone from the Republican side of the aisle. But you did not I clearly remember your statement you did not request a Roll Call. Someone from your side of the aisle made that same Motion. Representative Granberg."

Granberg: "Mr. Speaker, we indicated the Gentleman from Tazwell or any other member that would attempt to make the Motion. You indicated that you would grant our Motion. We relied on your representation. We assumed that you would be an honorable man and that in the Chair, you would be objective and we were trying to comply with your ruling, Sir."

Speaker Churchill: "Representative Granberg, perhaps the next

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time you rise to make that same Motion, you will be more clear and include the Members on your own side of the aisle. Representative Granberg."

Granberg: "Mr. Speaker, you have repeatedly ignored Representative Lang and others who have requested Roll Calls on these Motions. We've attempted to comply with your ruling now, Sir. Now, you are saying that you will not perform the way you have said you indicated previously that you would, the Chair would. The Chair is supposed to be objective. You have made that pronouncement. We are trying to abide by your pronouncement and now you are finding some other reason not to give us a Roll Call on the Motion that you indicated previously that you would. Mr. Speaker, these are your rules. We are trying to abide by your rules. We wish the Chair would abide by your rules and we ask again for a Roll Call on the Motion to move the previous question."

Speaker Churchill: "That question is over, Representative Granberg. The Chair does follow the rules and the Chair was kind enough and specific enough to make your request known to the Body and I am very certain that you were intending and thinking and actually saying that that Motion came from the Republican side of the aisle and when in fact, the Motion came from your side of the aisle this time. Perhaps you'll get your opportunity in another second to make that same Motion and we'll witness how you rise to make that Motion at that time. At this time, I think it would be only fair to allow Representative Bugielski the opportunity to close. Representative Bugielski, would you like to close? Representative Bugielski."

Bugielski: "Thank you, Mr. Speaker. I just ask for a favorable

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Roll Call and just to...this Bill was up in the 88th General Assembly and it passed out of the House 113 to nothing and I just ask for a favorable Roll Call. Thank you."

Speaker Churchill: "The question is, 'Shall House Bill 731 pass?' All those in favor vote 'aye'; any opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 96 voting 'aye', 16 voting 'no', and 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 956. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 956, a Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Churchill: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, what this Bill does is it requires the Department of Insurance to administer a program to provide assistance and information to senior citizens in relation to insurance matters and I urge your support of the Bill. Thank you very much."

Speaker Leitch: "Is there any discussion? The Gentleman from Cook, Representative Lang. Representative Leitch in the chair."

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

Speaker Leitch: "He indicates he will."

Lang: "Why do we need to make these changes? What's the purpose of this and why did Amendment 3 delete the advisory board?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "You may too grow old someday, Representative Lang, and

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realize that matters like medicare and medicare supplement and all these confusing terms confuse senior citizens like myself. I don't understand them, but senior citizens deserve a one on one relationship with the Department of Insurance so that the department knows how and understands how to counsel the senior citizens."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. Before I proceed, Mr. Speaker, I am joined by enough of my colleagues to take this off of Short Debate. And further, Mr. Speaker, when we get to the vote on this Bill we would demand a verification and further should anyone make a Motion to call the previous question, we would demand a Roll Call. Would you acknowledge all of those, Sir?"

Speaker Leitch: "Those Motions are not timely, but if you make them at the appropriate time, they will be considered. Representative Lang."

Lang: "Well, now I would like to turn off the timer because now I have a point of order and then I will proceed with my questioning. May I proceed with my point of order, Sir?"

Speaker Leitch: "You were recognized to address the Bill. We'll come back to the point of order. Representative Lang, to the Bill."

Lang: "Thank you. I'm unsure as to why you deleted this advisory board. I know I just asked you that question, but I really didn't understand the answer. Some people in my district might have thought the senior citizen advisory board was a good idea. I have more senior in my district, Representative, than any district in the State of Illinois. So, they are interested in your Bill. I would like to know why you don't feel they should serve on an advisory board."

Speaker Leitch: "Representative Wennlund."

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Wennlund: "Thank you, Mr. Speaker. I'm delighted you have so many senior citizens in your district, Representative Lang, and that's one good reason why you ought to support this Bill. The Department of Insurance indeed supports this Bill because it believes that it needs to recruit and train volunteers to provide one on one counseling to senior citizens on insurance matters. I believe that we need to educate seniors on insurance matters through public forums and this Bill requires that the department solicit the volunteers, senior citizen volunteers, for their input and advise on the success and accessibility on this program and it's described to insure that all senior citizen residing in Illinois have access to insurance programs and to this program that provides vital counseling and vital education on very complicated insurance matters that senior citizens face on a day to day basis."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. By the way, Mr. Speaker, I am entitled to ask for a verification any time I have control of the microphone as any other member of this Body is so you can not deny that. So let me proceed with my questions. Representative, Subsection D of your Amendment which has become the Bill, you say that the Department shall strive to insure that all senior residing in Illinois have access. What does that mean is that some legal language I've never heard before? Strive? What does that mean, how will they do that? What are they supposed to do?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "That means they are going to do it."

Speaker Leitch: "Representative Lang."

Lang: "That means what, Sir?"

Speaker Leitch: "Representative Wennlund."

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Wennlund: "It means they are going to do it or else."

Speaker Leitch: "Representative Lang."

Lang: "Or else what, Sir?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Or else they will incur the wrath of senior citizens in Illinois and they have no intention of doing so."

Speaker Leitch: "Representative Lang."

Lang: "Well, are you suggesting that if they don't do it they will preempted their rights of senior citizens throughout Illinois, Sir. Is this another preemption Bill?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Now that you put it that way I kind of like that. Yes, as a matter of fact it is."

Speaker Leitch: "Representative Lang."

Lang: "Well, perhaps we should have an order of preemptions for you and we could have all the Wennlund Bills on that order. Let me ask you an additional question. The Department has indicated there is no fiscal impact. How are they going to do all these thing? Train these volunteers, strive to reach out to all these seniors in Illinois without having any fiscal impact whatsoever. What are you reading, Sir, Moby Dick? What are you doing over there?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Thank you. Representative Lang, the word 'strive', according to Webster's New World, for you edification, Sir, since apparently you didn't cover this in law school, means to make great efforts to try very hard to be in conflict struggle, contend, fight as in strive against depression, to compete. That's what the word 'strive' means. And by golly you know the Department of Insurance will make this work."

Speaker Leitch: "Representative Lang, bring your remarks to a

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close, please."

Lang: "Thank you..."

Speaker Leitch: "We will give you one more minute."

Lang: "Thank you. Well I have many that are willing to give me their time if you would acknowledge them now that would be fine. If not, we can come back. But Representative Wennlund did not answer my question, Sir. The question was whether what this was going to cost. The Department indicates no cost. I don't see how it can be no cost if we have to reach out to seniors and if we have to print pamphlets and we have to train volunteers. There certainly has to be some cost even though this is a very worthy program I would just like to find out how you are going to do it and what will it cost Sir?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "The reason why it's not going to cost anything is for two reasons. Number one, because it's going to be done with senior citizen volunteers, who care about their fellow senior citizens. And besides that, the Department of Insurance is an excellent money manager. We should have more like it in this state."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. Well, how will they recruit these volunteers? Will they come out of the sky or are they all going to listen to today's debate and run to the department..."

Speaker Leitch: "Before we proceed, I would like the Body to recognize a pack 56 of cub scout troop from Wyandot with their den leaders John and Nancy Erickson. Welcome to the General Assembly. The Lady from Cook, Representative Schakowsky. Your time has expired, Representative. We'll come back to you in a moment. I gave you an extra minute, Representative. Representative Wennlund, will you answer

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the Gentleman's question?"

Wennlund: "Thank you, Mr. Speaker. The last thing I can recall is Pack 56."

Speaker Leitch: "Representative Lang."

Lang: "The question was how will they get these seniors to volunteer for this worthy program. Are we going to send them all copies of today's debate so they know this program exists? Of course not. We are going to have to reach out to them and tell them about this program. That will have some cost. The question is how will we do that? And don't tell the Department of Insurance will handle it in their usual wonderful fashion. We are entitled to know how. We're entitled to know the cost. There are probably seniors in my district that would like to volunteer for this program. How will they know it exists?"

Speaker Leitch: "Representative Wennlund."

Wennlund: "Representative Lang, I have every confidence that you will reach out into every nook and cranny and corner of your district and advise the senior citizens in your district that this program is there and reach out to these seniors and make recommendations to the director of the Department of Insurance that your senior citizens should be involved in this program and I am confident that every Representative here and every Senator will reach out to their district and reach out to every senior citizen and make them aware that this program exists for their benefit."

Speaker Leitch: "For what purpose does the Lady from Cook, Representative Schakowsky, rise?"

Schakowsky: "I wanted to ask a question."

Speaker Leitch: "Will the Gentleman yield? He indicates he will. Representative Schakowsky."

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

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House, you know for five years I was director of the Illinois State Council of senior citizens and I would agree with you, Representative, that the issue of insurance, the complication of supplemental and medicare and all the various pamphlets, I assure you that around the state one dining room tables everywhere there are stacks of insurance documents that many seniors regardless of their level of education can't make hide nor hare of, so I understand the intent of this Bill, but one of the thrusts that we had was to try and get the language made in plain English in insurance forms. And there have been several pieces of legislation that I think would perhaps not preclude the need for this legislation, but would certainly make life easier for not only seniors, but others to have plain English in insurance forms. I was just curious if you support, have supported, or would support that kind of legislation."

Speaker Leitch: "Representative Wennlund."

Wennlund: "One of the first things that students learn in law school is that contracts, which an insurance policy is, are contracts and that contracts use what we call words of art. Now these are words that from the common law back in the plains on running mead, forward, have been interpreted by the courts to have specific meanings attributed to them. Case after case after case that have gone to the United States Supreme Court and have developed specific meanings as words of art. Now it is the job of the Department of Insurance and this Senior program to interpret those words of art which provide certainty in the law in all contracts and that is why this program will help senior citizens and explain to senior citizens who could read for years and never understand. I could read medicare for years and

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never understand what medicare supplement or medicare is I couldn't even explain it to my mother regardless of how often I read the policy. The job of the Department of Insurance is to make it clear and to explain what these words of art are in contracts like insurance policies."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Representative, I support your legislation, but your explanation of why we can't understand insurance policies, I believe is perhaps spoken like a lawyer because I don't agree that we couldn't have language that is both precise and exact and understandable to ordinary human beings. And that we ought to not then have to create addition bureaucracy, spend more money in order to simply explain what would be self evident to people if that language were clear. So while I support this, I think it really requires a much more fundamental improvement."

Speaker Leitch: "Thank you, Representative. The Gentleman from Tazwell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Leitch: "The previous question has been put. All in favor shall say 'aye'. Call the Roll. Roll Call. Have all voted who wish? Have all voted who wish? On the Motion 62... Mr. Clerk, please take the record. On the Motion, there are 63 voting 'yes', 52 voting 'no', and the Motion is adopted. Representative Wennlund to close."

Wennlund: "Thank you, Mr. Speaker Ladies and Gentlemen of the House. This Bill will help senior citizens understand insurance matters. Please help the seniors and vote 'aye'."

Speaker Leitch: "The question is, 'Shall House Bill 956 pass?' All those in favor shall vote 'aye'; all those opposed

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vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Representative Lang, for what purpose do you rise?"

Lang: "Thank you, Mr. Speaker. I clearly requested on the record on not one, but two occasions, a verification of that vote."

Speaker Leitch: "Mr. Lang, we are not going to verify Bills that go out of here with 114 votes. Representative Lang."

Lang: "Two things need to be said about that. First of all, you don't have a choice in the matter under your own rules. Second of all I was going to withdraw the verification request I simply wanted you to acknowledge that it was made. And a simple request, Representative Lang, you don't really want to verify this, do you? Would have gotten a simply answer. But you do not have the right, Sir, to take my rights away from me under the rules you pass. Your rules will not allow you to take the right to have a verification away from any member of this Body. Your rules do not allow you to take that right away. Do you understand that Sir?"

Speaker Leitch: "Thank you for your comments, Representative Lang. Thank you for your advise. On the order of Third Reading is House Bill 1202. Mr. Clerk, read House Bill 1202."

Clerk Rossi: "House Bill 1202, a Bill for an Act amending the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Leitch: "Representative Wait."

Wait: "Mr. Speaker..."

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Speaker Leitch: "Mr. Clerk, please reread that Bill."

Clerk Rossi: "House Bill 1202, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Leitch: "Chair recognizes Representative Wait."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1202 deals with the transportation issue and I'm chairman of the Transportation Committee. Basically, all this does will allow semi trailers to increase the length by three feet to 45 feet 6 inches on Class I and Class II highways. It also would allow the overall length of the tracker and trailer to 65 feet on Class III and other state highways. I would be happy to answer any questions."

Speaker Leitch: "The Representative from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Mr. Wait, could you explain what this Amendment is doing?"

Speaker Leitch: "Representative Wait."

Wait: "Basically, Amendment #1 becomes the Bill and as an agreement between the truckers and the State Police and IDOT. And all it does is allow to increase the length of the trailer by 3 feet to 45 feet 6 inches on Class I and Class II highways and also allows the overall length of the tractor and trailer on Class III and other state highways up to 65 feet."

Speaker Leitch: "Representative Hartke."

Hartke: "Thank you, Mr. Wait. I wanted that brought out too, because this is an agree Amendment and so forth, something we've been working on, the Department of Transportation and myself and the trucking industry for a couple years now. There is a new technology out here streamlining the semis and so forth and the configuration of the trucks to make it more fuel efficient and so forth. This is a good small

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business Bill. It helps the trucking industry. It does not hurt the State of Illinois. It doesn't hurt our highways. The Department of Transportation is neutral on the issue if not for it. The State Police have agreed and so I think it's a very good piece of legislation and I'm looking for it to being signed into law."

Speaker Leitch: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Will the Sponsor please yield for a question?"

Speaker Leitch: "He indicates he will."

Skinner: "Would you tell us what a Class III highway is?"

Speaker Leitch: "Representative Wait."

Wait: "Representative, there is Class I, which is interstate. Class II is other major highways designated by the IDOT. And Class III is other state highways designated by IDOT."

Speaker Leitch: "Representative Skinner."

Skinner: "So what this Bill will do is allow 65 foot trailers on every state highway in the State of Illinois. Is that correct?"

Speaker Leitch: "Representative Wait."

Wait: "Yes."

Speaker Leitch: "Representative Skinner."

Skinner: "Well Representative, I guess I have to stand to oppose your Bill. I drive on a lot of two lane highways and passing trucks that are not speeding and there indeed are some of those, but not very many, is difficult enough on the Route 47s of the State of Illinois without having the trailers being 3 feet longer. The State Police are supposedly in favor of this. I guess the accident rates will show wether that is a good judgement or not. IDOT is neutral I guess that IDOT's basic position this session, but I don't think that folks that are driving cars that are

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trying to pass trucks going 50 miles an hour on two lane highways are going to be really happy with this Bill."

Speaker Leitch: "The Gentleman from Washington, Representative Deering. Representative Deering. The Lady from Cook, Representative Kaszak. Representative Kaszak."

Kaszak: "I would like to yield my time to Representative Lang."

Speaker Leitch: "Representative Lang."

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

Speaker Leitch: "He indicates he will."

Lang: "Representative, when you have extended vehicles and extended axles, don't you run a greater risk when these vehicles make turns of hitting curbs and hitting off ramps?"

Speaker Leitch: "Representative Wait."

Wait: "First of all, it would depend of the driver, but I might say we allow currently semis and tractor up to 75 feet long so we actually permit ones currently with the current law up to 75 feet. This is just allowing another classification to go to 65 so it still would be 10 feet less that what we already currently allow in other types of vehicles."

Speaker Leitch: "Representative Lang."

Lang: "Thank you. You would acknowledge; however, that the longer a vehicle that the more likely it is that when the vehicle makes a turn it is going to hit something, more likely."

Speaker Leitch: "Representative Wait."

Wait: "Well, I don't know if you can assume that. These are professional drivers and let me tell you I'm confident that they can negotiate these curved because these are only going to be allowed on roads that would properly handle them. And it does not have anything to do with weight, so

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it's not going to harm the roads or break them up."

Speaker Leitch: "Representative Lang."

Lang: "Well, you really still haven't answered the question. I know these drivers are great drivers, but the longer you make the vehicle, doesn't it make it tougher to negotiate a turn and negotiate a curve, to negotiate stopping, to negotiate off ramps?"

Speaker Leitch: "Representative Wait."

Wait: "Again, I guess I would say it would come back to the driver. I mean, we allow up to 75 feet currently. This would only allow another classification up to 65. So it still would be 10 feet shorter than what we already permit."

Speaker Leitch: "Representative Lang."

Lang: "Well, we already permitted 10 feet longer than this. Why do you need this Bill?"

Speaker Leitch: "Representative Wait."

Wait: "The 75 feet basically applies to car carriers is what it does. For example, they drive all the time for the Chrysler plant which is in my district and they don't seem to have any problems negotiating the roads. So if we would allow this for these type of trailers and only 65, I'm confident that they can negotiate the roads."

Speaker Leitch: "Representative Lang."

Lang: "Is it conceivable that longer vehicles on the road become a safety hazard to other drivers? It surely is easier for other drivers to see around and to pass a 10 foot long vehicle than a 65 foot long vehicle. Isn't it?"

Speaker Leitch: "Representative Wait."

Wait: "If IDOT and the State Police who were originally opposed to the Bill now are neutral on the Bill, apparently they are convinced that it is not a safety factor."

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Speaker Leitch: "Representative Lang."

Lang: "Well, of course I wasn't asking IDOT, I was asking you, Sir. I just asked a simple question. I may vote for your Bill. It is just a simple question. Isn't it a little less safe to pass a vehicle 10 feet longer than one that is 10 feet shorter?"

Speaker Leitch: "Representative Wait."

Wait: "I wouldn't necessarily say that's the case."

Speaker Leitch: "Representative Lang."

Lang: "You obviously don't spend much time driving on I-55 and I-57 in this state, Sir. Thank you very much."

Speaker Leitch: "The Gentleman from Tazwell, Representative Ackerman, for what purpose do you rise? Representative Ackerman, for what purpose do you rise?"

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Leitch: "The Motion to move the previous question has been put. All in favor shall say 'aye'; opposed the same. We'll have a Roll Call. Mr. Clerk... All in favor shall vote 'aye'; opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this Motion, there are 62 voting 'aye', 53 voting 'no', and the Motion is adopted. Representative Wait to close. Representative Wait."

Wait: "Basically, this is a good Bill. It has bipartisan support from both the Democrats and Republicans. Representative Hartke has been working on this. Like I say, State Police and IDOT have signed off it. All it does is allow semi trailers from the king pin to the rear axle to be extended three feet and allows the overall length to be 65 feet. And it's a good Bill. It is not a safety factor and

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there's no opposition to this from State Police or IDOT. I would simply ask for your support on this Bill."

Speaker Leitch: "The question is, 'Shall House Bill 1202 pass? All those in favor shall vote 'aye'; opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 49 voting 'yes', 61 voting 'no', 4 voting 'present'. Representative Wait, for what purpose do you rise?"

Wait: "Mr. Speaker, could I postpone consideration?"

Speaker Leitch: "Yes. The Gentleman is entitled to postpone. Mr. Clerk, please put House Bill 1202 on the order of consideration - postponed. House Bill... Mr. Clerk, please call House Bill 1651."

Clerk Rossi: "House Bill #1651, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Leitch: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman. Ladies and Gentlemen of the House, House Bill 1651 is entitled Hour Meter Fraud. And simply what it does is, states that any person with the defend to defraud, disconnect or resets, or alters an hour meeter on any used farm implement with intent to conceal or change the hours of operation shall be guilty of a Class A misdemeanor. It also says that a person convicted of a second violation of this section shall be guilty of a Class 4 felony. It exempts people that are in illegitimate practice of recycling used parts. I would be glad to answer any questions."

Speaker Leitch: "Is there any discussion? The Representative from St. Claire, Representative Hoffman. For what purpose do you rise?"

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Hoffman: "Yes, will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Hoffman: "Representative, explain to me what exactly an hour meter is."

Speaker Leitch: "Representative Lawfer."

Lawfer: "An hour meter is either a mechanical devise or an electronic devise on farm equipment that measures the number of hours that that machine has been in operation. It is very much similar to od meter or a speedometer on a car. It shows how many hours or how much operation has been transpired on that implement."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Do all farm implements have hour meters on them?"

Speaker Leitch: "Representative Lawfer."

Lawfer: "Most major farm implements, whether it be combines and tractors, do have hour meters on them, yes."

Speaker Leitch: "Representative Hoffman."

Hoffman: "This doesn't in any way require individuals to put an hour meter on a farm implement that would not presently have an hour meter on it?"

Speaker Leitch: "Representative Lawfer."

Lawfer: "No."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Representative, the hour meter...it indicates that with regard to the hour meter, if you conceal or change the actual hours of operation, then you could be guilty of a Class A misdemeanor and a second offense a Class 4 felony. With regard to that provision, has there been a problem? Have you heard from farm implement dealers that there's a problem? Or from the farm bureau? Or who is behind this? What brought this up and why do you need it?"

Speaker Leitch: "Representative Lawfer."

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Lawfer: "A used tractor, for example, a 40/20 John Deere tractor that may have 3000 hours on that. That's about a 10 year old vehicle or tractor. That might be worth \$20,000. If it had 5,000 hours on it it, might be worth 5 to \$6,000 less. So the changing of an hour meter on that particular model of tractor from say 5,000 back to 3,000 changes the value of that probably 5 to \$6,000. And that is a problem as machinery moves from dealers and people that deal in used farm machinery. You can easily do this and it is a defraud and intent to conceal the amount of wear on that farm implement."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, Representative, in the Bill it says that you have to prove intent to conceal or change the hours of actual operation. So you have to prove intent that there was some intent there in order to, I guess, defraud or that they were attempting to conceal the actual hours. My question with regard to the farm implements is they aren't really like cars and that farm implements are used in situations that many times rough terrain and it would seem as though that it would be easier for accidentally these hour meters to be either broken or accidentally disconnected. How would you prove intent under this Bill?"

Speaker Leitch: "Representative Lawfer."

Lawfer: "Routine maintenance on any tractor or implement, it does sometime require the changing of hour meters whether they be electronic or mechanical and I think that any dealer or any person in a reputable business points out that this hour meter has been changed and because it had become faulty and in that case, there is no intent to defraud."

Speaker Leitch: "Representative Hoffman."

Hoffman: "No, I understand that. But if an hour meter has been

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disconnected in some way, it could because of the nature of the use of farm implements, it could have been as a result of the use, an accidental disconnection. What I am saying is under this Bill you have to prove intent. How do you prove that it was intentionally concealed or intentionally changed as opposed to something happening accidentally with regard to the hour meter."

Speaker Leitch: "Representative Lawfer."

Lawfer: "I think that the courts would have to decide and prove this. Very much similar to as they do now in regards to the changing of speedometers on automobiles."

Speaker Leitch: "Representative Hoffman you have 44 seconds."

Hoffman: "I'm almost done, Mr. Speaker. I think that it's a good Bill. I wish there was a little bit more in here with regard to intent, but I think that addresses the situation that probably needed to address... To be honest with you, I was surprised that it hadn't already been addressed in other legislation. So, I don't see any problems with the Bill and I would urge an 'aye' vote."

Speaker Leitch: "The Gentleman from Bureau, Representative Mautino. Representative Granberg, is the Gentleman in the Chamber? Representative Lawfer to close. Is there any other discussion? Excuse me. Representative Hartke."

Hartke: "Will the Gentleman yield for a question."

Speaker Leitch: "He indicates he will."

Hartke: "Representative Lawfer, I think this is a good idea, too. Can you inform the Body on what is the average expectancy of the life of one of these tractors with their hour meters?"

Speaker Leitch: "Representative Lawfer."

Lawfer: "Representative Hartke, I'm not sure that I can explain that...the average life of that. I've seen hour meters go

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5000 hours. I've seen them go 10,000 hours. Sometimes it depends. Average life on that I think the new ones now do pretty much live the useful life of the implement."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, my experience is that it really depends upon the operator. It's like a car sometimes with 10,000 miles on a car and if it's in proper oil changes and so forth, are not...and maintenance is not on the car, that automobile will wear out real quick and the same way with a tractor. But I think that this is a good piece of legislation because it is an indication on the amount of wear that the engine has had and I support the legislation."

Speaker Leitch: "Thank you. The Lady from Lake, Representative Gash. Representative Gash. Is there any other discussion? If not, Mr. Lawfer to close."

Lawfer: "Thank you very much, Mr. Chairman. Ladies and Gentlemen of the House, this Bill is very much similar to the existing language that now exist in regards to automobiles. All we are doing is enlarging it to include farm implements and I urge a favorable vote on this. Thank you."

Speaker Leitch: "The question is, 'Shall House Bill 1651 pass?' All those in favor shall vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this Motion, there are 115 voting 'aye', 0 voting 'no'. Mr. Clerk, take the record. On this Motion, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutionally... is hereby declared passed. Representative Currie, for what purpose do you rise?"

Currie: "Thank you. I rise with a parliamentary inquiry. House Rule 25; defining the powers and duties of the Speaker.

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Point number 3, one of your duties is to announce the business before the House and the order in which it is to be acted upon. Now it was my understanding that your intent generally speaking, was to go through the calendar, but we haven't done that this morning. We've been skipping large numbers of Bills, whole pages of the Calendar. There is an opportunity for the operation of special orders if that is what the Chair wants to do, but there have been no special orders. Instead, you seem to be roaming the Calendar in a completely indecipherable fashion. So perhaps recognizing the point in the rule that I just read, you would inform the Body what Bills you intend to call and on what basis you decide that it is appropriate to skip whole pages of the Calendar as you go from one number to the next. So, could the Chair inform the Body what is the order of business, how that order is determined and what Bills we may anticipate you will call?"

Speaker Leitch: "Thank you, Representative...the order...as we are on the order of Third Reading. We have been going in a numerical order and the Bill before us next will be House Bill 1790. Mr. Clerk, please read House Bill 1790."

Clerk Rossi: "House Bill 1790, a Bill for an Act relating to the education of nurses in Illinois. Third Reading of this House Bill."

Speaker Leitch: "Representative Ciarlo on House Bill 1790."

Ciarlo: "Thank you, Mr. Speaker. House Bill 1790 amends three separate Illinois Acts which impact scholarship programs managed by the Department of Public Health. It amends the Civil Administrative Code to authorize the department of professional regulations to deny a license or its renewal to any person defaulting on an educational scholarship provided by any state agency. It also amends the Nursing

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Education Scholarship Law to eliminate the requirements that eligible applicants have been in the upper half of their highschool classes or be licensed as a practical nurse in Illinois. It also amends the Illinois Nursing Act of 1987 to eliminate the termination date for transfers of moneys from the Nursing Dedicated and Professional Fund which are used to fund the Nursing Educational Scholarship programs. I would move for a 'yes' vote on this."

Speaker Leitch: "Thank you, Representative. Is there any discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you. Will the Lady yield?"

Speaker Leitch: "She indicates she will."

Mautino: "Representative, is there any cost involved in the changes you are proposing to make?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "No, Sir, there isn't."

Speaker Leitch: "Representative Mautino."

Mautino: "In your Bill, how will this change the current way it's being...the scholarships are being administrated...or the funds are being administrated?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "I'm sorry. I didn't hear you."

Speaker Leitch: "If we could have a little order please. Representative Ciarlo. Representative Mautino, would you please ask your question again? The Lady couldn't hear you."

Mautino: "Thank you, Mr. Speaker. How would this change the current way the Department is administering this?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "It's not going to change the program; it's only going to change one eligibility requirement."

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Speaker Leitch: "Representative Mautino."

Mautino: "And what specifically would that eligibility requirement be?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "You will no longer have to be in the top 15% of your...50% of your highschool class."

Speaker Leitch: "Representative Mautino."

Mautino: "Has the Nurses Association taken a position on the Bill?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "Yes, they are in support of this Bill."

Speaker Leitch: "Representative Mautino."

Mautino: "The Nurses Association is in support of your first Bill?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "Yes they are."

Speaker Leitch: "Representative Mautino."

Mautino: "I appreciate that and more importantly, is Milly Hodge in favor of your first Bill?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "Milly and Bill are both very much in favor of this Bill. Thank you, Representative."

Speaker Leitch: "Representative Mautino."

Mautino: "As a matter of fact, I've talked to them very recently and they have told me that they are in full support of the Bill and for that I stand in support of this measure. Thank you."

Speaker Leitch: "Thank you. Gentleman from Effingham, Representative Hartke. Representative from Washington, Representative Deering, for what purpose do you rise Sir?"

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

Speaker Leitch: "He indicates he will...she indicates she will."

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Deering: "Representative, I noticed in the Bill that if someone defaults on a scholarship provided by the students assistants commission or any governmental agency of the state, you know, they can't be licensed...I believe I understand. How would you default on a scholarship?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "You wouldn't pay it back. You would be defaulting on the scholarship by not paying it back."

Speaker Leitch: "Representative Deering."

Deering: "Well, Representative, it's been my understanding through the years that scholarships are tuition labors. Why would I have to pay back a tuition labor?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "I'm sorry, Representative, this is a loan. It's called scholarship, but it is a loan. It's a loan program."

Speaker Leitch: "Representative Deering."

Deering: "But in the language on page 2 of the Bill line 16 it specifically says an educational loan or scholarship provided. Now, to me, that tells me that it distinguishes specifically a scholarship over a loan."

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "Excuse me."

Speaker Leitch: "Representative Deering."

Deering: "Yes, Mr. Speaker. Okay, she has the answer."

Speaker Leitch: "Representative Ciarlo, are you ready?"

Ciarlo: "I'm sorry, Representative, I'm a little new at this so I beg your indulgence. If it's a loan they can default, but that language is I think, only applying to the loan process. If it is a waiver in a scholarship for there would be no payback. You are correct. And the language would then not apply."

Speaker Leitch: "Representative Deering."

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Deering: "So then the language in the Bill that says that if I default in the scholarship... See, I take defaulting on a scholarship as I get awarded a scholarship but because of a family emergency, medical emergency, I can no longer continue my time in school for that year or for that program and I may have to step aside for a couple of years. Now in your opinion, because of a hardship either financial or medical or family, that would not be construed as defaulting on a scholarship. I understand I couldn't get the scholarship in future years if it wasn't available. I would have to maybe come up with the money myself. But that would not keep me from being registered and able to work under the law in the State of Illinois, would it?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "When you come into a scholarship there is an agreement and you would have to fulfill those agreements and if you do not, then the language of the scholarship...wait, my mouth is moving, but mine isn't. Does that make sense? You must fulfill your agreement or then take the consequences if you have not done that, Sir."

Speaker Leitch: "Representative Deering."

Deering: "Okay, Representative, I understand that and I agree with what you are trying to do here, but I want to distinguish the intent. If I receive a scholarship to go to a nursing school, say I attend school for two months, I get into a major automobile accident and I'm laid up in a hospital for 6 months and cannot complete that scholarship in that year. Will that then effect my ability to be licensed and work in the State of Illinois? Because apparently in your definition I have defaulted on that scholarship."

Speaker Leitch: "Representative Ciarlo."

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Ciarlo: "This Bill wants to zero in on those people that intentionally default on a loan. It does not intend to hurt those people in circumstances such as you have mentioned beyond their control. I'm sorry if I'm not clear, but the intent is just to get those people that are defaulting on loans."

Speaker Leitch: "Representative, if you could bring your remarks to a close please."

Deering: "Thank you, Representative. That answered my concerns. I appreciate your indulgence in the matter."

Speaker Leitch: "The Lady from Cook, Representative Ronen. Representative Ronen, for what purpose do you rise?"

Ronen: "Will the Sponsor yield."

Speaker Leitch: "She indicates she will."

Ronen: "Yes, Representative, I just wanted to clarify that portion of your Bill which deals with the money that is deposited into the Nursing Dedicated and Professional Fund. Specifically, what changes are we making there? I'm a little confused."

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "Several years ago, the legislature created a program that transfers 10% of the Nurse Dedicated Funds for scholarships. All we are doing is extending that."

Speaker Leitch: "Representative Ronen."

Ronen: "So, just to clarify, we are not spending any less money we are spending the same amount of money? This is clarifying language. And the Illinois Nurses Association is supportive of this Bill. Is that correct?"

Speaker Leitch: "Representative Ciarlo."

Ciarlo: "Yes on both questions."

Speaker Leitch: "For what purpose does the Gentleman from Tazwell rise, Representative Ackerman."

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Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Leitch: "The Gentleman has moved the previous question. All those in favor shall vote 'aye'; those opposed shall vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On the Motion, there are 67 voting 'yes', 48 voting 'no', 0 voting 'present'. And the Motion is carried. Representative Ciarlo to close."

Ciarlo: "Yes. I would just urge a 'yes' vote on this Bill. Thank you."

Speaker Leitch: "The question is, 'Shall House Bill 1790 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. And on this Bill, there are 113 voting 'yes', 1 voting 'no', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1792."

Clerk McLennand: "House Bill 1792, a Bill for an Act in relation to criminal law. Third Reading of this House Bill."

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Thank you, Mr. Speaker. I bring before you this morning House Bill 1792 which originated with the Illinois State Police. Basically it covers three areas in Bill 1792. Number one, it cleans up some language on page 7 of the Bill where it moves up where it should be. It was improperly placed to begin with. Secondly, as part of the Bill, original Bill, it mentioned about communicating with jurors and witnesses and interfering with them by offering them something. Since that time there's been a case where

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a juror has been tampered with by withholding something from that individual this would clean up that type of language. The third point of the Bill would be in a juvenile arrest situation and information. That information is communicated with the State Police; however, there is no provision for giving the final disposition of that case and that's what this Bill would do."

Speaker Leitch: "Is there any discussion? Representative Hoffman."

Hoffman: "Thank you, Speaker, Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Hoffman: "Yes, it's my understanding that a portion of this Bill is designed to clean up a supreme court case regarding fencing stings and assuring that the theft statute with regard to fencing is properly drafted. Do you know what that court case is and what it held and why we need this Bill?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "The case you are referring to is the State vs. 'Zaremba' in January of 1994. It deals..."

Speaker Leitch: "Representative Hoffman."

Hoffman: "It closed off. The timer."

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "The case we are referring to is the State vs. 'Zaremba' in January of 1994, and deals with the mental state of the individual."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, specifically, with regard to the mental state of the individual, what did it hold? And why do we need this?" Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Basically all we are doing is moving those five lines up from where it was before. It doesn't change anything."

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Speaker Leitch: "Representative Hoffman."

Hoffman: "So, it's my understanding that this is an initiative of the State Attorney's Association, the portion about the theft. However...the juvenile court disposition portion of this Bill as well as the other provision of this Bill are they also initiatives of the States Attorney's Association?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "They're initiatives of the Illinois State Police."

Speaker Leitch: "Representative Hoffman."

Hoffman: "My understanding, under this Bill, it would require...in addition to the theft provisions, which I think are good by the way. I believe I carried that Bill last year, but with regard to the Circuit Court Clerk report to the State Police, the final disposition of each minor taken into custody for unlawful use of weapons or a forcible felony. Doesn't the Court Clerk already have to do that? To report disposition of juvenile dispositions to the State Police."

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "What we're referring here to is the final disposition of the cases. That's the point in question."

Speaker Leitch: "Representative Hoffman."

Hoffman: "But don't they already have to report something to the State Police with regard to minors who are taken into custody for these types of offenses?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "Yes, they do."

Speaker Leitch: "Representative Hoffman."

Hoffman: "What do they currently have to report? And how is this different?"

Speaker Leitch: "Representative Zabrocki."

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Zabrocki: "They report when the youth is presently taken into custody. What they do not have to report at this point in time is the final disposition of the case. And that's what this Bill addresses."

Speaker Leitch: "Representative Hoffman."

Hoffman: "What is the intent of the State Police? How are they going to utilize these final dispositions? Why do they need them?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "For recordkeeping operations and these are closed files."

Speaker Leitch: "Representative Hoffman."

Hoffman: "I would assume that this is going to cost the court clerk... First of all, I guess, would have to probably pay the postage to send this information to the State Police. Although I think it is a very good idea and should have been done and I though it was already done, who is going to pay for this? Isn't this just one more mandate to local governments to insure that they have to spend money in order to keep the State Police informed of these types of occurrences?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "The cost would be minimal at best. Postage is all being involved."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, Representative, how many cases per year are there that would have to be reported. Do you have any estimate? I would assume that it would be in the thousands."

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "The information I'm getting from the State Police, several thousand. You're right."

Speaker Leitch: "Representative Hoffman."

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Hoffman: "Well, several thousand per year at 32¢ postage not to mention the man hours that are involved in this can certainly add up. Is there anything in the State Police budget...I mean everybody over on that side of the aisle contently talks about unfunded mandates, but continually whenever we believe that it might be a good program we pass them on down. I would hope that in the State Police budget, they will be requesting funds in order to give to county clerks to pay for this. I'm for this Bill I'm going to vote for it, but once again just to point out, let's be careful. Now we are talking about thousands and thousands of dollars that we will be costing local clerks. Is there any money in the State Police budget to pay for this? Or will it be one more unfunded mandate?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "I might point out that they are already sending the information to the State Police. They can simply wait until the end of the disposition and forward it on and there would be no additional cost to what they are already doing."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Representative, it is my understanding from what you said earlier, they have to indicate when the individual is taken into custody. If they indicate that the individual has been taken into custody to the State Police and a disposition comes two or three months later they would have to duplicate their efforts. Isn't that right?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "The arresting agency is the group that is sending it to them."

Speaker Leitch: "Representative Hoffman, we will give you one more minute to close. If you could bring your remarks to a

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close."

Hoffman: "Well, I just want to clear this up, Mr. Speaker. That's my point. The arresting agency now sends it to the State Police. Now you're requiring in addition to the arresting agency indicating to the State Police that the individual in custody your requiring the county clerks to send final dispositions. So that is not done already. It is an additional cost to county clerk and I'm asking you, are we just going to mandate this or are we going to fund it to local governments? That's the question. If we are going to stand here...I'm going to vote for it, but you don't see my railing continually on unfunded mandates and passing Bills that attempt to wave unfunded mandates. What I'm saying to you is, is this in the State Polices budget cause it is going to be an additional expense?"

Speaker Leitch: "Representative Zabrocki."

Zabrocki: "There already sending us all kinds of other information. This simply can be included into that."

Speaker Leitch: "Are you through, Representative Hoffman? Representative Zabrocki to close."

Zabrocki: "Ladies and Gentlemen, this is an excellent Bill. I would ask for your support on it."

Speaker Leitch: "The question is, 'Shall House Bill 1792 pass?' All those in favor shall vote 'aye'; opposed the same. This Bill is on Short Debate. Voting is open. This is final action. All in favor... Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Bill, there are 115 voting 'aye', 0 voting 'no', 0 voting 'present'. This Bill, have received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1807."

Clerk McLennand: "House Bill 1807, a Bill for an Act that amends

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the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Leitch: "Representative Lang, for what purpose do you rise?"

Lang: "Thank you, Mr. Speaker. I recognize that Bill was on Short Debate, but I think it might be helpful to the Body if the Chair would remind the Body that a Bill was on Short Debate as we were debating it so that members who are not aware of that fact might avail themselves the opportunity to move it from Short Debate. You have that opportunity. I think you should not keep that from the Members and I recommend that you tell us. Thank you very much."

Speaker Leitch: "Thank you for the counsel, Representative. Representative Ciarlo, for what purpose do you rise?"

Ciarlo: "Mr. Speaker, point of privilege."

Speaker Leitch: "Perhaps the Chair may deal with this. If this is the... The Chamber would like to recognize the Homewood Flossmore High School AAAAAA State Champion Football. Who are with us today in the Gallery. Welcome to the Chamber, man and coaches. They are coached by John Rein. Coach John Rein. Welcome to the Chamber. Mr. Clerk, please take House Bill 1807 out of the record. Mr. Clerk, please read House Bill 1833."

Clerk McLennand: "House Bill #1833, a Bill for an Act that amends the Illinois Financial Institutions Banking Act. Third Reading of this House Bill."

Speaker Leitch: "Representative Mitchell on House Bill 1833. Is the Gentleman in the chamber? He's hard to see back there. Representative Mitchell on House Bill 1833."

Mitchell: "Yes. Thank you, Mr. Speaker. I bring before you House Bill 1833. This is an Act to repeal the Illinois

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Financial Institutions Banking Act and amends the Act by replacing everything that was in that Bill. Initially, this Amendment for the Illinois Financial Institutions Banking Act has been revised to permit Illinois banks to fund community development and community reinvestments, called a super bank. The participating Illinois banks were to receive a prorated credit for community development loans made by the bank. However, that revision was contingent upon the federal government and acting legislation or adopting a regulation that permitted this program of shared credit under the Federal Community Reinvestment Act. No such federal action has occurred or likely will occur, making it unlikely that the objective for the IFIBA can be met. No institutions are now chartered under IFIBA. It's now effectively an Act without a purpose. Furthermore, many Illinois financial institutions have indicated a preference that they be responsible for and receive credit for their own direct community development loans and are not in favor of competing with a super bank for community development business opportunities. Based upon the obsolescence of IFIBA and in action of the federal government, the commissioner of banks and trusts companies request and as I request that you support this Amendment. I would be happy to answer any questions concerning this particular Bill."

Speaker Leitch: "The Gentleman from Cook, Representative Parke. For what purpose do you rise? Representative Parke."

Parke: "I have a question of the Sponsor."

Speaker Leitch: "He indicates he'll yield."

Parke: "Representative, in anywhere in your legislation, does it expand the powers of the banking community?"

Speaker Leitch: "Representative Mitchell."

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Mitchell: "No, Representative. In fact, this Bill simply cleans up some language and takes out some language getting rid of completely an obsolete Act called the Illinois Financial Institution Banking Act. It does not extend the powers whatsoever."

Speaker Leitch: "Representative Parke."

Parke: "Thank you very much."

Speaker Leitch: "Representative Hoffman, for what purpose do you rise?"

Hoffman: "Will the Sponsor yield?"

Speaker Leitch: "We'll be at ease while the Gentleman completes his lunch. Representative Hoffman."

Hoffman: "You can't start the...you can't start the timer until I'm done eating, can you, Mr. Speaker?"

Speaker Leitch: "No. You'll notice it's not on yet, Representative."

Hoffman: "Thank you."

Speaker Leitch: "Are you finished?"

Hoffman: "No. Yes."

Speaker Leitch: "Was it good?"

Hoffman: "Yes. I'm fine now. You can start the timer now."

Speaker Leitch: "Alright."

Hoffman: "Yes, Representative. I just want for the good of the Body... It's my understanding that what this would do is it would essentially repeal a portion of the Financial Institutions Banking Act that is supposed to encourage community reinvestment in economically depressed areas. Why would we want to repeal a portion of the Illinois...Illinois Financial Institutions Banking Act that does and is set up to achieve such a laudable goal?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Yes, Representative Hoffman. That is true that that

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was the initial intent of this legislation. However, without the participation of the federal government to assist in this matter, most of our local banks have chosen to fund those worthy activities on their own rather than be a part of the super bank where they receive no credit. Therefore, since it's not being used and has been obsolete for quite some time, the banking industry feels that this is an Act that ought to be repealed."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, does the banking industry feel that way or does just the commissioner of banks feel that way? It's my understanding that the commissioner of banks is supposed to be implementing this type of legislation in order to encourage economic...reinvestment in economically depressed areas. It is just because they don't want to do it or for some reason don't feel like they want to do it?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Representative Hoffman, the Illinois Bankers Association of the banking industry does support this legislation and supports the cleanup of this particular Bill. It did pass out of Committee unopposed and unanimously."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Yes, Representative. I know...I remember when the Bill was in Financial Institutions Committee, but I still after reviewing the Amendment, my question is, why is...isn't...why isn't this up and running? I understand your previous answer that local banks may want to do this on its own. But wouldn't we be good or be better off in Illinois or be...be served properly if we were to initiate this type of program to encourage community reinvestment in the economically depressed areas? Instead of bringing more

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state aid in, why don't we have this type of program up and running? Why isn't it up and running? It seems to me that it's a good program with a laudable goal and simply because they want to get rid of it, because it's not doing...doing anything right now doesn't mean it's not good. It should be doing something. Why should...why isn't this up and running, why aren't we doing something with it?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Representative, that is a good question and I appreciate you asking that. Had the federal government agreed to participate, as they had indicated in the beginning, this program probably would be up and running. However, since no credit is given by the federal government and that portion of that agreement was not kept, most of the local industry have decided they would rather go ahead with local community development projects on their own rather than try to wait for a super bank situation that is not all together."

Speaker Leitch: "Representative Hoffman."

Hoffman: "So the reason is, is that the federal government really hasn't come across with their portion of the...of the deal here in order to move this forward. In that case, I really don't see any problem with getting rid of this. However, Representative, have you...have you read your Amendment totally?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Well, Representative, that's part of the reason the federal government failed to pass legislation or implement regulations that would permit the IFIBA's program. However, the other institutions that were in that particular organization have...have decided that they would rather go it alone than try to work within the IFIBA Act."

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Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, Representative, I asked... You've looked at your Amendment close. I understand... I'm just concerned because I see some additional things in this Amendment. Are you...specifically, are you aware, in your Amendment, regarding the fee increases in this Bill?"

Speaker Leitch: "Representative Mitchell."

Mitchell: "Thank you, Representative. There are no fee increases in this Bill. At least that I'm aware of, unless somebody go a hold of my Amendment."

Speaker Leitch: "Representative Hoffman, you have 20 seconds left, Sir."

Hoffman: "I guess I must have been mistaken then, Representative, when I was reading the Amendment. Representative, I think that in order not to belabor the point, I think this is a good Bill we can all vote for."

Speaker Leitch: "Representative Mitchell to close."

Mitchell: "Thank you, Mr. Speaker. I just remind everyone that it did pass 17-0 coming out of Committee. It's...it's legislation to clean up a Bill that is on the books and is no longer being used and it's really burdensome to the banking industry and I would suggest a 'yes' vote. Thank you."

Speaker Leitch: "Question is, 'Shall House Bill 1833 pass?' All those in voting...all those in favor shall vote 'aye'; opposed shall vote, 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? On this question, there are...Clerk, take the record. On this question, there are 112 voting 'aye', 0 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. I'd like to bring to the attention of the

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Body that we in Peoria are very, very honored to have with us today for the second consecutive year, the champion Manuel Ram Basketball Team. Guys. Last year the team was with the legendary, Dick VanSyeck, the winningest basketball coach in the history of Illinois. This year his successor, Wayne McLean, a former basketball player for Manuel High School and for Bradley University. In his very first year led the Manuel Rams back to victory again in Champaign. It's wonderful to have you with us. The young men are the guests of Representative Saltsman who is in the Gallery with them. He doesn't have his basketball uniform on this week, though, and Representative Mike Smith and of me. The basketball coaches along with Wayne McLean are Chuck Westenforf, Tim Kinney, and Fred Lee. Gentlemen, would you stand and be recognized? Welcome to the General Assembly, Gentlemen. Members of the team are Cayhill Gayton, Ivan Watson, Jeff Walraven, who by the way, was an Academic All-American this year, Sean Walls, Charles Russell, Willy Williams, Frank Williams, Tim Callwell, Willy Simmons, Sergio McLean, Dwayne Johnson, Willy Coleman, Marcus Griffin, and Daryl Ivory. Gentlemen, you made us proud. Team Manager, Sidney South, Sidney. Cheerleading Sponsor, Val Schifling, and Cheerleaders, Jessica DeMoss, Alicia Durham, Andrea Rocky, Karen Stecker, Daria Wickoff, Kara Backus, Stephanie Donald, Andie Goreman, Allison Halloway, and Ronnie Roos. Welcome, Ladies. And the Pom-Pom Team is with us, Natasha Jackson, the Sponsor's Christy Hubbard, Christina Burton, Shanna Cullen, Jodie Elcorn, Sonia Blonco, Cecilia Elverez, Constance Edwards, Trina Austin, Mya Vance, McKeesha Elbert, Kizzie McKeezy, LaTisha Maye, Angelic Gayles, and the Team Mascot, Tracy Carson. Welcome again, the Manuel

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Rams. Thank you. Now it's very fair that I'm in the Chair. What purpose does the Gentleman from Lake rise, Representative Churchill?"

Churchill: "Thank you, Mr. Speaker. Before I make my announcement, I just wondered what town were these folks from."

Speaker Leitch: "These young men and ladies are from Peoria, Illinois."

Churchill: "Peoria, Illinois. Wonderful."

Speaker Leitch: "Basketball capitol of Illinois."

Churchill: "Thank you, Mr. Speaker. Just for the purpose of an announcement, there will be a Rules Committee upon recess. As we go into recess, Rules will meet in the Speaker's conference room. Thank you."

Speaker Leitch: "Our final Bill before recess will be House Bill 2453. Will the Gentleman... Mr. Clerk, please read House Bill 2453."

Clerk McLennand: "House Bill #2453, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Leitch: "Representative Rutherford, House Bill 2453."

Rutherford: "Thank you, Mr. Speaker. Twenty-five forty-three would amend the Unified Code of Corrections to provide that if a defendant is ordered to pay restitution and that defendant fails to pay that restitution in a manner that is prescribed by the court, then the court shall enter an order directing the sheriff to seize any real or personal property of that defendant to the extent necessary to satisfy that restitution. Presently, the law allows the court to have discretion. This would make it mandatory."

Speaker Leitch: "Is there any discussion? The Gentleman from Cook, Representative Dart."

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Dart: "Thank you, Mr. Speaker. Initially, I want to move to have this taken off Short Debate and I'm joined by the appropriate number of my colleagues."

Speaker Leitch: "So indicated."

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

Speaker Leitch: "He indicates he will."

Dart: "Representative, what was the impetus behind this Bill?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. It came through discussion with our staff as well as discussions through various associations."

Speaker Leitch: "Representative Dart."

Dart: "Can you narrow it down a little bit as far as what associations?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I personally have had discussions on this with the Sheriff's Association of Illinois."

Speaker Leitch: "Representative Dart."

Dart: "Were the probation departments or the clerks, were they brought into this discussion at all or the court system for that matter?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Not through any of intent of omission; I did not personally ask them about it. I am carrying some of the clerks association's legislation. They didn't broach the matter to me of having any concern."

Speaker Leitch: "Representative Dart."

Dart: "As far as the courts go, this would dramatically change how the courts operate right now and we're mandating them to do this now. It's going to be done through the orders. Now, do we have an outside idea of how many cases that this

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is going to impact?"

Speaker Leitch: "Representative Rutherford. If we could have a little quiet, please. The Gentleman's trying to respond."

Rutherford: "I apologize, Representative Dart. Could you repeat that?"

Dart: "Thank you. This would have a dramatic impact on the courts if we were to do this. Is there a number, even if it's a rough number, of how many cases this would impact?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Thank you, Representative Dart. I do not have that, but I do have the Fiscal Note that was filed by the Administrative Office of the Illinois Courts which specifically...the last sentence says, based on a review of this Bill, it's anticipated that the fiscal impact in the Judicial branch will be minimal."

Speaker Leitch: "Representative Dart."

Dart: "Would this now require the cases then to come back in, I mean it would require cases to come back into the system for the court to make these subsequent orders, so there would be additional cases or additional court time that would be expended because of the cases to be brought back in?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "That could be the case, but again as I read by the specific Judicial impact note that the Administrative Office of the Illinois Courts says that they anticipate it to be a very minimal impact."

Speaker Leitch: "Representative Dart."

Dart: "Are there any statistics that we have on how many cases in which the courts order restitution?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "I do not have any."

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Speaker Leitch: "Representative Dart."

Dart: "Do you have any statistics on how often restitution orders are not fulfilled and that the defendant basically doesn't pay?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "I do not have any, but opinion is if it's one, it's too many."

Speaker Leitch: "Representative Dart."

Dart: "Yeah, I mean, I think everyone's in agreement with that. I mean, there's no reason why the victim should be victimized a second time. However, my concern is just trying to attempt to get a handle on the magnitude of what we're dealing here, because we're changing right now what is a permissive order which allows the court in its discretion to decide whether or not they will require the sheriff to seize someone's property to satisfy restitution order which makes imminent sense because the court is the person in the best position to judge whether or not that's the appropriate thing to do or not. What this is doing is it's tying the hands of the court and saying, you must do that, which is fine, but should have a handle on how many cases this is going to be impacting. Now what if the court finds that the defendant in this case does not have the means to satisfy the restitution order but may have a house that they live in and it has a family of say, five or six children who live in that house, are they going to be forced to sell that house to satisfy restitution order?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "To highlight again what the Bill says, it says it would have to be done in a manner prescribed by the court so I would assume that if the defendant had some type of a extenuating circumstance, they make that case to the court."

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At that point then, the court would be able to amend whatever its prescription is."

Speaker Leitch: "Representative Dart."

Dart: "So then just for point of clarification, though we're requiring the court to force that restitution be satisfied, we're also saying it's in a sense, it is permissive if the court finds otherwise?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "No, we're saying is that the court does have a procedure to go through to identify that restitution and set the manner that that should be done. If the defendant fails to meet that which is set by the court, then the sheriff is ordered to go out and seize those real or personal properties to meet that restitution."

Speaker Leitch: "Representative Dart, I'll give you one more minute if you could bring your questioning to a close, please."

Dart: "Thank you. Just for a minute. As I said, though, my concern is this. When a court... It has been my experience, when a court will set a case down, set the restitution which as I said everyone is in favor of the restitution, there's no two ways about it, but they set it down, they'll take in account different factors. But one of the things they had not been taking into account is the fact that if you aren't paying that, you are going to be forced to sell off things. As I say, it makes sense, but I want to make sure that we aren't handcuffing the courts here by saying that you are mandated. You're going to force the defendant to sell off his car which may be his only form of transportation to a job, may have to be forced to sell off something that he might be needing for the support of his children. He won't anticipate that when he

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makes the restitution order, but then all of a sudden when it isn't paid, without the court ever getting a chance to see it again, those things are going to have to be sold at the sheriff's bequest to fulfill this."

Speaker Leitch: "Representative Rutherford. Was that a question, Representative Dart? Representative Rutherford."

Rutherford: "Well, as I understand it, the court does have the opportunity to review this. If the defendant comes back and makes a case, then of course, the court can go through and review what the procedure for restitution would be."

Speaker Leitch: "The Representative from Fulton, Representative Smith. For what purpose do you rise, Sir?"

Smith: "Thank you, Mr. Speaker. I yield my time to Representative Lang."

Speaker Leitch: "Representative Lang."

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

Speaker Leitch: "He indicates he will."

Lang: "Thank you. Representative, I want to make sure I understand something here. This would require an order directing the sheriff to seize property. What property?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Personal or real."

Speaker Leitch: "Representative Lang."

Lang: "Well, how much? So if there's a \$1000 due and owing that's defaulted on the restitution that's supposed to be paid, who is going to determine how much real or personal property, what real or personal property should be taken from the party in question?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "I'll just read directly out of the Bill because it says there, any real or personal property of the defendant to the extent necessary to satisfy the restitution order."

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Speaker Leitch: "Representative Lang."

Lang: "Well, are we going to train these personnel on how to determine the value of things? What if they take a piece of jewelry they think is worth a \$1000, it turns out to be worth \$20,000 and the person only owed \$500? What if they took a person's car under those circumstances? How are we to determine the value and how are these sheriffs to determine the value before they seize the property?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Well, this process is nothing new to the courts nor to the sheriffs. This type of activity is well known to them so they do have experience in this. It's anticipated that they would take those that are easily accessible and would meet that which meets the requirement within the restitution order."

Speaker Leitch: "Representative Lang."

Lang: "What protection is in this Bill for these folks to make sure more property is not taken than necessary, and what do you have in the Bill to pay back these folks if they've overreached in taking this property?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "The protection is the court system."

Speaker Leitch: "Representative Lang."

Lang: "But that's exactly the point, Representative. Instead of having a discretionary situation here with the court, you've made it mandatory. So you've taken the discretion away from the courts to deal with this situation. You've taken the discretion away from the courts to determine what, if any property should be taken and so what you want to do is leave it in the hands of the sheriff who in most cases will make a good choice, but often times doesn't know the value of a piece of property, real or personal.

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Suppose a \$1000 is due and owed and there's a junker car out there, the sheriff thinks it's a junker car, but it's worth 3 or \$4000. What happens then? Are we now going to be able to ...are we now going to keep this person from going to work to pay the restitution that they owe because we've taken their car from them?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Well, again, the manner and the amount for the restitution is still resting with the courts. The part that is now being directed is the fact that the sheriff will seize that real or personal property if the defendant fails to meet that restitution as prescribed by the court."

Speaker Leitch: "Representative Lang."

Lang: "Representative, we all want these folks to pay their restitution and we all agree that you have a good Bill in terms of the idea to make them pay their restitution. My concern is about someone overreaching. We have laws in this state and in this country about taking somebody's property without due process. Now, due process would be taking property that valued the same amount as the restitution that was owed and taking that. That would be due process. My concern is about an overreaching sheriff. A sheriff who's too lazy to figure out that he's got \$10,000 worth of property when there's only a \$1000 due. A sheriff that doesn't know. A sheriff that's not diligent. We have to protect the people paying restitution to the extent that they deserve protection and how do you do that through this Bill?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "I appreciate the Representative's comment. He is correct and accurate in his observations, though. But again if I may, this will make it mandatory that the

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sheriff seize real or personal property to meet the extent necessary to satisfy the restitution order. If it is in excess to that amount for the restitution order, the defendant would have recourse thru the courts."

Speaker Leitch: "Representative Lang."

Lang: "Sir, that would make your Bill unconstitutional. To take somebody's property without due process of law and make them go back to the court to get their own property back is unconstitutional, Sir. What do you have to say about that problem?"

Speaker Leitch: "Representative Rutherford, what do you have to say about that problem?"

Rutherford: "Well, then the current Act would be unconstitutional because that is already a permissive opportunity, what we are saying here today is the sheriff will be obligated to go out and seize that personal and real property when the ..."

Speaker Leitch: "Representative Rutherford."

Rutherford: "What we're saying is that the sheriff will go out there and seize that real and personal property when the defendant has not gone and met their obligation to the people that have been offended and violated in society to be able to have that paid back to them. Representative, I think it is absolutely, absolutely the due process for this General Assembly to say, if you have been injured and hurt and you have not received your funds that have been ordered by the courts, then the law enforcement process in this state will go out and get that money."

Speaker Leitch: "Representative Lang, we're going to give you one more minute if you could please bring your questioning to a close."

Lang: "Sir, that was Mr. Smith's five minutes. Now I have my

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five minutes. Thank you very much."

Speaker Leitch: "You were not recognized for that, Sir. You have one more minute."

Lang: "I was not recognized for my own five minutes. I was only recognized for somebody else's five minutes. Is that what you're telling me?"

Speaker Leitch: "Please, proceed, Sir."

Lang: "Thank you. Sir, I agree with you that we need to get the money, but I think that you're not reading your own Bill carefully enough and by taking discretion away from the court, you now leave open the opportunity that overzealous sheriffs will overreach. Let me just ask you one quick question. There were two Amendments filed in Committee on this Bill, truth in sentencing and more police on the street. You resisted those Amendments. Can you tell us why?"

Speaker Leitch: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I absolutely do not resist the concept at all. This isn't the appropriate vehicle to bring into the Body."

Speaker Leitch: "Representative Lang."

Lang: "Well, I don't know whether you support ..."

Speaker Leitch: "Please bring your remarks to a close, Representative."

Lang: "Thank you. I don't know why you support these things. You didn't let them go on your Bill. If you support those measures and we're pleased to hear you do, Sir, you should have let them go on your Bill so we could move this process along. Certainly, as important as your restitution measure is, putting more police on the street for our protection and all those other matters are much more important than this Bill, Sir. Mr. Speaker, I would ask for my five

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minutes now."

Speaker Leitch: "The next light up is the Gentleman from Tazewell, Representative Ackerman. For what purpose do you rise, Sir?"

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Leitch: "The previous question has been put. All those in favor shall vote 'aye'; opposed shall vote 'nay', and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Motion, there are 64 voting 'aye', 51 voting 'nay', 0 voting 'present', and the Motion is passed. Representative Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. I am somewhat chagrin at some of the conversation that's been going around the Floor in this type of a piece of legislation. Obviously, we need to be looking at the victims of crime. We need to look at ways to be sure that when that the courts say that they have the rights to get some of their resources back, that that does happen. This Bill would require the sheriff to go out and seize those properties that are necessary to meet that restitution order. I would appreciate a favorable Roll Call."

Speaker Leitch: "The question is, 'Shall House Bill 2453 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the Roll, Mr. Clerk. On this Motion, there are 110 voting 'aye', 0 voting 'no', 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. We have two announcements. One, the Manuel Team upon recess

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will be on the Floor for pictures and the second announcement would be that we shall stand in recess until the hour of 3:00. We are in recess. Thank you."

Speaker Kubik: "The House will come to order. If we could have all unauthorized personnel to attire from the Chamber. I see Representative Hartke is all ready to go. Again, could we have all unauthorized personnel please leave the Chamber so we can do our business? The House will come to order. We will now proceed to the order of Third Reading. Mr. Clerk, before we go to the order of Third Reading, Mr. Clerk, are there any reports?"

Clerk McLennand: "Committee reports. Committee reports from Representative Churchill, Chairman, Committee on Rules to which the following Bills were referred. Action taken on March 23rd, 1995. Report same back final recommendation. Due approved for consideration, Floor Amendment #2 to House Bill 398 and Floor Amendment #5 to House Bill 2777 reported to the Floor."

Speaker Kubik: "We'll now proceed to the order for House Bills - Third Reading. Representative Currie."

Currie: "Thank you, Speaker. I rise with a parliamentary inquiry. Yesterday, we filed discharge motions on Amendments with respect to 42 House Bills. That was done yesterday morning and the Motions were filed at the Well here on this Floor, not in the Clerk's office. The motions did not appear on today's Calendar and my inquiry is where are those motions? When will we see them? When will they have the opportunity to be put before this Body and come to a vote?"

Speaker Kubik: "Representative Currie, as you may recall, both the person in the Chair who is Representative Kubik and you were in the Rules Committee. You made that inquiry in the

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Rules Committee. The Chairman of the Rules Committee, Representative Churchill, indicated that he would look into the matter and discuss it with you and I think that that is the appropriate form for that discussion and the Gentleman will respond to you in the Rules Committee. Mr. Clerk, please call House Bill 2227. Representative Klingler. Representative Klingler."

Clerk McLennand: "House Bill #2227. House Bill #2227, a Bill for an Act concerning foster care. Third Reading of this House Bill."

Speaker Kubik: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker. House Bill 2227 is a joint product of the Department of Children and Family Services and the task force on foster parents. This foster...this task force group met and worked on the concerns of foster parents and the concerns that they were being left out of the process and being part of the total child welfare team. In December, this task force submitted recommendations to the agency and in January, these were transmitted in final form to Governor Edgar. And this House Bill 2227 contains the complete recommendations of the task force. It provides a section for foster parents' rights, responsibilities, a firm time line for implementation. It also establishes a statewide advisory council in which foster parents are...are the primary component of this advisory council. I'd be glad to answer questions."

Speaker Kubik: "The Lady has moved passage of House Bill 2227. Is there any discussion? The Chair recognizes the Gentleman from Fulton, Representative Smith."

Smith: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Dart."

Speaker Kubik: "Representative, the next person who is on the

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list to be called is Representative Dart. Representative Dart."

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

Speaker Kubik: "The Lady indicates she'll yield."

Dart: "Well, Representative, I'm glad that... We passed a Bill the other day on deceptive practice and theft. I'm glad that wasn't in law by...signed by the Governor because this might come under the heading of it. This was an initiative I'd worked on for quite some time as you're well aware of. And a lot of DCFS stated was not true, absolutely not true, we know that. It was a very disingenuous way to make sure that a Bill that I'd worked on for about a year and half was no longer going to have my name on it. What state is this...what state is this Act modeled under...from?"

Speaker Kubik: "Representative Klingler."

Klingler: "Representative, Mr. Chair, I'm having a little trouble hearing. It's...there...could we have it quiet?"

Speaker Kubik: "The noise level in the chamber is very, very high. Could we have the caucuses that are taking place in the chamber stop, please? Will the Members be in their chairs? The debate...the noise level is very high. Representative Dart, would you please restate the question so that Representative Klingler might be able to respond?"

Dart: "Sure. What state is this Act modeled after?"

Speaker Kubik: "Representative Klingler."

Klingler: "Representative Dart, as you know in the last General Assembly, you had a Bill which established the task force on parents' rights, and this task force was set up and there were extensive meetings which you participated and also, Representative Lindner who is here also as a Co-Sponsor of the Bill. This Bill, House Bill 2227, comprises the complete recommendations of that task force.

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Both the Foster Parents' Bill of Rights and Responsibilities and in addition, the Statewide Advisory Council."

Speaker Kubik: "Representative Dart."

Dart: "What state?"

Speaker Kubik: "Representative Klingler."

Klingler: "As I just said, this Bill arose from Illinois."

Speaker Kubik: "Representative Dart."

Dart: "Wrong. No. This was modeled after a statute in the State of Colorado. I had done some work with some individuals from that state in which we pulled this from. Now, this...the provisions of the Bill, do they deal with all foster parents?"

Speaker Kubik: "Representative Klingler."

Klingler: "The Foster Parents' Bill of Rights deals with all foster parents in Illinois, correct."

Speaker Kubik: "Representative Dart."

Dart: "That's wrong, too. My reading of the Bill, after you put the definition in into it, which was something that wasn't in the original one, it excludes relative foster parents in the present form that it is now which is a mistake. Why are we excluding the relatives from this Bill? They are the people that we are giving more and more of the duties for watching these children. Why are we not requiring them to take on the responsibilities and get the rights?"

Speaker Kubik: "Representative Klingler."

Klingler: "Representative Dart, the intent of this Bill, as you know, is to look at foster parents who are licensed and work through DCFS. I'm certainly aware that foster care provided by relatives is a great concern. And in fact, many of the problems that have occurred in the State of Illinois, has arisen when we have relative foster care that

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have not gone through the same screening and licensing procedures. This is also an issue that needs to be addressed. This...in the future we will have relatives that will be licensed by DCFS."

Speaker Kubik: "Representative Dart."

Dart: "Back to my question. Why do we not have relatives in here? We as a state, have turned our back on these kids constantly and now we are dumping them in with the relatives, giving them less and less money. Why are we not bringing them in on this? These are the people we need in this Bill. They are the ones that are escalating much more so than the other ones. Why not?"

Speaker Kubik: "Representative Klingler."

Klingler: "As I stated, House Bill 2227, contains the complete recommendations of the task force. And Representative Lindner, who is a Co-Sponsor, will also address those concerns. I would add that the relative foster care is something that will be addressed and is a budgeted item for DCFS and is certainly very important."

Speaker Kubik: "Representative Dart. Representative Dart, there are about 24 seconds left."

Dart: "Yes. Well, I think I'm on Representative Smith's time, I'd like to have my time as well. How will these rights be enforced?"

Speaker Kubik: "Representative Klingler."

Klingler: "Representative, there are two provisions which address this issue. The implementation provision provides that regional plans shall be submitted for each region of DCFS. And there is a deadline in this provision of January 1, 1996 for the first plan to be submitted. And thereafter, they need to be submitted annually. In addition, these plans are to be reviewed and monitored and followed and

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approved by the department's statewide foster care advisory council. I think what's important is that the two sections of this Bill do not stand alone. The Foster Parents' Bill of Rights and the responsibilities is enforced and monitored by the statewide advisory council."

Speaker Kubik: "Representative Dart."

Dart: "My question though is, is it after DCFS does there number on the foster parents like they continue to do it and they are abused, how will an individual foster parent have their rights upheld? How will they do that? When their rights are being violated, how will they have their rights upheld?"

Speaker Kubik: "Representative Klingler. Ladies and Gentlemen, we're having a little difficulty hearing with the noise level. Could we please reduce the noise level so we can carry on the debate. Representative Klingler."

Klingler: "Representative Dart, the statewide foster care advisory council is comprised of six representatives, six foster parents from Cook County and it includes the president of the Cook County Foster Parent Association. In addition, the president of the Illinois Foster Parent Association is a permanent member. In addition, two foster parents from the department's welfare advisory Committee are on the Committee in addition to Representatives from each of the other districts. This council, which is created by statute, is clearly to be certain that the views and the concerns of foster parents are met in the State of Illinois, both in Cook County and throughout the state."

Speaker Kubik: "Representative Dart."

Dart: "Thank you. No, that's not the answer. The answer is, is that Bill was introduced originally by me a year ago. It had provisions so that a foster parent could do like

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anybody else who's an agreed party and that is, they would be able to go into a court and try to get their rights upheld. That provision is not in this Bill. We had an Amendment which was filed to add that. Like the rest of our Amendments, they did not get called. So in other words, it's like getting water, but you don't have the glass to drink out of it because you can't use it. There is a right there, but you cannot sue. To the Bill, Mr. Speaker."

Speaker Kubik: "Proceed."

Dart: "This is yet another example of the garbage and the games at DCFS. DCFS is the most political department that we have under this administration. They have done nothing, nothing, nothing. They wait until we get another child who is abused in the system, another child who gets murdered, then they will do something. What we did in regards to this Bill, this was a Bill that I proposed a year and a half ago. I had it attached to the Baby Richard Bill and the Governor and the Governor's office came in there and said, no go, we don't want Foster Parents' Bill of Rights. They said no, those were their words. Anybody that tells you contrary is a liar. That's what they said. They did not want those things in. Then we had to do the little task force and put that together. We were supposed to then have a Bill drafted which I then sent to the director for his okay, which he okayed. But then all of a sudden it appears in Committee with low and behold with my name on it. And then all of these concerned people here, when I present my Bill, what do they do? They all vote 'present' on it. And why is that? Because it was my Bill. Was it a little bit different than Representative Klingler's? Yes, it was a little bit different. Could it have been amended?"

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Sure, it could of. But we all know what happened. DCFS hung in the back of the room, like they usually do, hiding out in the back and waiting and waiting. This was yet another example of DCFS doing nothing. And if this Representative and the other side of the aisle was so excited about helping out the children and helping out the foster parents. Why, why, why did we have the cowardice in the Judiciary Committee which Representative Klingler was on. When I proposed Bills, dealing with DCFS, had children come down here waiting 12 hours and they adjourn the meeting, so they can't hear my Bill. That's what the cowards in the Judiciary Committee did. They did that because they do not care about children and they do not care about the foster parents."

Speaker Kubik: "Mr. Doorkeeper, will you please close the doors? And I am going to ask the people to retire to the rear of the chamber. I want all staff at the rear of the chamber. We seem to have a very difficult time reducing the noise level in the chamber. So let us... The Members will be in their chairs and let's reduce the noise level so we can continue to debate. Further discussion. The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Kubik: "She indicates she will."

Hoffman: "Representative, are you aware of the task force of the subcommittee that was formed last year that Representative Dart and I were Co-Chairman of in which Representative Cross and Representative Biggert and Representative Flowers served on, are you aware of that task force?"

Speaker Kubik: "Representative Klingler."

Klingler: "Yes, I am."

Speaker Kubik: "Representative Hoffman."

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Hoffman: "Representative, did you see the report that was generated as a result of that task force?"

Speaker Kubik: "Representative Klingler."

Klingler: "I saw the summary, yes."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So you were aware that in that report, one of the major findings and the major issues, that we felt at that time needed to be addressed was the issue of foster parents' rights."

Speaker Kubik: "Representative Klingler."

Klingler: "That's correct."

Speaker Kubik: "Representative Hoffman."

Hoffman: "And you also were aware that previously, Representative Dart had Bills that would have created the Foster Parents' Bill of Rights and I believe I had a Bill also that would have done that, is that correct?"

Speaker Kubik: "Representative Klingler."

Klingler: "Yes, Representative Hoffman. I would like to address that issue. There are some very substantial differences between a Bill which Representative Dart had filed and the Bill which is the Agreed Bill. I would emphasize this, this is the Agreed Bill between the foster parents who are part of this task force and the Department of Children and Family Services. One of the major differences is, first of all, there is no time line for implementation in Representative Dart's Bill. And in addition, the very mechanism of enforcement and monitoring, namely the statewide advisory council, was omitted from Representative Dart's Bill. In fact, the two parts are inextricably interwoven. You really cannot have one part in effect without the other. I think it's very important that both be involved."

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Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, Representative, I think that the major difference, I mean I have the two Bills in front of me. House Bill 2227 is your Bill. House Bill 888 is Representative Dart's Bill. I think the only difference is that the task force that you create. In other words, you're creating another bureaucracy that Representative Dart's Bill wouldn't do. Is that correct?"

Speaker Kubik: "Representative Klingler."

Klingler: "Representative, this Bill with the statewide advisory council, in fact, gives teeth and real opportunity for the foster care parents to enforce their rights. Simply setting out a Bill of Rights without such a statutorily created advisory council would do no good. This is what the foster parents wanted. As you should be well aware, there was a Foster Care Committee before that was simply advisory, that was not created by statute. This fills that gap. I also would add, that almost a month ago when the department asked me to represent...to carry this Bill, that I ask Representative Dart if he would also Co-Sponsor this with me because...and he has declined. I would certainly continue to welcome him on this. But I maintain that it's important to have both parts of this, the statutorily created statewide advisory council, as well as the Foster Parents' Bill of Rights."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, you admit that there...that this does create an additional advisory council or task force that wasn't here prior to this...prior to this Bill, is that right?"

Speaker Kubik: "Representative Klingler."

Klingler: "Prior to this Bill, there was an Advisory Committee. And the foster parents felt very frustrated that their

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concerns were not being fully heard by the department and that they in fact were in the best position to understand the best interests of the children. It was agreed through this task force that there had to be a statutorily created council and that is what this Bill does in..."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, Representative, I serve on the Subcommittee that went throughout the state, listened to foster parents' concerns. They were for Representative Dart's Bill, they were for the Bill I introduced and they may also be for your Bill, that may very well be the case. But they were not against, not creating further bureaucracy. And just to honor you, like we honored Representative Meyer last night, this now is the fifth new bureaucracy that you guys are creating on that side of the aisle. We're bringing over another award for you, Representative. We're happy to accept...you'll accept that award for creating another bureaucracy. You've stolen the idea, you're creating more bureaucracy. We're going to vote for this because foster parents deserve it. But let's be honest, let's quit stealing ideas, let's quit taking credit for people and putting out more press releases. He's worked on this for years..."

Speaker Kubik: "Further discussion. The Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. To the Bill."

Speaker Kubik: "Please, proceed."

Mulligan: "I think this is an excellent Bill and I certainly think its been worked on by people on both sides of the aisle with a great deal of difficulty. The task force that one of the Representatives spoke of was attended by Members on our side of the aisle more times than he chose to

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attend. On the Subcommittee that he talks about, both Members on both sides went across the state and listened. But when it came time for the report to be filed, it was not given to our side until after the press conference was called. Personally, I think this is a wonderful Bill and I think when the other side gets up and talks about children, perhaps they ought to talk about whether it's a partisan like of children or whether it's a universal care that we have for children. I think that there are many of us on this side, who have children, who are interested, who have people in our district that we work with and foster care who are very interested in such a Bill and have talked to people like this. I'm tired of hearing the partisan bologna about how much we care for children. Is it who's name is on Bill or is it who's actually going to get the work done and get it done? If you're on a Subcommittee and you...and you don't give a article or a copy of the report to both sides, who served on that Committee, prior to a press conference, how much do you really care about that being carried out? And were they not in power for two years when he had an opportunity to take care of that issue? Is it only an issue that he has to go at or can all of us work on it to try and make things better for children? This is partisan bologna and I'm tired of it. This is a good Bill and we all ought to support it. He had plenty of opportunity to appear in a task force that he created. He couldn't even show up to participate. I would like to see all of us get behind this Bill and back it."

Speaker Kubik: "Representative Dart. Representative Dart, for what reason are you seeking recognition?"

Dart: "A point...a point of personal privilege. My name was used in debate."

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Speaker Kubik: "State your point."

Dart: "The previous Speaker lied. That was an outright lie, you know it, you know it was a lie. I was at the meeting, I showed up at one and then DCFS conveniently forgot to remind me and tell me where the second one was at. You know that, too. And as far as the task force report, not one of your Members on it cared to show up to help write it. They had full access to write it, not one of them showed up to do it. I suggest you get your facts straight before you going shooting your mouth off like that."

Speaker Kubik: "Representative Mulligan, for what purpose are you seeking recognition?"

Mulligan: "I never mentioned any Representative's name in this debate. And quite frankly, if the former Representative who just spoke, feels that the shoe fits, then let him wear it. But I never mentioned his name."

Speaker Kubik: "The Gentleman from Tazewell, Representative Ackerman. For what reason do you arise?"

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Kubik: "The question is, 'Whether the main question should be put?' All those in favor will vote 'aye'; all those opposed will vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion, there are 64 voting 'aye'; 52 voting 'no' and 0 voting 'present'. The Motion is adopted. Representative Klingler to close."

Klingler: "Members of the General Assembly, this is a very important Bill. It concerns the needs and the rights of children and it concerns the rights of foster parents who care for those children in situations of abuse and neglect."

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This Bill is one that was agreed to and was requested by the Foster Parents Association. They will be working closely with the Department of Children and Family Services. I think this is good for children, it's good for foster parents and I ask your support."

Speaker Kubik: "The question is, 'Shall House Bill 2227 pass?' Those in favor of the Bill will vote 'aye'; those opposed will vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 116 Members voting 'aye'; 0 voting 'no' and 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Brunsvold, for what reason do you rise?"

Brunsvold: "Thank you, Mr. Speaker, to request a Democratic Conference immediately. The issues that have come up here on the Floor dealing with children are very important to this side of the aisle and we have definite questions we need answered. We'd like to discuss those in conference, to ask the Chair that we can expand the time we need to make sure that these Bills are in proper form before we advance them, pass them out of here and send them to the Senate, So, we would ask for an immediate conference in Room 118."

Speaker Kubik: "Representative Brunsvold, how much time?"

Brunsvold: "I don't know. We'll start with an hour and we'll see what happens."

Speaker Kubik: "Representative Brunsvold requests the Democrats... Okay, the Democrats will caucus in Room 118. Representative Brunsvold, we are going to say 45 minutes, 45 minutes, and then... The House is now in recess and will reconvene at 4:45. The House shall come to order. We

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understand from Representative Turner, the Democrats are here and ready to work. The order of Third Reading. House Bill 2245, Representative O'Connor. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #2245, a Bill for an Act in relation to transfer of certain crime lab functions. Third Reading of this House Bill."

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

Currie: "Thank you, Speaker. Earlier, I raised a parliamentary inquiry. It was a legitimate parliamentary inquiry. It had to do with 42 motions filed yesterday with the Clerk at the Well on this Floor in this Chamber, motions which have not appeared on the Calendar. My question to the Chair is, where are those motions? When will we see them? The Chair responded that the Majority leader said he'd get back to me. Well clearly, my asking the Majority leader was a mistake. He clearly hasn't a clue where those motions are. I'm directing my inquiry to this Chair and I'd like it if the real Speaker were here to answer the question, where are our motions? When will they be on the Calendar and when can we have our vote?"

Speaker Kubik: "Mr. Clerk, Mr. Clerk, would you tell us where those motions are? Are we ready? Representative Currie, just one moment. One moment. Mr. Clerk, are there any motions?"

Clerk McLennand: "We have several motions to discharge Committee, the standing Committees and we have several motions discharged to Rules Committee."

Speaker Kubik: "Mr. Clerk, the motion to discharge Rules Committee will be read during dinner and they will be then placed on the Calendar. The motions to discharge

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Committees are out of order because those Bills are now in the Rules Committee and that is the ruling of the Chair. Representative Currie, Representative Currie, for what reason do you ..."

Currie: "Yes, I appreciate your at least know where the motions are. I'm glad they aren't lost somewhere in the...but under what rule is it written that because a Bill is in Rules Committee a motion to discharge the Rules Committee on an Amendment is therefore not in order? And what would be your advice to us about how we might give those motions new life? Can you tell me where in the Rules I'll find the rule you just mentioned? And besides, we want to know what time is dinner?"

Speaker Kubik: "Representative Currie. Representative Currie, before we... I made two statements. The first statement was that those motions that are on the Calendar to...strike that. Those motions that are at the Well to discharge Rules will be read during dinner, okay. Those motions to discharge standing Committees are out of order under House Rule 3-9A. Representative Currie, the Lady from Cook, Representative Currie."

Currie: "Thank you, Mr. Speaker. I appreciate your reiteration because I had not understood you accurately the first time and we certainly are delighted that we will be hearing our most recent batch of motions read during dinner and we would agree that things that were in standing Committee at the time of deadline are under the Rules, properly re-referred to the Rules Committee. So we appreciate your courtesy in finally responding to my parliamentary inquiry of earlier in the day and someone of the Members over here would like to know, because they're interested in hearing the motions read, they want to know what time is dinner."

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Speaker Kubik: "Well, for the Membership, I can tell you that dinner's at 6:30. Now we will have to wait until the Speaker let's me know what we're serving. In any event, dinner will be at 6:30. House Bills - Third Reading. Mr. Clerk, please read House Bill 2245."

Clerk McLennand: "House Bill #2245 has been read a third time."

Speaker Kubik: "Representative Lang, for what reason do you rise?"

Lang: "Thank you for acknowledging me, Mr. Speaker. For a parliamentary inquiry."

Speaker Kubik: "State your point."

Lang: "I believe this Bill is improperly on Third Reading, Sir. There was a Fiscal Note requested that has not been filed, Sir."

Speaker Kubik: "Mr. Clerk, are any notes requested on this Bill? Representative Lang, we are going to review that note. At the moment, we're going to take that Bill out of the record and review that note. House Bills - Third Reading. Mr. Clerk, House Bill #41. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill #41, a Bill for an Act that amends the Public Utilities Act. Third Reading of this House Bill."

Speaker Kubik: "Representative Ackerman, the Gentleman from Tazewell."

Ackerman: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 41 allows utilities in the State of Illinois to take part in the national auction which was established by the federal government for credits in the Federal Clean Air Act. At present, they are eligible to take part in this auction, but due to timing and having to get permission from the Commerce Commission, they are never able to get this done in time to take part. So since there

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is this auction, I think it's only fair that our utilities are able to take part in the auction and I would ask for a favorable vote on this issue."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 41. On that issue, is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. First of all, I'd like to take this Bill off of short debate and I am joined by a requisite number of Members to do so."

Speaker Kubik: "It looks like you are. It is off short debate. Do you have some questions?"

Schakowsky: "Thank you, and will the Sponsor yield for some questions?"

Speaker Kubik: "The Sponsor indicates he will yield."

Schakowsky: "Could you explain to me, Representative Ackerman, why we need to pass this legislation?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "To allow our utilities in Illinois to participate in this federal auction for credits."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Unless we pass this legislation, Illinois utilities would not be permitted to participate?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "They can participate, but due to timing, they have to get Commerce Commission approval first and by the time they have received the announcement of the auction and gotten approval, the auction is already over. So, this allows them to get into the auction without the approval of the Commerce Commission and joined with other states who do participate in the auction."

Speaker Kubik: "Representative Schakowsky."

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Schakowsky: "Well, has the lack of this legislation caused a problem for Illinois utilities and if so, what has been the result of that?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Yes, this causes a problem for Illinois utilities because they have not been able to participate in the auction. This increases probably rates for consumers, as an end result."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Is this a piece of legislation that was brought to you, I mean, where is the Illinois Commerce Commission and what is their position on this legislation?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "They are in support of this legislation."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Okay, my analysis here indicated that they were neutral. I was just curious why, but you're saying now, and I have no reason not to believe you, that the Commerce Commission is supporting this legislation?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "That is my information, that they are in support of the legislation."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Was there any particular reason in terms of consumer protection, why it's useful for the utilities to go before... Was there any public interest served, put it that way, by having the utility companies go before the ICC for this hearing process? Was there an environmental reason or a rate reason or anything like that?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "If they are unable to participate in this auction, it's going to increase rates because they would have to

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install scrubbers. So, it is to the benefit of the consumers."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Will this legislation have any impact on the environmental quality in Illinois?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "No, because they have to meet the emission standards."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Has the Citizens Utility Board taken any position on this Bill?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Not that I'm aware of, no."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Let me ask you also, have any of the environmental organizations, the Illinois Environmental Council, or any of those taken a position on the Bill?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I'm not aware of any objections to this Bill. They still have to meet the emissions standards so there should be no objection from the environmental groups."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Then who brought this Bill to you, Representative, and who are the major proponents of this legislation?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "The utilities brought this Bill to me because they all would like the ability to take part in this auction."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "So, to the Bill, Mr. Speaker. It sounds to me that if Illinois does not pass this legislation, then our public utilities will not be able to participate in a program that it sounds like will be beneficial to the State of Illinois, it not harmful in any way to the consumers, will benefit

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them in the long run because of lower utility rates. So this sounds like a Bill that I certainly can support. Thank you, Representative."

Speaker Kubik: "The Chair recognizes the Gentleman from Madison, Representative Davis."

Davis: "Thank you, Mr. Speaker. I'd like to yield my time to Representative Lang."

Speaker Kubik: "Representative Lang isn't seeking recognition. Representative Lang."

Lang: "Thank you. Thank you, Mr. Speaker. Representative... ill the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates he'll yield."

Lang: "Thank you. Representative, why do we want to do this?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Well, I think I gave a pretty full explanation to the previous questioner, but the utilities are unable to take part in this federal auction unless we do this."

Speaker Kubik: "Representative Lang."

Lang: "But why did the law require that they get Commerce Commission approval in the first place? Why didn't we exempt it before this?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "This was part of a law that was passed before the federal government established these auctions."

Speaker Kubik: "Representative Lang."

Lang: "I'm sorry, I did not hear the answer. Could we ask the Sponsor to repeat it?"

Speaker Kubik: "Representative Ackerman, could you repeat the answer for Representative Lang?"

Ackerman: "Yes. This was a law that was passed before the federal government established these auctions and credits."

Speaker Kubik: "Representative Lang."

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Lang: "And when did the federal government establish those auctions?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Last year was the first time they had an auction."

Speaker Kubik: "Representative Lang."

Lang: "So why didn't we do this last year?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I have no idea, however, I was unaware of it last year."

Speaker Kubik: "Representative Lang."

Lang: "Were you the Minority spokesperson on the Public Utilities Committee last year?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Yes, I was."

Speaker Kubik: "Representative Lang."

Lang: "So, I'm a little befuddled, Representative, as to why you wouldn't know about this last year so that you could have done this previously."

Speaker Kubik: "Representative Ackerman."

Ackerman: "I've been informed that the auctions were first held in the summertime so we would not have known last year during Committee hearings."

Speaker Kubik: "Representative Lang."

Lang: "So, I guess that would explain why this has such a low Bill number. Immediately upon the beginning of the Session, you felt you should do this and you did it right away. Huh?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I think that's a pretty good explanation."

Speaker Kubik: "Representative Lang."

Lang: "Representative, were there any opponent witness slips to this in Committee?"

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Speaker Kubik: "Representative Ackerman."

Ackerman: "No, there were not."

Speaker Kubik: "Representative Lang."

Lang: "Were there any proponent witness slips to this in Committee?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I believe there was. I believe the Commission and the utilities filed proponent slips."

Speaker Kubik: "Representative Lang."

Lang: "Which utilities?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Illinois Power was one. I'm not sure if all of them filed or not."

Speaker Kubik: "Representative Lang."

Lang: "Well, first you said that they all filed, then you said you're not sure, but you said Illinois Power has filed, but is there anyone else who filed?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I did not say they all filed. I said they all had talked to me about it and were in support of it."

Speaker Kubik: "Representative Lang."

Lang: "So, did you talk to every utility in Illinois? Are they all in favor of this Bill?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "All that I talked to were in favor of this Bill."

Speaker Kubik: "Representative Lang."

Lang: "Well, who did you talk to?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I'm not sure if my memory is that good, Representative Lang, but I did talk to Cilco and CIPS and Illinois Power. I may have talked to others, also."

Speaker Kubik: "Representative Lang."

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Lang: "So it's fair to say you talked to some, but you don't remember who they are, but you do remember Illinois Power as being the only one that you remember."

Speaker Kubik: "Representative Ackerman."

Ackerman: "I think I already answered that, but I did say Illinois Power is the only slip I recall being filed. There may have been others. If you would like us to check, I can do that."

Speaker Kubik: "Representative Lang."

Lang: "Well, I'd be interested in knowing, but I don't think we need to know before we vote on your Bill and I think it's a fine Bill, Representative. I'm prepared to support it."

Speaker Kubik: "Further discussion? The Gentleman from Washington, Representative Deering."

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

Speaker Kubik: "He indicates he will."

Deering: "Representative, no one in here would be more interested in these sales of omission allowances coming from a coal industry, but just a couple of questions to clarify the intent. We're wanting to say that the utilities can act without Commission approval in the purchase or sale of emissions credits. Is that correct, the purchase and sale?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "That is correct."

Speaker Kubik: "I'm sorry. Representative Deering."

Deering: "Thank you, Representative. Is there any safeguards in here to say that if a utility goes out of state to purchase these emissions credits so we can possibly continue burning Illinois coal, is there a guarantee in here that they just can't go out and expend all of their capitol to purchase these credits so that will directly come back and affect

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the consumers in a substantial increase in rates just for the purchase of the credits?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "You can't keep a company from doing business out of state, so I don't think there's anything to prevent them to buy these credits. However, the reason for buying them is so they can burn more Illinois coal."

Speaker Kubik: "Representative Deering."

Deering: "I understand that, Representative. That was not my question. My question was, when the utilities go out of state to purchase the emission credits, what kind of guarantee is there that they won't go out and spend exorbitant amounts of dollars or monies to buy these credits and then, we as consumers, will have to eat up the cost if there are adsorbent costs, I mean without the Commission approval, is there a ceiling as to the amount of money that they can spend?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I'm not sure I understand your question completely, but it seems to me you're asking if there's a way to circumvent the Constitution to prevent these companies from doing interstate business and there is no way to do that."

Speaker Kubik: "Representative Deering."

Deering: "To put it a little simpler, Representative, if the utility wants to go out of state to one of these auctions and buy an emission credit, where the normal market price may be \$250 and they want to go into an auction and maybe run the price up to a half a million dollars per credit, is there a safeguard to say that if they do that, then that cost will not be passed on to the consumer? Will they be able to pass off exorbitant or outrageous costs or will there will some guarantee that they can spend only so much

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money to pass the cost on to the consumer?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "A utility has to provide service at the least cost under the law, so I don't think this is a great concern. I think they are bound to be responsible in these auctions and go with the market price."

Speaker Kubik: "Representative Deering."

Deering: "Okay. Another question, Representative. If a utility wants to divest itself or divest a certain portion of its operations in the state, but they want to stay in business of producing electricity. They just want to cut costs. Without Commission oversight, apparently, there will be no safeguards to say that these utilities would sell these emissions credits so they can purchase out of state coal because it possibly may be cheaper for them to operate with that coal or the price of the emissions credits are so great that they can make a profit by selling those credits and putting Illinois workers in the unemployment line. Is there any safeguards there by not having Commission oversight?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Well, the point of buying and selling these emission credits is to be able to provide service at the lowest cost, so I don't see a problem there."

Speaker Kubik: "Representative Deering, you've got about 29 seconds."

Deering: "Well, thank you for your answers, Representative. I understand what you're trying to do with this Bill. I do have some concerns about it because apparently, there may not be any safeguards with no Commission oversight, but I'm prepared to vote for it. I want to see us burn Illinois coal. I hope we don't have to come back and address this

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issue in the future if this authority has been abused."

Speaker Kubik: "Further discussion? The Gentleman from Effingham, Representative Hartke."

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

Speaker Kubik: "He indicates he will."

Hartke: "I find this discussion very interesting. Representative Ackerman, if a utility company buys credits, they can use more Illinois coal, correct? Because our coal is not as clean as other coals."

Speaker Kubik: "Representative Ackerman."

Ackerman: "That is correct."

Speaker Kubik: "Representative Hartke."

Hartke: "If they sell credits, that means they'll use less Illinois coal."

Speaker Kubik: "Representative Ackerman."

Ackerman: "They may, maybe not."

Speaker Kubik: "Representative Hartke."

Hartke: "So I think that the Commerce Commission's oversight was there to protect the Illinois coal miner, is that not correct?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "No, that is not correct. The Commerce Commission's oversight was part of a law that was there long before this federal auction was set up."

Speaker Kubik: "Representative Hartke."

Hartke: "But it was a very good move in my book, not only to protect the Illinois consumer to make sure that we had electricity and so forth, delivered here in Illinois at the least cost method as the oversight board. When we do away and pass this Bill, we're eliminating that safeguard, not only for the Illinois consumer, but also for the Illinois

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coal miner because that oversight will not be there. Is that correct?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I'm sorry, Representative Hartke, I didn't understand all of your question. Would you repeat the question, please?"

Speaker Kubik: "Representative Hartke."

Hartke: "Yes, I will. I think that the oversight by the Illinois Commerce Commission was there possibly for two reasons. One is to protect the Illinois consumer to make sure that they got electricity at the cheapest possible price and number two, is to protect the Illinois coal miners."

Speaker Kubik: "Representative Ackerman."

Ackerman: "No, the oversight for the Commerce Commission was set back in the '20s to stop security fraud which there was a problem with. There was no knowledge of this type of federal credits when that was set up. The credits are owned by the federal government, not the coal companies."

Speaker Kubik: "Representative Hartke."

Hartke: "The credits were created probably by the EPA, correct?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Yes, that is correct."

Speaker Kubik: "Representative Hartke."

Hartke: "And the credits were a method to make sure that we have clean air."

Speaker Kubik: "Representative Ackerman."

Ackerman: "Correct."

Speaker Kubik: "Representative Hartke."

Hartke: "From the Illinois Commerce Commission's perspective, this just happened to fall under a securities division of the Illinois Commerce Commission, because then, the electric companies were going in and buying something other

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than a tangible item. They were buying securities, is that right?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Would you please repeat your last question?"

Speaker Kubik: "Representative Hartke, could you please restate the question?"

Hartke: "Well, to the Bill, Mr. Speaker."

Speaker Kubik: "Mr. Hartke, proceed."

Hartke: "I'm not from the deep south where coal mining is done and I do have a utility that burns coal in my area and I am concerned about what's happening here. I do believe that this piece of legislation may be well founded and maybe my concerns I'm overreacting, but I would think that the Citizens Utility Board, if they were concerned about the consumer, they would stand in objection to this Bill. If the Illinois coal miners were in total objection to the Bill, they would probably be standing in opposition to it, but I do respect the opinion of Representative Deering because he stands, I do believe, in objection to this Bill, as well as maybe I may. I'm interested in listening to more of the debate so that when I can finally make up my mind on this thing. I'm going to ask Representative Ackerman though, that he ought to get a hearing aid on, like you do, so that we don't have to continue to repeat the questions so that, you know, he can understand. It's eating up our time when he has to say, 'Repeat the question'."

Speaker Kubik: "Well, thank you, Representative Hartke. I think part of the problem is that the noise level is a little loud, so your point is well taken, Representative Hartke. Maybe we can reduce the noise level in the Chamber. Further discussion? The Gentleman from Kankakee,

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Representative Novak."

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

Speaker Kubik: "He indicates he will."

Novak: "Yes, Representative Ackerman, these emission allowances, are they pursuant to the Clean Air Act in its subsequent Amendments in the federal government? Are these mandates that are from the federal government pursuant to the Clean Air Act in its Amendments?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Yes, they are."

Speaker Kubik: "Representative Novak."

Novak: "Okay, thank you, Representative Ackerman. I think the subject we're dealing with is very important because it encourages companies to pollute less. We all know we can't reduce pollution to zero and these emission allowances and credits are very important. Could you explain for the Body in a very short synopsis how these emission credits work, these allowances as they go from one company to the next?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Yes, I will read from this as to how the Congress set this up. The Congress determined that compliance costs would be lower if the utilities with relatively lower emission reduction costs sell their excess allowances and the utilities with relatively higher reduction costs buy the excess allowances of those other utilities. Under the current provisions of the Illinois Public Utilities Act, utilities in the state must obtain permission from the ICC to trade the allowances. Trading with utilities within the state has not been a problem, but the permission requirement delays the Illinois utilities from organized allowance trading, such as the annual auction sponsored by the federal EPA and the independent auctions held by the

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Chicago Board of Trade. Not knowing what the auction prices will be, prevents the utilities from including costs in their petition for approval to the ICC. As a result, the ICC would reject the petition based on the fact that the petition information supplied is incomplete. So this is just a Bill to allow them to participate like other states do to purchase these auctions where the utilities are able to utilize them and give consumers and the lower cost service and use Illinois coal to the best of their ability."

Speaker Kubik: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Thank you, Representative Ackerman. So let me see if I have this correct, if I owned a company that emitted sulphur dioxide and I wanted to participate in this program and the federal government under the Clean Air Act Amendment said I cannot emit more than X number of tons of sulphur dioxide through my smokestacks per year, but through my own ingenuity and my engineers and creativity, I'm below that, okay? So then I have a credit, I understand. So then I can take that credit under that base level of toxins that are emitted and I can take that credit and sell those credits on the open market, is that correct? To another company?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "If you're referring to a utility as a company, yes, that is correct."

Speaker Kubik: "Representative Novak."

Novak: "Okay, so when I go in the open market, I mean, when we talk about the market, are we referring to these auctions, Representative? Are they sales? Are they sold through NASDAQ or are they sold over the counter? I mean, how are these things conducted?"

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Speaker Kubik: "Representative Ackerman."

Ackerman: "As I previously read, Congress set this up for the federal government's credits to be sold at an auction conducted through the Chicago Board of Trade."

Speaker Kubik: "Representative Novak."

Novak: "Okay. So pursuant to the purchase of these credits, are there any mandates that utilities in the State of Illinois have to purchase high sulphur content Illinois coal?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "No, there are no mandates."

Speaker Kubik: "Representative Novak."

Novak: "So that means Illinois Power or CIPS can buy coal from Wyoming or Montana?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "If they were planning on doing that, they probably would not buy the emission credits. This is to allow them to give the least cost service and I think they can do that in some instances by buying these emission credits and burning Illinois coal."

Speaker Kubik: "Representative Novak."

Novak: "Okay, so let me just draw another scenario here, Representative Ackerman. If the utility went out and purchased, let's say Wyoming coal that has normally a low sulphur content compared to Illinois, they could accumulate this credit because it'll remit less sulphur dioxide. Then they'll be able to sell those credits on the open market and earn a profit then, correct?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "This could be done; however, it probably would not be the least cost service and the Illinois Power has promised that they would not do that at this point."

Speaker Kubik: "Representative Novak, your time is just about

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ready to expire."

Novak: "I understand. I don't have any further questions. I think it's a good program and we need to support it because we need to reduce pollution in Illinois."

Speaker Kubik: "Further discussion? The Gentleman from Vermillion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I simply rise to support the Gentleman's Bill. Once again, we have spent 45 minutes filibustering a Bill that will, I'm rather confident, pass the Chamber very easily. Some of the filibusters would be much more entertaining if they would read out a Montgomery Ward catalog or a Sears and Roebuck catalog, rather than try and manufacture questions. If you had listened to the Sponsor, he explained to you that the pre-approval law that this Bill seeks to repeal was put on in the 1920's. There are very few states that still have it. Illinois, among those states that do, Indiana, Idaho, Missouri, Ohio, Utah, and California, simply will allow the unfettered trading of these clean air allowances as mandated by the federal government without having to go to the extra expense and added time of going to the Commerce Commission to get approval to do so. Now, if you don't want to vote for that, that's fine. Let me tell you what's happened in my district as a direct result of the Clean Air Act. I had a coal-burning generating plant operated by Illinois Power. It burned Illinois coal. They are now converting that plant to natural gas. Eighty-five people lost their jobs. Now the only way that the coal industry in this state is going to survive is by being able to buy these clean air allowances and continue to try and survive until we can bring some common sense back into the whole environmental

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arena. There's no cost benefit analysis on anything that the EPA does and this is a classic example. Talk to any of the 80 people that were put out of work in my district because of a Clean Air Act that no cost benefit ratio can be shown to me or to anyone else who lives in my county. The Act is straightforward. The Gentleman's Bill is straightforward. You're going to benefit the Illinois coal miner. You're going to hopefully keep coal-burning utilities able to operate in the State of Illinois. I intend to vote for the Gentleman's Bill. I have a hunch the majority of you will as well."

Speaker Kubik: "Further discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. If the Gentleman would respond, I think I have a couple of questions, Representative Ackerman."

Speaker Kubik: "The Gentleman will yield."

Woolard: "I've got some genuine concerns about taking the ICC or any regulatory authority out of the process. My real concern, and this is genuine. This is genuine, Jay. My real concern is that we're going to be placing these emission credits in the hands of entrepreneurs, who have no business, no business, whatsoever, standing with the economy of this state. The utilities of this state are the coal mining industry of this state. Their only going to be in the business of purchasing or selling emission credits for a profit and that's not what we should be about. If anything, we should be tightening the controls as to how these things are regulated and the emissions credits should only be traded in a fair fashion with those people who are involved in the business of providing power or selling coal and that's my concern. Do you have any belief that there

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may be some legitimacy to my concern?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "At this time, I have no worries in regard to this program. I believe with Congress setting up the program and the oversight of the EPA in conducting these auctions that we have many safeguards in place in the overriding concern here is, can we utilize this program to burn more Illinois coal at a cheaper cost to Illinois consumers?"

Speaker Kubik: "Representative Woolard."

Woolard: "Okay, let's pursue that just a little bit, Representative Ackerman. What kind of guarantees do we have if there's going to be any additional Illinois coal used at these facilities because of taking the ICC out of the process?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I don't know how much of a guarantee it is, but the utilities are to burn or to produce energy at the lowest cost possible while emitting and keeping within the emission standards set up by the EPA."

Speaker Kubik: "Representative Woolard."

Woolard: "Thank you, Representative. To the Bill."

Speaker Kubik: "Proceed."

Woolard: "I'm here to tell you that I truly believe that if what we're doing is giving the opportunity, enhancing the opportunity for someone to be actively involved in the purchase of something that was not intended to be a commodity. It was intended to be a commodity with a specific purpose and that's to make our lives better. It's to make our lives better through better emission controls, lower utility costs, and in fact, what we're doing here tonight very well, and I understand that there's support, but it very well may be the end of the Illinois Coal

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Authority in this state. It very well may be the end of low cost utilities in this state. It very well may be the end of the whole process as we know it because we're taking away one of the regulatory authorities that should be, I'm not saying it has been, but should be actively pursuing those things that we're talking about. I would encourage each and every one of you to reconsider your thoughts and I believe that we need to address this issue again in the right fashion."

Speaker Kubik: "Further discussion? The Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. I move the previous question."

Speaker Kubik: "The Gentleman has moved to the previous question. The question is, 'Should the main in question be put?' All those in favor will vote 'aye', those opposed will vote 'no'. Voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion, there are 64 Members voting 'aye', 51 Members voting 'no', and 0 voting 'present'. The Motion is adopted. Representative Ackerman to close."

Ackerman: "Thank you, Mr. Speaker. In a recent press conference, the president of the United Mine workers rose and said he wanted to work with the utilities and the government in instituting this program so it would benefit the Illinois Coal Industry and Illinois consumers. I support this Bill. I would think that all people from Southern Illinois that have an interest in Illinois Coal would support this Bill, but if you do not, vote against it. I ask for a favorable Roll Call."

Speaker Kubik: "The question is, 'Shall House Bill 41 pass?' All those in favor will vote 'aye'; those opposed will vote

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'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 84 Members voting 'aye', 28 voting 'no', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. For what reason does the Gentleman from Cook, Representative Saviano, rise?"

Saviano: "Thank you, Mr. Speaker. I just would like to announce that we have some appetizers set up in the back in the way of pizzas and in approximately 45 minutes, we have steaks from Jim's Steakhouse coming here with some garlic bread. So have some pizza. Don't fill up and we'll have some steak delivered from Jim's in about 45 minutes."

Speaker Kubik: "Thank you, Representative Saviano. I think that has met with great approval. Representative Saviano, do you have a Bill that you want called?"

Saviano: "Yea, I'd like to have all 14 of mine called, actually."

Speaker Kubik: "Thank you. So you've heard the announcement. The Gentleman from Clinton, Representative Granberg, for what purpose are you seeking recognition?"

Granberg: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Kubik: "Representative Saviano, we have a rather odd request that Representative wishes you to yield for a question on your point of personal privilege? Will you yield? The Gentleman indicates that he will yield."

Granberg: "Well, Representative, all of us certainly appreciate your magnanimous gesture. I assume, are you just trying to embarrass us, the Speaker, that he would not order steaks for the Membership, is that your intent?"

Speaker Kubik: "Representative Saviano for a response."

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Saviano: "No, I can assure you this was in cooperation with the Speaker's office."

Speaker Kubik: "House Bills - Third Reading. Mr. Clerk, please read House Bill 193."

Clerk McLennand: "House Bill 193, a Bill for an Act relating to children. Third Reading of this House Bill."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Zickus."

Zickus: "Mr. Speaker and Members of the House, House Bill 193 will have the Department of State Police and the Department of Children and Family Services establish a procedure for interaction between the two departments with regard to missing children. It provides that the Department of State Police shall contact the Department of Children and Family Services to provide it with the name, age, and sex of the child and the geographic area from which the child was reported missing so that the Department of Children and Family Services can determine if that child had been abandoned within the previous two months. There was a situation that was brought to my attention by the deputy chief of police who works with the juveniles in the village of justice. An eleven year old child had disappeared or ran away from home and turned up in the neighboring village of Bridgeview. The juvenile had identified himself with a false name and was assigned to a foster home in Bridgeview when DCFS became aware of the case, they set up his file under the false name, but the juveniles family began looking for him and filed a missing child report and the entry was made on I-Search under his original name. We had... The LEADS system...knew of the missing child from Justice, DCFS knew about the child who had turned up in Bridgeview, but neither agency was aware of the information

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possessed by the other. So it was the suggestion of the deputy chief of police that we try to do something for these few cases to prevent these children from falling through the cracks. As you can see this has bipartisan support. I know of no opposition to it and would appreciate you 'yes' vote."

Speaker Kubik: "The Lady has moved for the passage of House Bill 193 and on that Motion, is there any discussion? The chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Schakowsky: "Thank you very much. Under your Bill then, in the case of a missing child what are the new responsibilities that the Department of Children and Family Services will have?"

Speaker Kubik: "Representative Zickus."

Zickus: "This Bill provides that the Department, the State Police give the DCFS the name, age, and sex of the child and the geographic area so that they can determine from that information if it could be one of their wards. We wanted to go further with this, but unfortunately the computer system right now that DCFS has lacks the capability of making this stronger the way we had originally anticipated."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "You indicated that this Bill is a compromise back from what you wanted because of DCFS' inability to handle the burden of your original proposal. Could you just tell us the difference of what you really wanted to do and what we are ending up doing now in this Bill?"

Speaker Kubik: "Representative Zickus."

Zickus: "The original Bill had the Department of State Police

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giving a physical description of the child in addition to the other information; however, the computer capabilities of DCFS they just don't have the computer ability to handle what we wanted."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Representative, what about the way DCFS tracks children under its care, gives you confidence what so ever that DCFS, given this information, will be able to find missing children?"

Speaker Kubik: "Representative Zickus."

Zickus: "This situation is not for every missing child. Every missing child is not going to end up as a ward with DCFS. In this particular case, the child had a different name. DCFS had no way of knowing. There was no interaction between DCFS and the State Police, so they had no way of knowing that there was a missing child report out on this particular child."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "My understanding, correct me if I'm wrong, is that the Department of Children and Family Services is opposed to House Bill 193 because the Department currently does not keep the information necessary to complete the required cross reference. Am I thinking about the original Bill as opposed to the compromise, or are they unable to complete the responsibilities in hearing this Bill."

Speaker Kubik: "Representative Zickus."

Zickus: "The Department of Children and Family Services did have some problems with the original Bill. The Department of Children and Family Services however, was instrumental in drafting the compromise Amendment and they are neutral on the Bill. They have no opposition to it. They were the ones who worked with the State Police in drafting this

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Amendment."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Representative do you know how much it will cost the Department of Children and Family Services to implement this legislation?"

Speaker Kubik: "Representative Zickus."

Zickus: "According to the Fiscal Note as amended it is not anticipated to have a significant fiscal impact."

Speaker Kubik: "Representative Schakowsky."

Schakowsky: "Representative, are you aware of how many children there are in the Department of Children and Family Services custody that the department...that are wards of DCFS that can not be located right now? This is a recurrent problem. Do you have any sense of how many children they are unable to locate that are their charges?"

Speaker Kubik: "Representative Zickus."

Zickus: "No, I do not know what the exact number is. And this legislation is not to address that whole problem. This legislation was drafted to address a situation in which some children fall through the cracks because there is no interaction presently in place between the State Police and DCFS. This Bill unfortunately does not address all the other problems that exist."

Speaker Kubik: "Representative Schakowsky, your time has expired. Representative Schakowsky, could you bring your remarks to a close?"

Schakowsky: "Thank you, Mr. Speaker. I just wanted to say to the Bill. I certainly support the Sponsors intent to be able to implement as many systems as we can to locate these children. I remain skeptical that the Department of Children and Family Services which often can not even locate children that are currently in it's care when we ask

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for that we'll be able to adequately manage this increase burden, but I certainly think that we ought to give it a shot."

Speaker Kubik: "Further discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Dart: "Representative, what necessitated the Amendment that you drew up? What necessitated the Amendment that you drew up? Why did you change it?"

Speaker Kubik: "Representative Zickus."

Zickus: "Because of the computer abilities or lack of computer abilities of DCFS. They weren't able to go as far as we wanted so the Amendment provides that the Department of State Police shall contact the Department of Children and Family Services to provide the information and it is only...for DCFS to determine so they could determine if that child has been abandoned within the previous two months. It's not for a child that came into their custody six months or a year ago. It would be for more, recent when the child is being still looked for under missing child."

Speaker Kubik: "Representative Dart."

Dart: "Why would we not want to know where the kids are at who have been in their custody for over two months."

Speaker Kubik: "Representative Zickus."

Zickus: "...to know where they are, but with this Bill, it would be able to address the more recent."

Speaker Kubik: "Representative Dart."

Dart: "I understand that, Representative, and I appreciate that. But I shouldn't be surprised not being able to figure out what the heck DCFS is up to. I don't think anybody really

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can. But why, in God's name, would we not be concerned with the kids who... The State Police find the child, it turns out that it could be a ward of DCFS, but we draw a deadline saying if you've only been missing for two months we're interest, but afterwards, it's okay? What type of nonsense is that?"

Speaker Kubik: "Representative Zickus."

Zickus: "This does not handle all cases. Normally, a parent or a guardian is not going to wait two or three months to report a child missing. This is for when a child has been reported missing so that the two departments can communicate with each other which they are not doing now."

Speaker Kubik: "Representative Dart."

Dart: "Well, I understand that and that's part of their ongoing problem is that they don't communicate with virtually anybody, but the reality of it is, why are we putting a two months deadline on this thing? It makes no sense at all. Is there a logical reason we can say why those children that had been in custody for two months of DCFS are more important than the ones that we have lead through the system for years and have done nothing for?"

Speaker Kubik: "Representative Zickus."

Zickus: "The Department of State Police and the Department of Children and Family Services were the ones who help crack the Amendment. If it were any longer, they would not be recent runaways and that's what we are dealing with in this particular legislation."

Speaker Kubik: "Representative Dart."

Dart: "So what happens then, if it turns out that they find a child who has not been a recent one, but it's over two months."

Speaker Kubik: "Representative Zickus."

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Zickus: "That is not covered in this legislation. As I said this legislation is not covering everything. It's for this particular case."

Speaker Kubik: "Representative Dart."

Dart: "I guess that is my point. My point is that it should be. This is the typical DCFS ploy. This is like a broken record. What's the least amount we can do here? Well let's look at the kids who have only been missing for two months. Well I'd hate to give everyone a newflash here, but we have kids that have been missing for years and they're DCFS wards. Those children deserve this. This is something where your original Bill made more sense because you'd get all of them. To put a two months limit is the typical DCFS garbage. Did they at least give you some type of reason whatever it is as to why we have to have two months and nothing else?"

Speaker Kubik: "Representative Zickus."

Zickus: "Representative, I would be very happy to work with you on legislation that is more far reaching. This is what we were able to come up with at this time and it helps to address the situation that does exist. I would be very happy to work with you to expand it later on."

Speaker Kubik: "Representative Dart."

Dart: "I appreciate that, Representative. I just wish more of you colleague on the other side of the aisle were willing to do that because as luck would have it, we had legislation this year dealing with children who are missing and we actually put forward something that had some teeth into it in requiring of all people, this is a shocker, requiring DCFS to report when they lose kids because they are losing them and they are missing them. And guess what, that Bill along partisan lines was killed in Committee

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along with almost all of my other Bills as a matter of fact, all my other Bills as a matter of fact, all killed along partisan lines. This is a situation that has reached crisis stage. We have children who are missing. These children did nothing wrong to anybody and yet we stuck them in the system and now guess what, we lost them."

Speaker Kubik: "Representative Dart, could you please bring your remarks to a close?"

Dart: "Thank you, Mr. Speaker. To bring my remarks to a close as I said this is true DCFS at its best. Let's do the least possible that we can and in the meantime when we have a couple of Bills out there, as I mentioned I had a Bill which required these people whose duty it is in the first place to watch these kids that did nothing wrong to require them to report when they lose kids and they killed that Bill. I also had a resolution to ask them to list all these children that are missing and guess what, that too got killed along partisan lines because DCFS does not want to admit this utter embarrassment which they are because their fingerprints are all over this. These are children as I said who have done nothing wrong. The only mistake they made was to have the misfortune to be in this state and to be subject to this department because this department has lost them. They have done nothing for these kids. They are further abusing and hurting these kids and it rests on their shoulders."

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

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

Speaker Kubik: "The Sponsor indicates she will yield."

Ronen: "Representative, what problem are you addressing with this Bill?"

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Speaker Kubik: "Representative Zickus."

Zickus: "As I explained earlier, we had a child who was reported as a missing child. DCFS had him in a foster home under another name, what happened was the LEADS was looking for a missing child, had no interaction with DCFS. DCFS thought that this child was an abandoned child. We are just establishing a procedure so that the two departments can communicate with each other and perhaps bring some of these children home."

Speaker Kubik: "Representative Ronen."

Ronen: "Representative, you say these two departments. Are you talking about...what other department are you talking about?"

Speaker Kubik: "Representative Zickus."

Zickus: "The Department of State Police and the Department of Children and Family Services."

Speaker Kubik: "Representative Ronen."

Ronen: "Is there any requirement for DCFS to report to local police and then to the State Police?"

Speaker Kubik: "Representative Zickus."

Zickus: "In this legislation the State Police are reporting to DCFS the name, age, sex, and geographic area from which a child was reported missing so that DCFS has that information and can determine if that child had been abandoned within the previous two months."

Speaker Kubik: "Representative Ronen."

Ronen: "On thing I'm not clear on, part of your Bill as I understand it, removes the requirement that the department maintain information on its computer network concerning children. Can you explain that?"

Speaker Kubik: "Representative Zickus."

Zickus: "That is correct and that is because DCFS lacks the

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computer ability to do what we had originally wanted to do. Once their computer system can interact with the other, than it would not be a problem."

Speaker Kubik: "Representative Ronen."

Ronen: "I'm unclear. You are saying this was a requirement and now we are removing it? It was required that they maintain this information on a computer network?"

Speaker Kubik: "Representative Zickus."

Zickus: "That's what the original Bill called for. It was a requirement in the original Bill, but we were unable to accomplish that because of their computer incapability."

Speaker Kubik: "Representative Ronen."

Ronen: "Well I'm having trouble understanding then how this can work if there is not computer capacity here. It seems to me that's the only way the system can work if information is being maintained in a computer and exchanged between the two departments. So I'm not sure what we are accomplishing here."

Speaker Kubik: "Representative Zickus."

Zickus: "They do maintain in their files the name, age, sex, and the geographic area already in their files. However, they did not have the ability to also have the physical description that the original Bill called for."

Speaker Kubik: "Representative Ronen."

Ronen: "Representative, how much money have we spent and allocated to the Department of Children and Family Services for computer systems in this last year? It seems to me that it's been in the millions. Can you verify that?"

Speaker Kubik: "Representative Zickus."

Zickus: "I don't have the exact number on that, but my understanding is that the computer system is paid for primarily from the federal government."

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Speaker Kubik: "Representative Ronen."

Ronen: "My point is that it seems that a great deal of money has been appropriated with tax dollars for a computer system in the Department of Children and Family Services and what you're suggesting in your legislation is after spending all that money, we still have a system that doesn't work or rather we don't really have a system. Is that correct?"

Speaker Kubik: "Representative Zickus."

Zickus: "My understanding is that there was never any procedure for the interaction between the State Police and DCFS and that's what we are trying to accomplish with this."

Speaker Kubik: "Representative Ronen."

Ronen: "So your saying that the purpose of you Bill is to design and develop and implement some software programs on the computer so those two computers can speak to one another? Is that the purpose of this legislation?"

Speaker Kubik: "Representative Zickus."

Zickus: "No. They already maintain the information that we are asking for. They were not developing new software. They did not have the ability to include the physical description. That was removed from the original Bill."

Speaker Kubik: "Representative Ronen."

Ronen: "Thank you. To the Bill, Speaker. It just seems apparent that while it is very important to be able to track that information, the point I think we are seeing here is that it's not being done and this Bill in no way is going to help for that to be done and the real question I think raised here is why, why after spending millions of dollars on a computer system can't the Department of Children and Family service still provide that king of information and why can't that information be shared between two state agencies so that children don't continue to keep falling

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through the cracks so I think this Bill just raises more questions than answer them. Thank you."

Speaker Kubik: "Further discussion? The Gentleman from Cook, Representative Lang. I noticed that you were in line very quickly this evening, so are...have you eaten and are you ready to debate?"

Lang: "I'm always ready for a debate, Mr. Speaker. Thank you. Will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that she will yield."

Lang: "Representative, I know you have been through this before, but I still have trouble understanding why you changed the Bill from the original way to the way it is now with this two month business. Can you explain that to me so I can understand it?"

Speaker Kubik: "Representative Zickus."

Zickus: "The situation that was brought to my attention was a young child who had just disappeared and we thought it was best to have it within the last two months so that they would be able to communicate. Instead of having a child being searched as a missing child by one department and is an abandoned child in another department, we want a way that the police can let...the State Police can let DCFS know that they do have a missing child of this age and sex and the geographic area from which they found them."

Speaker Kubik: "Representative Lang."

Lang: "Well that's fine, but that doesn't explain this two months business. So under your Bill, if the State Police...the State Police wouldn't be under an obligation to report a child if the child had been missing for over two months. Is that what I am understanding here?"

Speaker Kubik: "Representative Zickus."

Zickus: "The intent is for them to notify DCFS as soon as they

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are notified. When the State Police are notified, then they would notify DCFS. So that DCFS could determine if it matches any of their recent wards."

Speaker Kubik: "Representative Lang."

Lang: "That's all fine, but I still don't still don't understand this two months business. Tell me how that works. Tell me what children won't be searched for under your Amendment."

Speaker Kubik: "Representative Zickus."

Zickus: "We have been over this a number of times. We are just looking for a match to when there is a child who is reported missing, we just want to enable to DCFS to have that information so that they can check their wards. I said this Bill is not going to accomplish everything. You have your problems with DCFS. This Bill is not going to do everything that you want it to do. It is to address a certain situation."

Speaker Kubik: "Representative Lang."

Lang: "Wasn't you first Bill better? Didn't it do more? Didn't it protect more children? Wouldn't we have found more missing and abandoned children under your first original Bill before the Amendment?"

Speaker Kubik: "Representative Zickus."

Zickus: "It was better in the fact that it had a physical description included in it and that's what we took out of this, because they weren't able to do it with the computer that they have. The information that we're asking to be provided is already in their records. They were not able to include a physical description. That's the difference."

Speaker Kubik: "Representative Lang."

Lang: "So they only have records for two months, Representative?"

Speaker Kubik: "Representative Zickus."

Zickus: "They have records for a lot longer, but if a child runs

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away tomorrow they are not going to be reported missing a year ago. If they just run away now, it's not going to be on their records for a year or two years ago. We are trying to start on it."

Speaker Kubik: "Representative Lang."

Lang: "So you really don't have a great answer as to why you took a pretty good Bill and made it not so pretty good do you?"

Speaker Kubik: "Representative Zickus."

Zickus: "Yes, I do have a good answer and I'll repeat it for about the twelfth time. The Department of Children and Family Services lacks the computer ability to trace the children by physical description. That's the reason."

Speaker Kubik: "Representative Lang."

Lang: "So, if we are talking about thousands of missing children here, why don't we just give DCFS the computer ability to find them all? Why are limiting this to the the short period of time?"

Speaker Kubik: "Representative Zickus."

Zickus: "Hopefully, we will be able to do that in the future date. Right now,

my understanding is that the funding comes from the federal government."

Speaker Kubik: "Representative Lang, you have got 44 seconds."

Lang: "But your not prepared to help us find the state money to update the computers so that we can make this a broader Bill as your first Bill was. I was prepared to support your original Bill, Representative. Why did you change the Bill so I can't support it anymore."

Speaker Kubik: "Representative Zickus."

Zickus: "I would like to get together with you and you let me know what program you would like to take the millions of

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dollars away from that we can update the computer system for DCFS. Maybe we could work on that."

Speaker Kubik: "Representative Lang."

Lang: "Why do we have the State Police reporting to DCFS rather than DCFS reporting the names of thousands of missing children to the State Police?"

Speaker Kubik: "Representative Zickus."

Zickus: "We are looking for DCFS to be informed of missing children. The State Police have that information."

Lang: "Representative, does DCFS know all their missing children? Representative Dart has indicated there's thousands of missing children DCFS can even identify. Is that true?"

Speaker Kubik: "Representative Zickus."

Zickus: "That's a question that will have to be answered by DCFS."

Speaker Kubik: "Representative Lang, your time has expired. Representative Mautino is next seeking recognition. So the Chair would recognize the Gentleman from Bureau, Representative Mautino."

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

Speaker Kubik: "The Sponsor indicates she will yield."

Mautino: "Under you Bill on House Amendment #1, the...DCFS will use their current case tracking system?"

Speaker Kubik: "Representative Zickus."

Zickus: "Yes, under our Bill."

Speaker Kubik: "Representative Mautino."

Mautino: "Thank you, and the under in the legislation here it was...it's basically been designed with the intent that a search would be initiated by the State Police once a child has been put into the LEADS system, the Law Enforcement Agency Data System and then from that point, it would track under their current system the most current supported

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children of DCFS cases."

Speaker Kubik: "Representative Zickus."

Zickus: "That's correct."

Speaker Kubik: "Representative Mautino."

Mautino: "So in effect, what we are doing is taking an emergency situation or an emergency case where we are looking for a child who has recently been recorded lost and checking with a state agency who's responsibility it would be to currently track wards so that we would know if these children have been taken or have been placed somewhere within their system."

Speaker Kubik: "Representative Zickus."

Zickus: "That's correct."

Speaker Kubik: "Representative Mautino."

Mautino: "Thank you. I think...although we have much or many areas where we can and must improve the services of DCFS, I'm very proud to Co-Sponsor this with you and appreciate an 'aye' vote from the Members."

Speaker Kubik: "Further discussion. The Chair recognizes the Gentleman from Tazwell, Representative Ackerman. Representative Ackerman, we allow you the time."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Should the main question be put?' All those in favor will vote 'aye'; those opposed will voted 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this Motion, there are 66 voting 'aye', 48 voting 'no', and 0 voting 'present'. The Motion is adopted. Representative Zickus to close."

Zickus: "It's impossible with one piece of legislation to address

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all of the concerns that you have about DCFS right now, but we can make a start and we can help with an immediate situation and would appreciate your support."

Speaker Kubik: "The question is, 'Shall House Bill 193 pass?' All those in favor will vote 'aye'; all those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this Motion, there are 115 voting 'aye', 0 voting 'no', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. For what purpose does the Representative from Coles, Representative Weaver, rise."

Weaver: "Mr. Speaker, just an inquiry of the Chair. Can you tell me approximately how long we just spent in debate on a Bill that passed out of here 115 to nothing?"

Speaker Kubik: "Representative Weaver, I think we spent approximately 25 minutes on that Bill."

Speaker Biggert: "Representative Biggert in the Chair. Mr. Clerk, please read House Bill 377."

Clerk McLennand: "House Bill #377, a Bill for an Act that amends the Illinois Banking Act. Third Reading of this House Bill."

Speaker Biggert: "The Gentleman from Clinton, Mr. Granberg. For what purpose do you arise?"

Granberg: "Thank you, Madam Speaker. A point of order. Representative Murphy has had his light on for quite sometime. He has an inquiry of the Chair and I would ask the Speaker to recognize Representative Murray...Murphy to make his inquiry."

Speaker Biggert: "Thank you, Representative. The Representative from Cook, Representative Murphy."

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Murphy: "Thank you, Madam Speaker, so very much. I realize that you just came in the Chair, but the previous Speaker before you, Representative Mary Flowers was attempting to speak and address this Floor and I happened to have been over there speaking with her and she on...her light was on for a long time. What I need to know, even though we change and move the previous question, how long do you have to have your light on? Or does it matter, or doesn't it matter. I need to know that."

Speaker Biggert: "Representative Flowers, for what purpose do you rise?"

Flowers: "Madam Speaker, the previous Bill that was on the board was a very important issue. We were talking about missing children in the State of Illinois and I think it deserved a little bit more debate than what was given. So therefore, I would appreciate if you would dump that Roll Call, put the Bill back up and let's start all over again because there was something that I've wanted to say and I didn't get the opportunity to ask Representative Zickus some very important questions in regards to this legislation. So please, and I move to reconsider the previous Bill. And thank you very much, Madam Speaker, because I'm sure you are really going to do the best you can to put forth this issue."

Speaker Biggert: "Thank you, Representative Flowers. Please put your Motion in writing. Representative Deuchler, House Bill 377."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. I bring before you House Bill 377. I'm hoping that a change of subject from children to banking may cast some light on some of the changes that passed through our Committee with a unanimous vote, a do pass Motion, of 19 to 0. As you

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notice, Representative Bugielski is a hyphenated Co-Sponsor, he's the Minority Spokesman on the Financial Institutions Committee. House Bill 377 contains contents from three Bills as well as one new proposal. House Bill 1468 that amends the Illinois Banking Act, it authorizes a bank to exchange information regarding a customer with any company owned directly or indirectly by the holding company that owns the bank. Current law allows this information sharing among bank subsidiaries of the holding company only. House Bill 1483 amends the Illinois Banking Act, The Commissioner of Bank and Trust Company Bill. It cleans up and updates the Banking Act and repeals the requirement that bank directors own specified shareholding in their bank and that they take an oath of fealty to the bank. It clarifies voluntary bank disillusion procedures and provides for the speed up of any disillusion. Also contains the contents from House Bill 2342. This is The Commissioner of Banks and Trust Companies Bill, it makes various changes worked out by the commissioner and the Corporate Fiduciary Association of Illinois, cleans up obsolete sections and references within the Act and then one fourth proposal, which is a new language proposal, it provides for the non-admissibility in civil proceedings of compliance review information gathered by the bank as a part of its compliance review process. I know of no opposition to any of these aspects of the Bill, the four aspects of the Bill that I have discussed. Illinois Bankers Association supports all of them and I would be glad to answer any questions."

Speaker Biggert: "Thank you, Representative. Is there any discussion? The Representative from Cook, Representative Pugh, is recognized."

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Pugh: "Thank you, Madam Speaker. I had a question of the Chair and it relates to... I've had my light on for the last four Bills. Prior to that, I had my light on for the last six Bills, last week. It seems to me like the Members of the caucus, particularly the minority, the black caucus, are not being allowed the opportunity to debate these Bills. Yesterday, it was Representative Harold Murphy, today...today it was Mary Flowers, who is it going to be tomorrow? Are we going to get an opportunity to express our views that we were sent down here by our constituents to express or are we going to be gagged and held hostage by this tyrannical approach to government? It is not..."

Speaker Biggert: "Representative Pugh. I have a list here of lights and you were number one. Would you like to discuss this Bill?"

Pugh: "In regard to Mary Flowers moved to reconsider the vote, the rules...House Rule #715 says, a Member who..."

Speaker Biggert: "Excuse me, Representative Pugh. You were recognized to discuss House Bill 377. Do you have any questions for the Sponsor or discussion?"

Pugh: "...dilates that the Member voting on the prevailing side does not have to put a Motion in writing. You stated that the Motion would have to be in writing. The rules say that it can be writing, that it may be in writing. It does not say that it has to be in writing, Madam Chairman. We are saying that the rules are being arbitrarily disseminated throughout the caucus arbitrarily rendered and we take offense at that. And if the rules, if you're going to be fair, the rules need to be..."

Speaker Biggert: "Representative Pugh. House Bill or House Rule 741 says that every Motion shall be reduced to writing if the providing...presiding officer desires it and I did ask

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for that to be in writing. Representative Pugh, would you like to debate the House...the Bill?"

Pugh: "It says the Motion to reconsider may be laid on the table without effecting the vote to which it was referred. So all...so what I'm saying, Madam Chairman..."

Speaker Biggert: "Would you like to lay it on the table? I was asking Representative Pugh. Thank you. The Motion will be laid on the table."

Pugh: "No. That's not what I...I'm requesting to do. Madam Speaker, according to the rules, according to the rules, the Motion...it said that it didn't have to be but you're saying that it did have to be, now it has been, so we're saying that we would like..."

Speaker Biggert: "All right. If you..."

Pugh: "...the Motion to be considered...to be considered and we would like to go back to that vote so that it can be debated reasonably."

Speaker Biggert: "Okay. Representative Pugh, we're in the middle of a debate right now. We will get to that Motion as soon as we finish the debate on this Bill. Thank you. Do you wish to discuss this Bill?"

Pugh: "Madam Speaker."

Speaker Biggert: "Do you wish to discuss House Bill 377?"

Pugh: "I wish to discuss the previous Bill and if you're...but if you're agreeing that we will go back to reconsider that vote then..."

Speaker Biggert: "Representative Pugh, I said I would go back to that after we do this Bill. Representative Hoffman, do you..."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Biggert: "She indicates she will."

Hoffman: "With regard to House Bill 377. You had indicated that

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this clarifies provisions that limit loans and investments by banks. It would limit loans to partnership loans affiliates and when investment limits are applied. Could you be more specific, why do we want the hamstring banks so that they can't make certain loans to partnerships and foster economic development in this state?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "It would be helpful. You are talking to House Bill 377 which is, of course, correct. But we are talking about four provisions within this Bill. Do you have a reference point within the Amendment that you would like us to refer to and then maybe we could address your question more clearly."

Speaker Biggert: "Representative Hoffman."

Hoffman: "I believe it would amend Section 5-...5/32 of the Illinois Banking Act."

Speaker Biggert: "Representative Deuchler."

Deuchler: "I'm told that Section 5 brings the Illinois Banking Act in compliance with partnership law which is not now the case."

Speaker Biggert: "Representative Hoffman, do you have further questions?"

Hoffman: "Yes, yes, Madam Speaker. In...you said it would bring in conjunction with our...into compliance with partnership law. Why should partnership law supersede the banking laws of this state? Some people would say the banking laws should supersede the partnership laws."

Speaker Biggert: "Representative Deuchler. Proceed."

Deuchler: "Under current practice, business is liable for personal loans and it should be the other way around."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, I mean...I guess you can make a judgment call on

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that one, but you also repealed provision that requires a bank to file a Community Reinvestment Act statement. It's my understanding that federal law requires this statement to be readily available at the bank. Why would you delete the provision of having to file this Community Reinvestment Act statement when I think that it is vitality important to comply with federal law, to insure that we're not in discompliance with federal law."

Speaker Biggert: "Representative Deuchler."

Deuchler: "That was a federal requirement. It is not used; however, these compliance statements are kept at the bank."

Speaker Biggert: "Further questions? Representative Hoffman."

Hoffman: "But, Representative, shouldn't that be able to be available to other individuals throughout the state indicating that this bank, indeed, is complying with the Community Reinvestment Act. What you're saying is, they would have to travel to that bank to get the information that is vitally important, I think, under the Community Reinvestment Act. We're talking about banks reinvesting in our community, you know, that's our Banking Act here in Illinois was established to foster economic development. The banking laws in this state are supposedly meant to insure that...that banks reinvest in their communities to not have...to not have banks only investing in their self interest, but to foster economic development. And if we don't make that readily available, how can we insure that the banks are complying with the Community Reinvestment Act."

Speaker Biggert: "Representative Deuchler."

Deuchler: "These are on file at each individual bank and I understand that there was one request in the last three years."

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Speaker Biggert: "Representative Hoffman."

Hoffman: "Also, it is my understanding that this is on Short Debate. We would like to remove that from Short Debate."

Speaker Biggert: "It shall be removed from Short Debate."

Hoffman: "Just a couple more questions, Representative. I understand that many of these...you would call them technical changes and we may support the Bill, but I think we have to be a bit careful when we make these types of rash...rash requirements or statements that they're just technical. This would also clarify the resident requirements of bank directors and, my understanding, it says it would delete obsolete references and remove obsolete procedures for directors qualifying shares. Now that's what my analysis says, but I think that we have had a long standing law and a long standing...long standing in this state has been a residence requirement for directors of banks. This would delete many of those long standing requirements. Why do you want to do that? Don't you believe in community banks in this state, don't you think it's vitally important that the people who serve as directors of those banks make sure that we reinvest in the communities as per the Community Reinvestment Act and are members of that community and are upright, upstanding members or interest in the community? That's why we have banks to reinvest, for economic development in local communities. Why would you ever want to get rid of that?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "I believe that this requirement was deleted by statute five years ago. So this is ..."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, Representative, I don't think...I wasn't in the legislature five years ago and I would have probably, at

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that time, voted 'no' on the deletion of that provision. However, since it's already deleted, maybe we should...we should look at...at least making sure that the statutes reflect what has already been done and I commend you on that purpose at least for that provision of this Act. I don't really think that this does that much of anything. I think that we need to make sure that...that technical changes are truly just technical changes and that whenever we make these types of changes in the Banking Act, we're not risking banks and other people and depositors money. That's why I think that when people talk about the First Amendment or people talk about asking questions and when people talk about limiting debate, we have an obligation under the First Amendment to represent our district and that's why we're asking these questions, not simply to harass..."

Speaker Biggert: "Good timing, Representative. The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Madam Speaker. I really don't know a thing about banks and I'm not going about that right now. But I do want talk about an issue that Jay brought up and that would be, we've been criticized over here about harassing and haranguing. As I go around, I hear criticism about this General Assembly and this Body over the fact that we don't discuss Bills enough and that's the truth, we really don't. I learned more by listening to the debate here on the House Floor so that I can understand the job we're doing and I can explain to my constituents about the job that we're doing. And so I look forward to these debates and listening to the debates so that I have answers for my constituents when I go back into the district to explain the issues to them so that they understand better

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the job that we can do for them."

Speaker Biggert: "Thank you, Representative Hartke. The Representative from Rock Island, Representative Boland."

Boland: "Madam Speaker, I yield my time to Representative Dart."

Speaker Biggert: "Thank you, Representative, but his light is not on. The Representative from St. Clair, Representative Holbrook. Oh, now I see it. The Representative from Cook, Representative Dart."

Dart: "Thank you...thank you. I only had a handful of questions anyway so this will not even be the whole five minutes. You were talking, the Bill was mostly in regards to technical changes, and who was the source of these all?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "Most of this came from the commissioner of banks and trusts."

Speaker Biggert: "Representative Dart."

Dart: "Thank you. And is this something that he had worked out with the Bankers Association and the rest of the folks, because we don't have any positions one way or the other on this?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "They do support it and it was worked out."

Speaker Biggert: "Representative Dart."

Dart: "Just so I can clarify this, it was the commissioner of the banks and the Bankers Association, the two of them worked this Bill out?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "And the commissioner of banks and trusts. Actually the commissioner of banks and trusts did meet with us on various occasions, we worked with them, we had additional feed back from the Illinois Bankers Association on the entire Bill, we worked with them. So the result that you

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see is a composite of those ideas."

Speaker Biggert: "Representative Dart."

Dart: "Thank you. So am I right...is this sort of their omnibus Bill that's going to contain all of their things that we'll see all year as far as their changes that they're looking for?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "Is your question, will there be other changes in banking law this year other than this Bill?"

Speaker Biggert: "Representative Dart."

Dart: "No. Just in general, between these people as far as the ones believe were the technical changes that needed to be done. This is the only one we're going to be seeing regards to that and not regards to other banking issues."

Speaker Biggert: "Representative Deuchler."

Deuchler: "That is correct."

Speaker Biggert: "Representative Dart."

Dart: "Thank you very much."

Speaker Biggert: "Thank you. The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Biggert: "She indicates she will."

Lang: "Representative, your Bill restates residency requirements for state bank directors, is that correct?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "Yes, it does."

Speaker Biggert: "Representative Lang."

Lang: "Now currently, not less than half of the directors must live in Illinois and not less than two-thirds must live either in Illinois or within a hundred miles of the bank, is that also correct?"

Speaker Biggert: "Representative Deuchler."

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Deuchler: "That is correct."

Speaker Biggert: "Representative Lang."

Lang: "What changes do you make in this area regarding residency requirements for state bank directors?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "Two-thirds of the directors must live within a hundred miles of the bank."

Speaker Biggert: "Representative Lang. Further questions?"

Lang: "So you take out the rule that at least half of them must live in Illinois, is that correct?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "Yes. But you do realize that with the changes in interstate banking, we have to bring these laws into compliance."

Speaker Biggert: "Representative Lang."

Lang: "Technically though, under your Bill, all the bank directors could live in Indiana, but still be a hundred miles from an Illinois bank, is that right?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "No."

Speaker Biggert: "Representative Lang."

Lang: "Well then maybe then you can re-explain this again. You've indicated to me that you took out the section of the Bill requiring that at least half of the directors must live in Illinois. So who must live in Illinois?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "The hypothetical question that you're raising is, what if a bank is on the border with Indiana and technically then the directors could live within a hundred miles of that border bank, but most of the banks would not be in that particular situation."

Speaker Biggert: "Representative Lang."

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Lang: "Well, I'm not sure what you mean, Representative. Chicago is less than a hundred miles from Indiana and less than a hundred miles from Wisconsin. Danville is less than a hundred miles from Indiana. What about those banks? Do those bank directors have to live in Illinois?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "I think it's fairly clear that the statute is saying a hundred miles of the bank location."

Speaker Biggert: "Representative Lang."

Lang: "So it took me about two minutes and fifteen seconds to get the answer to my question, which is, the bank directors do not have to live in Illinois, is that correct?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "That is correct. However, in most cases they would."

Speaker Biggert: "Representative Lang."

Lang: "The Bill also deletes requirements that the directors take an oath of fealty to the bank and own a certain number of shares of bank stock. Why is that change being made?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "It comes in under deregulation that was enacted five years ago, cleans up the statute."

Speaker Biggert: "Representative Lang."

Lang: "Well, did the oath become some sort of a problem that we're trying to address or the oath is just simply a piece of paper notarized? What's the big deal?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "Fits in with the deregulatory effort."

Speaker Biggert: "Representative Lang."

Lang: "The Bill also provides certain new procedures for voluntary dissolutions of state banks. What are those new procedures?"

Speaker Biggert: "Representative Deuchler."

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Deuchler: "Would you repeat the question?"

Speaker Biggert: "Representative Deuchler. I'm sorry.
Representative Lang."

Lang: "Thank you. The Bill provides there are new procedures for
banks to follow in a case of voluntary dissolution of a
state bank. What are those new procedures?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "Well, I understand that this falls into the area of
the assets and liabilities. If all of the assets have been
dispersed, then the bank would...would be dissolved."

Speaker Biggert: "Representative Lang."

Lang: "We're also going from a two year...from a six year wind up
period to a...to a handle a dissolution to a two year wind
up period. What's the background and the purpose behind
that change?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "This is only for banks that have transferred
substantially all their assets and liabilities. Page 58."

Speaker Biggert: "Representative Lang, you're reaching the end of
your time."

Lang: "Thank you, Madam Speaker. The Illinois Bankers
Association, we understand, support the Bill. What about
the community bankers?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "They support the Bill."

Speaker Biggert: "Representative Lang."

Lang: "Thank you. I have nothing further."

Speaker Biggert: "Thank you, Representative Lang. The Gentleman
from Cook, Representative Schoenberg."

Schoenberg: "Thank you, Madam Speaker. Will the Sponsor yield
for a question?"

Speaker Biggert: "She indicates she will."

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Schoenberg: "Representative Deuchler, the...one of the provisions in the Bill indicates that there are procedures for the merger of a Midtier Bank holding company with a state bank. Is there a specific incident, specific case which precipitated this proposed change in the law?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "They serve no purpose. Would allow the bank to absorb them."

Speaker Biggert: "Representative Schoenberg."

Schoenberg: "So in other words they're anachronistic and they're unnecessary and that's what precipitated the change?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "They had already served their purpose."

Speaker Biggert: "Representative Schoenberg."

Schoenberg: "One...one additional question. The...and that's regarding the...the FDIC receivership of state banks. Could you elaborate, elaborate, pardon me, on what provisions are in the Bill that insure the transfer from the FDIC receivership of state banks?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "State was not clear, this simply acknowledges it."

Speaker Biggert: "Representative Schoenberg."

Schoenberg: "So that if you could...so that the procedure...if you could briefly describe the actual procedure."

Speaker Biggert: "Representative Deuchler. Representative Deuchler."

Deuchler: "When a bank is in receivership, the FDIC runs it, conforms with current practice."

Speaker Biggert: "Representative Schoenberg."

Schoenberg: "So this is to bring us into conformity with federal practice?"

Speaker Biggert: "Representative Deuchler indicates it is."

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Deuchler: "Yes it is."

Speaker Biggert: "Representative Schoenberg."

Schoenberg: "So if we're now being brought into conformance with federal banking practice, what were we doing before?"

Speaker Biggert: "Representative Deuchler."

Deuchler: "We actually had to go to court to rule that the FDIC was the primary agent."

Speaker Biggert: "Representative Schoenberg."

Schoenberg: "Okay. Thank you. There are no further questions. I...to the Bill, Madam Speaker. As a member of the Financial Institutions Committee, I'm...I supported this measure. My question simply made my understanding a little clearer and I hope it made the understanding of the other Members of the Body clearer as well and I urge passage of the Bill."

Speaker Biggert: "Thank you, Representative Schoenberg. The Chair recognizes Representative Deuchler to close."

Deuchler: "Just to ask for a...an affirmative vote and to tell you again that the Bill passed out of Committee 19 to nothing."

Speaker Biggert: "The question is, 'Shall House Bill 377 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, please take the record. On this question, there are 112 'ayes', 0 'nays', 3 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Representative Flowers' Motion. Mr. Clerk, please read the Motion."

Clerk Rossi: "Representative Flowers having voted on the prevailing side, has moved to reconsider the vote by which

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House Bill 193 passed."

Speaker Biggert: "The Motion, Representative Flowers."

Flowers: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 193 is a very important piece of legislation. We are talking about thousands of missing kids in the State of Illinois unaccounted for. And for us to make this a very Short Debate, pass over it as if we were talking about bricks and mortar is truly a unconscionable. So therefore, I think it is very important that we have the opportunity to talk about the missing children in the State of Illinois. After all, we are their caretakers. We are responsible..."

Speaker Biggert: "Representative Flowers, could you confine your remarks to the Motion please?"

Flowers: "Well, Madam Speaker, I would like to reconsider and have the Bill heard. I want the Bill fully debated, please."

Speaker Biggert" "Representative Flowers."

Flowers: "Madam Speaker, I would truly like to have this Motion reconsidered. There is a lot of unanswered questions just as there are a lot of missing children out there, so I think we need to talk about this issue. This is not something that should be passed by willy nilly like it doesn't mean anything to anyone because it means a lot to us."

Speaker Biggert: "Thank you, Representative Flowers. Representative Lang, for what purpose do you rise?"

Lang: "Thank you, Madam Speaker. I rise in support of the Lady's Motion. You know, we have a lot a problems regarding DCFS that we should be dealing with here, problems of missing children is certainly one. The problem that the foster parents have is another; The problems that DCFS has

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internally is another the fact that they don't come to the Committees to testify on Bills that they should be supporting. We're here to take care of the health, welfare, and safety of children and we turn that into a partisan..."

Speaker Biggert: "Representative Lang, please confine your remarks to the question of reconsidering the Motion."

Lang: "Thank you, and when we turn the children of Illinois into a partisan football and we allow DCFS to make it a partisan issue, it seems to me that we are doing a damage and a disservice to the people who live in our state. We have the duty to protect children in our state and when we move Bills along that don't fully protect them such as this Bill..."

Speaker Biggert: "Representative Lang."

Lang: "Yes, Ma'am."

Speaker Biggert: "Please confine your remarks to reconsidering the Motion. I think you are speaking to the Bill."

Lang: "I would be happy to do that."

Speaker Biggert: "Thank you."

Lang: "And so the reason we should reconsider this vote, Madam Speaker, is that we have had a lot of problems in that department that aren't being addressed. They are not being addressed in this Body, they're not being addressed in the Senate, they're not even being addressed by DCFS, Madam Speaker. DCFS has failed to do anything about the problems. Instead, 50 or 60 Bills sponsored by Democrats have been killed in Committee. Many have not even allowed...been allowed to have testimony on them and it seems to me, Madam Speaker, that this whole issue regarding DCFS needs to be studied very, very carefully. And so I would urge the Chair and urge the Members to start thinking

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about what we are doing about children in the State of Illinois. You know, I had three Bills killed in the criminal..."

Speaker Biggert: "Representative, could you confine your remarks to reconsidering the Motion please?"

Lang: "Sure, to reconsider, yes. One of the reasons I think we ought to reconsider, Madam Speaker, is that when I was before the criminal law Committee I had three Bills that we killed and the Members of that Committee, Madam Speaker, could not even look me in the eye when they voted 'no'. There are plenty of good Bills out here to take care of missing children. There are plenty of good Bills out here to deal with the problems in DCFS. There are plenty of good Bills out here on the Floor to deal with the health, welfare, and safety of children in the State of Illinois. We are not getting it done. The governor of the state is not getting it done. DCFS is not getting it done. We on this side of the aisle..."

Speaker Biggert: "Representative Lang, you are not confining your remarks to the Motion. The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you Madam Chairman. I had a procedural question. Would I be correct in understanding that our comments are restricted to the Motion itself?"

Speaker Biggert: "Yes, the remarks are to be confined to whether we should reconsider the vote or not, not to the merits of the Bill."

Pugh: "Okay. Not to the merits of the Bill, but to whether or not we should reconsider the vote."

Speaker Biggert: "That's correct."

Pugh: "And after we have voted whether or not to reconsider the vote, then we vote again on the Bill. Do we debate the

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merits of the Bill at that time? I ask that question, Madam Speaker, because there was several unanswered questions. Whether or not the Department of Children and Family Services was in favor of this legislation or not and whether or not we are in the business of you serving the authority of the departments that we have put in place to carry out their various functions."

Speaker Biggert: "Representative Pugh, whether we will redebate the Bill depends on the outcome of the Motion to reconsider, but if it is successful, you will have the opportunity to redebate the Bill."

Pugh: "So you're saying that if the Motion to reconsider does not pass, we will not get the opportunity, we will never know whether or not the Department of Children and Family Services was in favor of this Bill. We will never know what the cost of this legislation will be to the government or any of that unless there's a Motion to reconsider."

Speaker Biggert: "That's correct. The Gentleman from Coles, Representative Weaver."

Weaver: "Thank you, Madam Speaker. I rise in opposition to this Motion. How many times today have we debated and debated and debated and only to see the Bill fly out with a unanimous vote. The Sponsor of the Motion and the Speakers on the other side of the aisle claim that they didn't have enough discussion, why did they vote 'yes'. If they had questions about the Bill, they should have voted 'present' they should have voted 'no', but to call for a vote and to vote 'yes' on it unanimously and then say, oh I made a mistake. I didn't know what I was doing."

Speaker Biggert: "Please confine your remarks to the Motion, Representative."

Weaver: "I think the Motion is inappropriate and it is

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disingenuous I think it is simply another matter to drag this debate out into the wee hours of the morning. I think it ought to be defeated."

Speaker Biggert: "Representative Davis."

Davis: "Madam Speaker, I rise to concur with the Motion to reconsider the vote here. I think this issue as has been stated is significantly crucial, especially in light of the responsibilities and the duties that DCFS has. I think we need to know exactly what and how will the lives of our children be effected based upon the passage of this legislation. Now some of us in this Body don't get called on to speaker very often. For some reason you skip over us, Representative, and I went through that as a little girl when I was in a school. I was in a school where they pretended not to see me, Representative, and they would skip over me for recitation time and that is just not exceptable..."

Speaker Biggert: "Representative, could you speak to the Motion please?"

Davis: "It is just not exceptable. My consideration for this Motion, Representative, Madam Speaker, I believe that you also believe as well as the Chairman, Mr. Weaver over there that our children are more important than a small, a small token of time to debate their lives and their future. I urge you, Madam Speaker, and I urge you to reconsider this Motion and allow people to address this issue. That's why we are here. We are here to address these important issues, not necessarily to get them out of here real fast because when you do that, sometimes you do damage that is almost irreversible. Let's not do that today Madam Speaker. Let's be fair to all the Members and give us an opportunity to find out exactly what the effect of this

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legislation might be. I think some people over her want to speak to this issue and we do appreciate your consideration to allow them that opportunity to do what they were elected here to do. Thank you."

Speaker Biggert: "Thank you, Representative. Representative Ackerman

Ackerman: "Thank you, Madam Speaker. I move the previous question."

Speaker Biggert: "Representative Ackerman has moved the question. All those in favor vote 'aye'... The Motion is to move the previous question, which is the Motion to reconsider. She will close after we vote on the to move the previous question. All those in favor will vote 'aye'; all those opposed will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk please take the record. On this Motion there are 63 voting 'yes', 52 voting 'no', and 0 voting 'present'. Motion is carried. Representative Flowers to close."

Flowers: "Thank you, Madam Speaker. Madam Speaker, two of the previous Speakers on the other side of the aisle who made reference to the fact that the Bill went out with 115 votes. That was the intension, Sir. My intension was not to vote against the Bill. My intensions was to get the opportunity to ask some questions that would concern me in regards to the thousands of missing children in the State of Illinois. We are 100% despite the fact that this is a piece mill effect, we are 100% in support of what the Sponsor of the Bill is trying to do. At least she is making an initiative. It's not a comprehensive approach, but whatever it is the piece mill we will accept it. Thank you very much. Madam Speaker, I do withdraw my Motion."

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Speaker Biggert: "The Motion is withdrawn. Thank you, Representative Flowers."

We will continue on Third Reading. Mr. Clerk, please read House Bill 385."

Clerk Rossi: "House Bill 385, a Bill for an Act amending the State Revenue Sharing Act. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative Brady."

Brady: "Thank you, Madam Speaker, Ladies and Gentlemen. This is a Bill which deals with a community college in this state that was forced to form due to action on the part of the legislature in 1990. Heartland Community College was forced to form in this state and having done so, it is the only community college that does not share in the Corporate Personal Property Replacement Tax. This costs Heartland Community College an estimate of about \$400,000 per year. This personal property placement tax is split between Cook County and the rest of the state. This would have absolutely no effect on Cook County. It would effect those taxing areas and the rest of the state. There is approximately 6800 of those that share and over \$700,000,000. The cost to each Body would be relatively insignificant in that it would average about \$70 a year while providing equitable funding for Heartland Community College. I would ask this Body to consider support of this legislative matter. I would inform the Body that this is approved by the State Board of Higher Education, the Community College Trustees Association as well as the Community College Board."

Speaker Biggert: "Thank you. Is there any discussion. The Lady from Cook, Representative Currie."

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Currie: "Thank you, Speaker and Members of the House. I rise in opposition to House Bill 385. First for the record, the information that says that it would not effect the dollars of the...the distribution of Personal Property Replacement Tax Revenue in Cook County is not accurate. If we expand the beneficiaries of the Personal Property Replacement Tax to include this community college, the dollars will come out of every other taxing district that now accesses those moneys. I can appreciate that newly formed local governments those that were formed since the initiation of the Personal Property Replacement Tax, would like to have a share in those proceeds to. I do appreciate that. The problem is that the formula that created the personal property replacement tax was fixed in time. If we open up that Revenue test to all other new comers we will soon find that the schools, the libraries, the park district, the cities that depend on the personal property replacement tax revenues are going to get a decreasing share of that fixed sum of money. This is of course only one Community College that's a subject of House Bill 385, but I'm here to tell you that next year we will see a lot of new libraries, a lot of new park boards, a lot of new communities coming in for their share of the pot, too. If we say yes tonight it will be very difficult to say no tomorrow. And if you consult with those entities that now are able to access those dollars, you will find a very negative response to the proposal that we reopen the question. If we want to reopen the question maybe it's time to do something to expand the dollars that are in the personal property replacement tax pot, but no one is making that suggestion today. I can appreciate why this Community College would like a bit of this action, would like a piece of this pie,

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but I think that we are making real trouble for the local communities , the local taxing districts that have access to those Revenues if we undo the agreement that was made in 1980. That's a 15 year agreement. We haven't abrogated it yet, and I think it would be a mistake for us to start with passage of House Bill 385 tonight. The right vote unfortunately is a 'no' vote."

Speaker Biggert: "Thank you, Representative. The Gentleman from Washington, Representative Deering."

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

Speaker Biggert: "He indicates he will."

Deering: "Representative, I really didn't hear all the remarks the former Speaker had...or I'm sorry the previous Speaker had. But before I start off my line of questioning here, one question as to the merits of this Bill. I see that this is a Brady Bill. Is there a waiting period in this Bill?"

Speaker Biggert: "Representative Brady."

Brady: "There has been a long waiting period for Heartland Community College."

Speaker Biggert: "Representative Deering."

Deering: "Representative, with due respect, if we allow this Community College to tap this fund that was established after the personal property taxes we eliminated, is it not true that there would be 200...a possibility of 200 additional taxing districts that were created after July the first '79 that may want to come in and get this? Aren't we opening up a window that would impact...have a statewide impact to the tune of several million dollars?"

Speaker Biggert: "Representative Brady."

Brady: "Representative Deering, your question is, are there approximately 200 additional districts that don't receive

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the Corporate Personal Private Replacement Tax right now, the answer would be 'yes'. The difference here is that unlike the rest of those taxing districts, Heartland Community College is funded by the State of Illinois under a formula driven by the State of Illinois. And because it is the only Community College that does not share in the Corporate Personal Property Replacement Tax, but yet the funding formulas driven by the state, it creates and inequality and the difference between the rest of those taxing bodies in Heartland deals with the funding formula that we use to fund community colleges throughout the state. The point being that if it isn't equitably created by putting on the level playing field that the funding formula deals with and presumes we have to do other things presumably to change it so that all is equal. To answer your question and your question about 200, that also ties into a statement that Representative Currie made and it is our clear research that the dollars in the Corporate Personal Property Replacement Tax are first divided between Cook and the rest of the state and then they are divided amongst the taxing bodies to receive that. So I don't believe that Representative Currie is correct. Our research indicates such."

Speaker Biggert: "Representative Deering."

Deering: "Well, Representative, I understand your concern about the funding and the formula with the the corporate tax that is in there, but it's my understanding that it doesn't matter if a taxing district doesn't have any corporate property taxes within it. Any taxing district that was established after this date and this Bill could tap in or theoretically come in to the legislature and have the authority or try to get the authority to tap into this

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fund. Is that not correct?"

Speaker Biggert: "Representative Brady."

Brady: "Representative, to answer your question, anyone can come and apply to the legislature for the opportunity to tap into those funds. You are correct. The difference is I believe, in a significant difference is that this community college is funded by the State of Illinois by a formula driven funding mechanism. That mechanism is to provide equitable funding for all Community Colleges throughout the state. In order to maintain the 'urnethist' of that formula we need to put them on a level playing field in the first place which would allow them to share in this fund."

Speaker Biggert: "Representative Deering."

Deering: "Well thank you, Representative. I understand your concern on what you are trying to do here. I don't know if this is a good idea where we may open this up and try to put in a lot of open ended liability. Perhaps maybe we can address this issue more for your community college and you know I represent several colleges because I don't have one whole district...Community College district in my Representative district, but maybe if we would fund elementary and secondary education and higher ed at higher levels, maybe we could deep this fund in tact and keep it for this taxing districts that we in place and I thank you for your time."

Speaker Biggert: "Thank you. The Representative from Clinton, Representative Granberg."

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

Speaker Biggert: "He indicates he will."

Granberg: "Representative Brady, I apologize if I'm being redundant I was in a conversation. But what this seeks to do is allow access to that fund. Is that correct?"

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Speaker Biggert: "Representative Brady."

Brady: "That is correct."

Speaker Biggert: "Representative Granberg."

Granberg: "And how many institutions would that impact, Representative?"

Speaker Biggert: "Representative Brady."

Brady: "Representative, there are 6800 bodies that receive benefit from this throughout the whole state."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you. But in your Bill I believe it said say date specific. How many institutions would this impact with the passage of your legislation."

Speaker Biggert: "Representative Brady."

Brady: "It would impact only one community college, Heartland Community College, from an increase in Revenue, Representative."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Representative, and by way of historical background when was the personal property tax abolished? Do you remember that?"

Speaker Biggert: "Representative Brady."

Brady: "Around 1977."

Speaker Biggert: "Representative Granberg."

Granberg: "Eighteen seventy-seven did you say?"

Speaker Biggert: "Representative Brady."

Brady: "No, Representative, 1977."

Speaker Biggert: "I thought that is what you meant. So all of the taxing district in existence at that time are grandfathered in in this fund. Is that correct, Representative?"

Speaker Biggert: "Representative Brady."

Brady: "Would you repeat your question?"

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Speaker Biggert: "Representative Granberg."

Granberg: "So all the taxing districts that were in existence at that time and lost money because of that action, they were grandfathered in so they receive funds under this allocation. Is that correct?"

Speaker Biggert: "Representative Brady."

Brady: "My understanding is that the intent of the repeal of the Corporate Personal Property Tax was to repeal it and substitute it with a corporate tax of about 1.5% which goes into the fund to replace the loss in revenue."

Speaker Biggert: "Representative Granberg."

Granberg: "Representative, I believe that amount though is fixed in time and the taxing districts that were in existence in that point in time were also fixed. They were grandfathered in. Is that not correct?"

Speaker Biggert: "Representative Brady."

Brady: "That's correct."

Speaker Biggert: "Representative Granberg."

Granberg: "So, Representative, I'm just concerned. If we do this, this would open that fund up which has a limited amount. Isn't that correct? It would open it up for Heartland. Now isn't...aren't there approximately 200 new taxing districts that have come into existence since 1979?"

Speaker Biggert: "Representative Brady."

Brady: "As I previously indicated to Representative Deering, that is correct."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Representative. Now if we open it up for Heartland, wouldn't it be awfully difficult to not open it up for all these other taxing districts which would take funds away. take a limited amount of dollars away from our current taxing districts?"

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Speaker Biggert: "Representative Brady."

Brady: "Let me first state that I have no opposition from current taxing districts. The Community College Trustee presidents, the Board of Higher Education and so on are all in support of this Bill. Secondly, your question is, would it not take moneys away. Yes it would take a very small amount of moneys away. Your third question is, aren't we not opening it up to these other districts. I don't believe so because this legislation is here because in 1990, the Illinois legislator tried to enforce the area that Heartland includes to form a district. They formed that district because the legislation made them do so. In so doing they are not privileged to this tax. Now we go back to the funding formula. Those other districts are not funded in the same way the community colleges are throughout the State of Illinois by a formula driven fund that we provide by state resources. I think in itself that's the difference. The other difference is the equitable playing field and the other difference is that the state forced this issue."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Representative. So I am concerned, Representative. So if I represented Logan and Junior College in downstate Illinois down by Carbondale or if I represented Lincoln Land College here in Springfield or I represented Kaskaskia Junior College down by Centralia, if I vote for your legislation, I will now be taken dollars away from my own institutions. Isn't that correct?"

Speaker Biggert: "Representative Brady."

Brady: "Everyone outside of Cook will share in this approximate \$400,000 a year. If we divide the amount of the fund by the taxing districts that receive the fund, that's about

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\$70 on average and I remind you that the community college precedents and the Community College Trustees and the Community College Board as well as the Board of Higher Education fully supports this legislation."

Speaker Biggert: "Representative Granberg, if you could bring it to a close."

Granberg: "Thank you. Representative, I just had the concern because...I would have to go..."

Speaker Biggert: "Can you just close?"

Granberg: "I would have to go... To the Bill. I would have to go back to my district, Representative, or whoever represented Lincoln Land Junior College here in Springfield or the people who go to Lincoln Land or the people who go to Logan Junior College down by Carbondale or any Junior College in the State of Illinois or any Junior College in the city or all the Junior Colleges, all the parks, all of those taxing districts that were in existence who rely on this funding. We are going to have to back to our taxing districts and say we voted to reduce your funding. Now I'm not sure if that's a good idea and if I have to go back to my districts as Representative Poe or Representative Klingler or Representative Jones or others would have to do, we are going to have to explain why we voted to reduce our funding to give that to you and your Junior College. So I want to make sure I understand this because I'm the one who is going to have to explain why I reduced my own funding so I could help out Heartland Junior College. Thank you."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Madam Speaker. With due respect to Representative Brady, he's well intentioned, but I don't want to do that to my district and I'm sure others don't

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either and so I would ask for a verification of this Roll Call."

Speaker Biggert: "Thank you. Representative Black. I'm sorry. The Representative from Cook, Representative Lang."

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

Speaker Biggert: "He indicates he will."

Lang: "Representative, you indicated that Cook County is not effected by this. Can you explain that?"

Speaker Biggert: "Representative Brady."

Brady: "Yes, Representative. The way I understand the law, Cook County receives about 51.65% of the total fund. The rest of the state receives 48.35%. The fund is divided and then distributed amongst the taxing bodies that were in effect when the replacement tax took effect."

Speaker Biggert: "Representative Lang."

Lang: "Well, I didn't really understand why then that does not effect Cook. So your telling me that the money you're talking about here comes only out of the downstate portion? But you do take this off the top of the downstate portion thus reducing the allocations to all of the other community colleges downstate.

Isn't that right?"

Speaker Biggert: "Representative Brady."

Brady: "Representative, it effects every taxing district that receives it and as I said earlier, it would cost each taxing district on average approximately \$70 per year. It's taken, not off the top, but they just become part of the entire share."

Speaker Biggert: "Representative Lang."

Lang: "Have you checked with all these other taxing bodies to see if they are willing to give up \$70 so that you can give it

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to you Community College?"

Speaker Biggert: "Representative Brady."

Brady: "No, Representative, but we went through the process with this Bill. We went through the Committee process and there was no opposition."

Speaker Biggert: "Representative Lang."

Lang: "So did you expect thousands of local communities to come here over that \$70 and testify for or against your Bill?"

Speaker Biggert: "Representative Brady."

Brady: "My expectation would be if it's as severe a situation as you suggest, yes."

Speaker Biggert: "Representative Lang."

Lang: "Well, so let me see if I understand what's going on here. What you have here is a piece of special legislation for one community college in Illinois and you want all these other communities, all these other governmental units to take a hit so that your Community College can fill out a budget gap. Is that really what we have here?"

Speaker Biggert: "Representative Brady."

Brady: "Representative, it's my intension that the State of Illinois forced this community college to form. The State of Illinois has attempted through it's funding formula to provide and equitable playing field of funding for all Community Colleges throughout this state. Because of this oversight in this funding when they forced the community college to form, they were unable to receive this. If we are going to continue to provide equitable funding from the state through the Community College system throughout this state, it would be necessary to readdress the funding formula. Because the funding formula is based on everyone receiving a share of the Corporate Personal Property Replacement Tax. So, the answer to your question is, yes

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it is special legislation. It's special legislation that was caused because this legislative Body forced this area to form a community college."

Speaker Biggert: "Representative Lang."

Lang: "Thank you. Are you aware that special legislation is unconstitutional, Representative?"

Speaker Biggert: "Representative Brady."

Brady: "Representative, I don't know of any special legislation...and legislation that we pass that isn't special legislation. So I find that hard to believe."

Speaker Biggert: "Representative Lang."

Lang: "Well, I won't belabor the point too much, but you indicated that it was special legislation because it only effects your school. You said it was special legislation. You know that special legislation is unconstitutional, but let's go on. Aren't you opening up a can of worms here. Isn't it possible that every government unit formed after 1979 will come here with flocks of Bills asking for changes just as you have asked for?"

Speaker Biggert: "Representative Brady."

Brady: "I don't believe so, Representative, and as I explained earlier, the difference here is that this is the only community college forced to form. Those other units of government were not forced to form. It was forced to form by the State of Illinois. The State of Illinois has attempted to provide equitable level plain field funding for all Community Colleges. This is a unique situation cause by legislation in 1990 forcing us. Completely unique from anybody else. Now the purpose of the legislation is just to provide an equitable level of funding for this community college which this Body deemed necessary to force deform."

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Speaker Biggert: "Representative Lang, your time is just about up."

Lang: "Doesn't the state now provide for community colleges or a sort of disproportionate share, the same kind of help they do through the school aide formula for elementary and secondary education?"

Speaker Biggert: "Representative Brady."

Brady: "Representative, yes they do. But as I said earlier, before they go into that funding formula, it is presumed that everyone receives a share of the Corporate Personal Property Replacement Tax. So..."

Speaker Biggert: "Representative Brady are you finished."

Brady: "The answer to you question is yes, it doesn't deal with the problem at hand."

Speaker Biggert: "The Chair recognizes the Gentleman from Vermillion, Representative Black."

Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. I truly on this occasion compliment my colleagues in the House on the caliber of questions and the level of debate because this is a very complicated issue. There isn't any question about that. And I would like to address that if the Gentleman would yield for a question or two."

Speaker Biggert: "The Representative says he will."

Black: "Thank you. Representative Brady, the legislation appears to me on page 8 of the Bill to be very carefully drafted, that says a community college district created after July 1 of '79, it's tax base should thereafter be the sum of the personal property tax collected for the 1977 tax year et cetera. So this is really...the legislation is really limited to community colleges specifically. Anybody else coming in would have to seek the same legislative wavers."

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Isn't that your interpretation?"

Speaker Biggert: "Representative Brady."

Brady: "Yes it is. Thank you."

Speaker Biggert: "Representative Black."

Black: "Yes, thank you very much, Madam Speaker and Ladies and Gentlemen of the House. I think that's at the heart of the issue. This is the last community college district that can be formed in the State of Illinois. In the McLean County area, this was the last amount of territory and land that was not in a community college district. Now, the State of Illinois, through the General Assembly, told them the unaffiliated territory, that if you did not create a community college district by a certain period of time, you would then be annexed into a community college district. The people in Representative Brady's area decided to form a community college called Heartland Community College. Now all they're asking to do in this legislation is be treated the same as all community colleges in the State of Illinois. Now one thing you have to remember, this doesn't affect Cook County at all. In fact, maybe someday we ought to revisit. We should revisit how the personal property replacement tax is apportioned in the State of Illinois. Fifty-one point sixty-five percent of the personal property replacement tax in Illinois goes to Cook County. Forty-eight percent is divvied up among all the other counties in the State of Illinois, so it's certainly not going to have any impact on Cook County. What you have to realize in this legislation and what makes it so complicated, the existing community college funding formula is very similar to the elementary and secondary schools. You combine your property tax collection. You combine your personal property replacement tax revenue to calculate a

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revenue base and then the State of Illinois through general taxes supplements an amount per pupil to bring the college to a standard level. The community college formula that Heartland has to work under assumes that Heartland receives the replacement tax revenue and they do not. Now that isn't fair and it isn't equitable. You're not creating a new tax. You're not imposing a new tax. You're simply treating the newest and the last community college that can be...public community college that can be formed in Illinois, you're putting them, grandfathering if you will, under the original law and I think it was the intent of that law that the community colleges be funded under that basis. It only makes good sense to me to put Heartland Community College on the same playing field that every community college in this state is under. They are operating under a penalty because the formula assumes they're getting the personal property replacement tax and they are not and may I say, may I say that the Gentleman has a district that certainly is booming and it's only fair that they get their share of the personal property replacement tax. There is no new tax here. You're not placing a tax on anyone. You're simply treating, in this case, Heartland Community College, the same as all of the other public community colleges in the district. It is complicated. I think the Gentleman has crafted a very narrowly defined Bill. He's to be commended. It's an issue of fairness and equity and I intend to support the Gentleman's Bill."

Speaker Biggert: "The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Madam Speaker, I move the previous question."

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Speaker Biggert: "The Representative from Tazewell moves the previous question. All those in favor vote 'aye'; all those opposed vote 'nay'. Voting is open. This is final... Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On the Motion, there are 62 'ayes', 53 'noes', 0 voting 'present'. The Motion is carried. Representative Brady to close."

Brady: "Thank you, Madam Speaker and thank you, Ladies and Gentlemen. I, too, must complement everyone on the degree of questioning. This is a very serious issue, although I do think it is an equitable issue. It's an issue that the state created enforcing the community college to force to form. It will not in my impression open up the door for anything else. It is very specific that it only deals with one last territory that is not receiving this benefit and I ask you for an 'aye' vote. Thank you."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 385 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 49 voting 'aye', 63 voting 'nay'. Representative Brady."

Brady: "Madam Speaker, I would request that this Bill be put on Postponed Consideration."

Speaker Biggert: "Three voting 'present'. Are you requesting verification? Representative Lang, would you like a verification? Representative Granberg."

Granberg: "Thank you, thank you, Madam Speaker. I had earlier requested a verification and I would like to persist in that Motion, please ma'am."

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Speaker Biggert: "Thank you, Representative Granberg, under House Rule 76 for verification after any vote, for a failed vote, our rules don't allow us to take a verification. Representative Granberg."

Granberg: "Thank you, thank you, Madam Speaker. I believe you're incorrect in this. It takes a specific number of votes to put this on Postponed Consideration, therefore your rules provide that we can have a verification of this vote because the requisite number has been received."

Speaker Biggert: "According to the parliamentarian, that is not the case. Representative Brady, do you request postponed consideration. That will be granted. Mr. Clerk, please take the record. On this question, there are 49 voting 'aye', 63 voting 'no', and 3 voting 'present'. The motion... Representative Brady, you request consideration? He indicates he does. This Bill has been granted postponed consideration. Representative Deering, for what purpose do you rise?"

Deering: "Thank you, Madam Speaker, for your untimeliness in recognizing me, but I wanted to make a Motion to overrule the Chair on the ruling you made on the verification before you dumped the Roll Call, because we think you're in error and I don't want to make a Motion that the Chair be sustained. I make the Motion to override the Chair."

Speaker Biggert: "Representative Deering, our rules state that the Motion is, 'Shall the Chair be sustained?' Would you like to make that Motion? Alright, the Motion has been made to overrule the Chair. The question is, 'Shall the Chair be sustained?' The question is, 'Shall the Chair be sustained?' The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? This is final action. On the Motion, there are 64 'ayes', 54

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'noes', 0 voting 'present'. Mr. Clerk, please take the record. There are 64 'ayes', 51 'noes', and 0 voting 'present'. The Chair's sustained. Mr. Clerk, please read House Bill 447. House Bill 447, Representative Rutherford."

Clerk McLennand: "House Bill #447, a Bill for an Act that amends the Illinois Promotion Act. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes Representative Rutherford on House Bill 447."

Rutherford: "Thank you, Madam Speaker. I present to you, House Bill 447. It brings in five various Amendments into it, raising the DCCA grant level for tourism from \$40,000 to \$100,000, it provides for the Department of Mental Health and Developmental Disabilities to provide their checks directly to the county treasurers, it provides for Central Management Services subrogation prerogatives, it provides for Department of Corrections to provide alcoholic beverages in their facility for their wardens, it provides for the Department of Commerce and Community Affairs' Auditor General report. I'd ask for a favorable Roll Call."

Speaker Biggert: "Thank you, Representative. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Madam Speaker. I don't know who is making all that noise? This time it wasn't me. Madam Speaker, a point of order."

Speaker Biggert: "State your point."

Lang: "Thank you very much. Madam Speaker, the rules clearly state that any Member may move to verify any vote. On this last vote to...which was on the Board, that said Mr.

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Deering's Motion, shall the Chair be sustained, at least 10 people on our side of the aisle asked for a verification. Madam Speaker, you chose to ignore that and then dumped the Roll Call off the Board. Madam Speaker, you violated your own rules. What do you intend to do about that?"

Speaker Biggert: "Thank you, Mr. Lang. Do you wish to speak to the Bill?"

Lang: "Madam Speaker, I'm entitled to a response to my point of order."

Speaker Biggert: "I guess, Mr. Lang, that with all the noise, I could not hear what you said. I apologize. Representative Lang, to the Bill."

Lang: "No, I'm still on my point of order, Madam Speaker. Are you telling this Body you didn't hear the loud voices on this side of the aisle asking for a verification?"

Speaker Biggert: "I made my statement, Mr. Lang. Would you like to talk to the Bill?"

Lang: "Madam Speaker, I'm not ready to speak to the Bill. I'm on a point of order. Are you now telling me I don't have the right to make a point of order or do I have the right? Do we have the right to make a point of order here?"

Speaker Biggert: "I just gave you that right, Mr. Lang. I just gave you that right and you stated your point of order and I gave you an answer. Is there anyone that would like to discuss House Bill 447? Proceed, Representative Lang."

Lang: "Thank you. Proceeding back to my point of order, Madam Speaker, I don't ..."

Speaker Biggert: "Is there anyone that would like to speak to the Bill? The Representative from St. Claire, Representative Hoffman."

Hoffman: "Yes, Madam Speaker, I think the issue... I would like to make a point of order, also. I think the issue is,

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Madam Speaker, if we ask for a verification, are we entitled to one? Under what rule are we not entitled to a verification, Madam Speaker? Inquiry, Madam Speaker, under what rule are we not entitled to a verification?"

Speaker Biggert: "The Gentleman from Clinton, Representative Granberg, do you wish to speak to the Bill?"

Granberg: "Thank you, Madam Speaker, are you finished with Representative Hoffman's inquiry?"

Speaker Biggert: "Would you like to speak to the Bill, Representative Granberg?"

Granberg: "I didn't, Madam Speaker, I did not want to interfere with Representative Hoffman's inquiry. Have you addressed his question?"

Speaker Biggert: "We're considering right now, House Bill 447. Representative Mulligan, for what purpose do you rise?"

Mulligan: "Thank you, Madam Speaker. Will the Sponsor yield for a question, please?"

Speaker Biggert: "He indicates he will."

Mulligan: "Representative Rutherford, this looks like just a wonderful Bill. Would you explain to me what it does?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Thank you, Madam Speaker. I did go through it in great detail earlier amongst the roaring, but I would be delighted to do that one more time. It basically is a consolidation of a number of efforts by various state agencies. One of them is, it would raise the level of grant for tourism from a threshold of \$40,000 to \$100,000. It would provide for a number of provisions to be implemented from an Auditor General's report with regards to the Department of Commerce and Community Affairs. It would allow that beer could be served in specific facilities on state properties. It would provide for

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disbursements of Department of Mental Health and Developmental Disabilities checks could go directly to the county providers and the fifth portion is, it would provide for the Central Management Services to be able to provide for subrogation in the Workmans' Compensation. I would ask for a favorable Roll Call."

Speaker Biggert: "Representative Mulligan."

Mulligan: "Representative Rutherford, I think that sounds very good and I certainly will support your Bill. Thank you very much."

Speaker Biggert: "Representative Pugh."

Pugh: "Thank you, Madam Speaker. Will the Sponsor yield for a couple of questions?"

Speaker Biggert: "He indicates he will."

Pugh: "Representative, under this legislation, this is, did tourism department that resulted from the Build Illinois Act under the former Governor Thompson, am I correct?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Well, I'm not quite sure, Representative, that it came out under the Build Illinois Act. There's a section within the Department of Commerce and Community Affairs dealing with awards for tourism grants."

Speaker Biggert: "Representative Pugh."

Pugh: "My first question has to do with how does the Workers' Compensation under the Department of Central Management Services relate to the Department of Tourism and the increasing of tourism grants?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "It does not."

Speaker Biggert: "Representative Pugh."

Pugh: "The genesis of the legislation, can you explain why we would like to increase the amount of the tourism grant from

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\$40,000 to \$100,000 and if this is only applicable to rural communities?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "The reason that the grant level is being requested to raise from \$40,000 to \$100,000 is actually coming from a request from the tourism industry in Illinois. As inflation grows and as promotion activities grow and the costs for that continue to grow, the grant level is deemed to be more appropriate to be at a higher threshold. This does not mean, though, that all grants can be at \$100,000. What this does, Representative, is it allows the Department of Commerce and Community Affairs, through a competitive process of screening the application, to award these grants to the various entities to have the option from anywhere up to \$40,000 and now, if we pass this, up to \$100,000. And, Representative, no, it does not apply just to rural communities."

Speaker Biggert: "Representative Pugh."

Pugh: "Am I correct in assuming that a for-profit marketing agency could apply for these grants or are they ..."

Speaker Biggert: "Representative Rutherford. I'm sorry, Representative Pugh."

Pugh: "Or are they restricted to not-for-profit organizations, 501C3 organizations?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "I appreciate that question, Representative, because that's a very good one. No for-profit companies cannot apply for the grants. For-profit companies can apply for loans from the department of which they do have to pay those back. The not-for-profits can apply for the actual grants from the department, Representative."

Speaker Biggert: "Representative Pugh."

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Pugh: "When applying for these dollars, is it a competitive bid process or who determines, which department determines? Is it the Department of Central Management Services or the Department of Tourism that determines who receives these dollars?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Yes, Representative, it's made up of a screening Committee of experts in the tourism industry who have experience throughout the state on the best use of state dollars. It is a competitive bid process where various communities and agencies and entities can apply for it. It depends on the amount of dollars available as to how many awards can be made, but it is on a competitive basis."

Speaker Biggert: "Representative Pugh."

Pugh: "So, what can you explain to me the role of the Department of the Commerce and Community Affairs in this process?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Yes, Representative, the Division of Tourism is a part of the Illinois Department of Commerce and Community Affairs."

Speaker Biggert: "Representative Pugh."

Pugh: "And what is the interest rate on the loan? What portion, how much, we're talking about increasing the loans, how many loans, how much money? Is this money part of DCCA's budget or is it ...?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Yes, Representative, the funds are a part of the Department of Commerce and Community Affairs appropriation through the division of tourism. The interest rates that are loaned to the private companies are at a competitive rate."

Speaker Biggert: "Representative Pugh, please draw your remarks

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to a close."

Pugh: "How much money... What portion of DCCA's budget is going to be appropriated to this particular program?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Thank you, Representative. We're checking out in just one moment."

Speaker Biggert: "Representative Pugh, I've given you an additional minute. Representative Rutherford."

Rutherford: "Representative, it's my understanding that the grant program is approximately \$1,000,000 in the appropriation of the Department of Commerce and Community Affairs."

Speaker Biggert: "Representative Pugh."

Pugh: "So, in essence, this requires an increase in DCCA's overall budget?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "No, Representative, it does not call for an increase in the appropriation. Basically, what we're saying if it's approximately \$1,000,000, of that \$1,000,000, it now can be awarded in grants up to \$100,000."

Speaker Biggert: "Representative Pugh."

Pugh: "Would any of these, would these dollars be used for any new construction or is it restricted to public infrastructure?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Representative, the Department of Commerce and Community Affairs would not ... "

Speaker Biggert: "Representative Rutherford."

Rutherford: "Representative, the Department of Commerce and Community Affairs would not be providing for the new construction. A not-for-profit, a community or someone like that, that applies for a grant and is awarded for the department could possibly use some of those funds for

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construction projects, but that's not done by the department, itself, and that would be a part of a 50/50 match."

Speaker Biggert: "The Gentleman from Bureau, Representative Mautino. The Lady from Cook, Representative Ronen."

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

Speaker Biggert: "He indicates he will."

Ronen: "Representative, you came before the Elections in State Government Committee many different times. Do you remember how many?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Thank you, minority spokesperson Ronen. I don't recall the number, but I was there every single week of your Committee."

Speaker Biggert: "Representative Ronen."

Ronen: "Originally, I thought your Bill was a rather straightforward one, but now as I'm going through all the different Amendments, I'm finding that maybe I don't really understand what your final goal is. The initial purpose of your Bill is to raise the level of the maximum amount of grants that can be given to \$100,000. Is that correct?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Yes, Representative, that is correct. That was the original Bill, but as you'll recall, there were three Amendments in which you were a part of the debate and I appreciate you bringing out some good points to that and also, ultimately supported have gone on to this so we have broadened the scope of the piece of legislation a bit."

Speaker Biggert: "Representative Ronen."

Ronen: "Could you just briefly explain for us what those Amendments do and specifically that which relates to the changes made in the Liquor Control Act of 1934?"

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Speaker Biggert: "Representative Rutherford."

Rutherford: "Thank you, Representative, I will go through them.

There's approximately five points to this and this will be the third time I've done that, but I do appreciate... It's a little noisy on your side of the aisle. Number one, it increases the threshold for the opportunity of grants and awards from \$40,000 to \$100,000 by the Department of Commerce and Community Affairs. Second point, and there are many fine points within that. I will go into those if you'd like to, but it basically implements a report from the Auditor General's office with regards to the Department of Commerce and Community Affairs consolidating some offices, eliminating some boards, so forth and so on. I will go back to the alcohol beverage in just a moment. Fourth point in it deals with the disbursement of checks from the Department of Mental Health Developmental Disabilities. What that says is that the agency, rather than sending the checks directly to the county treasurer, that those checks would go directly to the county mental health facility. This is a recommendation from DMHDD. The fifth point to it deals with the subrogation part of workmans' compensation. Going back now to the Liquor Control Act, what this does, it would allow under the Liquor Control Act, that alcoholic beverages could be served in the private residence, the private personal residences of Department of Corrections employees. And let me just give you the genesis of that because I think that's the bottom line of maybe where this should go. The genesis to this is there are what there are called warden cabins. These are warden cottages along the river in Pontiac or in Livingston County that are used for Sheriffs' Association meetings, used for AFSCME Union picnics, used for the

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Economic Development Council meetings. They have barbecues, bratwurst, and so forth. This would allow them to be able to have a keg of beer there."

Speaker Biggert: "Can we have some order in the Chamber, please, so that the Representatives can hear the questions? Representative Ronen."

Ronen: "Thank you, Representative, for that explanation. I do appreciate that and this Bill, this current Bill has nothing to do with making it more likely that dead persons won't get elected on the ballot? That's a different Bill, I presume?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Thank you, Representative, that is a different Bill and if the Body so wills, I'm looking forward to bringing that to you as well."

Speaker Biggert: "Representative Ronen."

Ronen: "I look forward to that, also. Thank you for your patience, Representative."

Speaker Biggert: "The Representative from Cook, Representative Erwin."

Erwin: "Thank you, Madam Speaker. Representative Rutherford, I just rise in support of your efforts to increase tourism funds. What I'd like to know as well as you may have answered this before, do you know the total appropriation in the tourism fund?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Thank you, Representative, the entire, and again I don't have the specific dollars, but let me give it to you in general. The entire division of tourism within DCCA is well over \$10,000,000. That includes the advertising fund, the campaign fund, and so forth. What we're talking about here is the grant and awards program. That is

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approximately \$1,000,000 if the appropriation cycle goes through as we anticipate."

Speaker Biggert: "Representative Erwin."

Erwin: "Thank you, I appreciate that. So when community organizations, let's say the village of Oak Park for instance, if they were to do a major event or an attraction on Frank Lloyd Wright, they would apply to the tourism fund for an attraction grant. Would that be correct?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Yes, it is, Representative. There are certain criterion that they would need to follow, guidelines on what they can do to receive the awards. Some of them are direct awards to not-for-profits, like the community. Some of them are loans, for example, to private entities, but you are absolutely correct, Representative."

Speaker Biggert: "Representative Erwin."

Erwin: "Thank you, Representative Rutherford. I would appreciate joining you on this Bill and I might add that I think the state needs to do more and make a greater investment in the tourism fund. The amount of dollars that tourism brings to our economy is a significant one and I would hope that as we look for additional state dollars, we would be willing to commit more to the tourism fund so that indeed we can attract those out-of-state folks to come in and spend lots of money in your district and in my district and help us pay for the services we need, so I'd appreciate becoming a cosponsor with you. Thank you."

Speaker Biggert: "Representative Rutherford."

Rutherford: "Representative Erwin, consider it done, hyphenated or co."

Speaker Biggert: "The Gentleman from Knox, Representative Moffitt."

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

Speaker Biggert: "He indicates he will."

Moffitt: "Representative Rutherford, I trust that it's not a requirement that I ask the questions as fast as what you answered them. Is that correct?"

Speaker Biggert: "Representative Rutherford."

Moffitt: "I don't have to ask the questions as fast as which you answer them do I? Can I talk slower? Is that alright? First question, are there any opponents on this?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "Well, there are no opponents that showed up in Committee. There's no opponents that talked to me. I'm not quite sure that as far as any associations or entities, there's no one who's filed in opposition to this."

Speaker Biggert: "Representative Moffitt."

Moffitt: "Just a question on the fact that you're not, it's changing it so disbursements are not made directly to the county treasurer. I guess I'm not sure why that change is needed. Are you saying that the county is not responsible for those funds, then?"

Speaker Biggert: "Representative Rutherford."

Rutherford: "No, that's not what we're saying. This actually comes from impetus of the County Treasurer's Association. Let me walk you through this, very briefly. Today, the Department of Mental Health Developmental Disabilities, when they cut a check that's paid out to the Public Health Board or to the Community Health Board, today, that check must go to the county treasurer. The county treasurer then must take that warrant and go back to that county mental health facility, ask if this is correct. If it is correct, it then goes back to the county treasurer. At that point, it is then deposited. What we're doing is we're trying to

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circumvent some of the bureaucracy and paperwork that goes through there. The second point is confidentiality. These checks and these notices have on them the names of people who are HIV positive. They have the names of people who have certain mental illnesses and so forth. So, from a confidentiality standpoint, the county treasurers' also believe that it's also best to remove them from the loop. The monies are still deposited within the county treasury, but it's just a vehicle that they go through to get to that point."

Speaker Biggert: "Representative Moffitt."

Moffitt: "Thank you, I appreciate that very much. Just the increased appropriation, increased funding is coming from savings that you're saying this is going to come about, that's where you're getting this additional money? How are you getting your additional money? Is it from the savings that you're showing on the tourism grants?"

Speaker Biggert: "Speaker Daniels in the Chair."

Speaker Daniels: "Thank you, Thank you. Representative Rutherford, I noticed you're dressing up now. Representative Rutherford, can you answer the question?"

Rutherford: "Thank you, Mr. Speaker. It's nice to be with you. Representative Moffitt, to answer your question, the amount of money with regards going to the tourism fund is not increased, is not decreased. The overall amount of money within that fund stays the same. What this does, this raises the threshold, the maximum level that the Department can award if they decided to go up higher, it could go up to as much as \$100,000 per award, but the overall money within the department is still the same."

Speaker Daniels: "Okay, Ladies and Gentlemen of the House. Ladies and Gentlemen of the House, we have 22 Bills to

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complete this evening. The decision is yours as to how long we stay. That's fine, I'm here as long as you are, but we're going to be there if that's what you want. It's up to you, but we're going to have to have some quiet. We're going to have to run this properly, so, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker and thank you, Representative. I appreciate you answering those questions and I'm ready to vote and anxious to vote in favor of this. Thank you."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. First of all, a parliamentary inquiry. I believe ..."

Speaker Daniels: "The Gentlemen have your attention, please."

Granberg: "Parliamentary inquiry, Sir. Amendment #1 amends the Civil Administrative Code. Amendment #3 amends the Civil Administrative Code and also amends the Liquor Control Act. The underlying Bill amends the Illinois Promotion Act. Would those Amendments be in order, Mr. Speaker?"

Speaker Daniels: "We'll look at it, just give us a second. Parliamentarian's reviewed your question, Sir, and it's ruled germane. Just as it was dealt with, as you know in Committee, that question was raised and the issue was ruled germane in Committee. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I was not in that Committee, Sir. I did not know that issue was brought up before the Chairman of that Committee. Mr. Speaker, what is the rationale, though, for my own understanding, since I raised that issue on the Floor, Sir, and I was not present in Committee?"

Speaker Daniels: "That it is germane."

Granberg: "And the reason, Sir?"

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Speaker Daniels: "That it is appropriately drafted and part of the Bill. Representative Granberg."

Granberg: "It's my understanding there was not a ruling on whether these Amendments were, in fact, germane in Committee, Mr. Speaker."

Speaker Daniels: "I was advised there was, but even if there wasn't, that's the ruling of the Chair. Representative Granberg."

Granberg: "So, Mr. Speaker, why are these Amendments germane to the underlying Bill, Sir? They deal with the Civil Administrative Code, Sir."

Speaker Daniels: "We're not going to enter a debate with the Chair. You heard the Chair's ruling. You have an option, Sir. You may move to override the ruling of the Chair if that's your desire. Is that your desire? Representative Granberg."

Granberg: "Mr. Speaker, I'm hesitant to do that, Sir. I'm asking what the rationale is before I would attempt to override the Chair and we have gone through this in years past and we would always have a reason whether the Amendments were germane. You may not have liked the reasons, Sir, but there was always a reason."

Speaker Daniels: "As I said, it's been appropriately drawn and drafted in accordance with the Constitutional laws of the State of Illinois. So, further discussion on the Bill? Representative Granberg."

Granberg: "Thank you, Mr. Speaker. What that the new parliamentarian, was that his interpretation?"

Speaker Daniels: "Mr. Manions, the Assistant Parliamentarian, ruled that."

Granberg: "Oh, the Assistant. Did he override the parliamentarian?"

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Speaker Daniels: "No, we asked him for the ruling because we want to make sure that he is broken in properly so he can take over on occasion. Gentlemen. Okay, Mr. Granberg."

Granberg: "Thank you. First of all, will the Gentleman yield?"

Speaker Daniels: "He indicates he will."

Granberg: "Representative Rutherford, I'm sorry, Rutherford, I thought you put your coat on for the new Speaker. Now you've gone back to your old style. You've stated that this increases the amount that can be dispensed under the grant program from I believe, \$40,000 to \$100,000. Will this lower the number of grants that can be awarded by actually increasing the amount?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Representative, as I explained to Representative Pugh earlier, that the total amount of money within the fund is going to stay the same as is appropriated by the General Assembly. So, the amount, the number of grants to be awarded is all going to to be depended upon the size and level of those grants. If every grant was raised to the maximum amount, mathematics would say that it would decrease that number, but that isn't necessarily going to be the case."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Rutherford. If that was the case, if the number of grants are in fact reduced, in particularly for Southern Illinois, we're very concerned. We don't have these large enterprises that are in search of \$100,000 grants, so that could very well have an adverse impact upon us. And secondly, Sir, can these grants be made to not-for-profit corporations, as well?"

Speaker Daniels: "Okay, Ladies and Gentlemen, can we break up the caucuses, please? Ladies and Gentlemen. Representative

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Rutherford."

Rutherford: "Thank you, Mr. Speaker. Representative Granberg, I've answered that question now three times, but I would be glad to do it for the fourth. As far as the amount that is available to be awarded, that they are eligible to be awarded to not-for-profit entities. If I could also respond in regards to the comment about Southern Illinois, I consider myself to be basically a Central Illinois type of a person and in regards to the ability to be able to have grants awarded there, I actually see this as an enhancement, an opportunity for us to be able to go into the type of projects that we'd like to have in Central Illinois."

Speaker Daniels: "Representative Monique Davis, if I can just interrupt, Representative Granberg. For what purpose do you rise, Ma'am?"

Davis, Monique: "Thank you, Mr. Speaker. I just wanted to take this opportunity to say hello to our Comptroller, Loleta Didrickson, who's in the back of the room. Thank you, Mr. Speaker."

Speaker Daniels: "You're welcome. Representative Granberg, will you continue, please?"

Granberg: "Thank you. Representative Rutherford, do you know or does the department know of any requests that are currently before the department that would be applicable to this legislation, that in fact, are there groups currently before DCCA that are seeking amounts up to \$100,000 under this program?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "I'll answer both. Number one, Representative Rutherford does not know any and number two, the department hasn't even got the application process capabilities to

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look for grants to be that high at levels, so no, they do not."

Speaker Daniels: "Representative Granberg."

Granberg: "Then in that case, Representative, why have we sought the \$100,000 figure in this legislation?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "In responding to your specific question, if they knew of anyone that was or has a grant in for that or in regards to anyone that is interested in that type, we'll be glad to look into that specifically, but the reason that this is coming about is actually feedback from the industry, the tourism council in the State of Illinois and the type of opportunities that they see out there and the increase in costs to it that they feel that it's appropriate to be able to try to go to this level."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. And Representative, I believe in your Amendment #1, you talk in terms of special needs communities. Is that correct?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "I'm sorry, Representative, would you repeat that question?"

Speaker Daniels: "Representative Granberg."

Granberg: "In Amendment #1, Sir, is the language currently in that Amendment in the Bill that deals with special needs communities?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "Just give me a moment here, Representative. I think you may be referring to the section that was responding to the Auditor General's report with the Department of Commerce and Community Affairs and if it is, can you tell me what page and line you're referring to, please?"

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Speaker Daniels: "Representative Rutherford."

Rutherford: "I was actually asking the Representative if he could cite the ..."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Rutherford, I wish I could. That's why I'm asking you. I do not have the Amendment before me, Sir. I thought I remembered that language when I'd read the Bill previously and I thought this was an addition to the legislation and, in fact, changed the current law."

Granberg: "Okay, I think I... Again, I may not be able to cite the specific line for you, but I think what you may be talking about is repealing the provision that requires the department to study housing needs and conditions throughout the state in order to develop programs for correction of substandard housing. If that's the section you're referring to in regards to needs, that is a provision within the Auditor General's report on the Department of Commerce and Community Affairs to repeal that section of it and the reason for that is, it's actually duplicity in activity that's already being provided by the Illinois Housing Development Authority here in the State of Illinois. So, the Auditor general recommended the repeal of that in DCCA."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Thank you, Mr. Speaker. So, Representative, that does not deal with the grant awarding process for tourism or economic development, Sir?"

Speaker Daniels: "Okay, Representative Granberg, your time is coming to a close. But, Representative Rutherford, could you please answer that question?"

Rutherford: "Thank you, Mr. Speaker. Representative Granberg, if I understand this section of the Amendment that you are

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referring to and it does respond to this on the section within the Auditor General's report, it does not refer to anything in regards to the tourism grant award program."

Speaker Daniels: "Representative Granberg."

Granberg: "Mr. Speaker, inquiry of the Chair. Representative Morrow indicated he would like to give me his time to finish my line of questioning at some time in the future, Sir. Will I be able to do that?"

Speaker Daniels: "I'm not sure, but if you would like to bring your remarks to a close and address the Bill, we'll let you do that."

Granberg: "I don't know. You've always seemed pretty sure of yourself in the Chair, Mr. Speaker."

Speaker Daniels: "I'm pretty sure, but I would suggest you close your remarks, if you can."

Granberg: "So I'm not... Is Representative Ackerman standing? Oh, I see."

Speaker Daniels: "He's ready. You want to address the Bill and bring your remarks to a close, please? I'll give you another minute."

Granberg: "Thank you, thank you, Mr. Speaker. Representative Rutherford, I would have liked to have been in favor of this legislation, but I have a couple of questions, yet. First of all, regarding the use of liquor at the correctional facilities, I have correctional facilities. Likewise, I have junior college facilities. We have more not-for-profit meetings at the junior college as opposed to the prisons, so I'm not sure why we're doing it in prisons and not at the junior colleges or elsewhere, Sir. So, with respect to that, I would actually like to be for your Bill, but I do have some questions. I am sorry that the Speaker would not let me finish this line of questioning and I'm

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going to have to withhold my support until I talk to the people from the Department of Commerce and Community Affairs and the Department of Corrections."

Speaker Daniels: "Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The main question is put. Representative Rutherford to close."

Rutherford: "To close, Mr. Speaker, thank you. First of all, I'd like to express my appreciation to staff of the various agencies that are a part of putting this together. I'd also like to clarify for Representative Granberg's case that this would not apply for serving alcohol in prisons, it would be for the housing of the wardens. With that, I would ask for a favorable Roll Call."

Speaker Daniels: "You heard the Gentleman's Motion. The question is, 'Shall House Bill 447 pass?' All those in favor signify by saying 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 105 'ayes', 3 voting 'no', 3 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. Yes, Representative Lang, do you care to speak?"

Lang: "Thank you, Sir. I have a point of order and a point of inquiry."

Speaker Daniels: "State your point of order."

Lang: "The point of order is as follows, Sir: Article 4, Section 8 of the Illinois Constitution, a document with which I'm sure you're familiar, states that Bills, except for Bills

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for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject. That Bill that we just went by dealt with many subjects. My inquiry would have been to ask the Chair what the one subject was. You're under a duty, Mr. Speaker, now that that Bill is passed to certify that that Bill passed with all of the Constitutional requirements met. Are you going to do that, Sir, in good conscience?"

Speaker Daniels: "When we review the Bill, we will do that in good conscience. State your point of inquiry."

Lang: "Thank you, Sir. Because of the rules that you passed, there's some rules we passed regarding having agency liaisons on the House Floor. During that Bill, Representative Rutherford had no less than six state agency liaisons standing around him. A matter of fact, it looked a little like a football game to me. I was going to tell him to go long. The question I have, Sir, is are we going to continue to allow that?"

Speaker Daniels: "Representative Rutherford, please do not have six people around you from state agencies in the future. He says it's one from each agency that was affected by the Bill. Alright. House Bill 548, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #548, a Bill for an Act that amends the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Daniels: "Representative Boland, for what purpose do you arise, Sir?"

Boland: "Mr. Speaker, my button did not work on the last Bill. I'd like to be recorded as 'yes'."

Speaker Daniels: "I can have the record reflect that, Sir, but I can't add you to the Roll Call. The record will reflect that you would have voted 'yes', had your button been

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working properly. Okay, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 548 is an initiative of the Cook County Board. It was a bipartisan effort of the commissioners on that Board urging us to proceed with this proposal. Currently, there's a Bill in the Senate, which is identical to this that Senator Del Valle has. The original Bill was modified and amended to comply with the request of the Department of Corrections. The Committee Amendment #1 pretty much became the Bill. What it does, it directs the court to require a person convicted of a misdemeanor or a felony to attend educational or vocational courses designed to do any of the following: prepare the defendant for the General Education Development GED exam, help the defendant make progress toward a high school diploma, help the defendant work toward completing a recognized vocational training program approved by the court. This directive shall not apply to any defendant who is under age 17, a high school graduate, a GED passholder, developmentally disabled as determined by the court, mentally incapable of completing an educational or vocational program as determined by the court. It directs the court to require a person sentenced to probation or conditional discharge to attend an education or vocation course, is subject to the same conditions as outlined for convicted offenders. It directs the court to require a person placed on court supervision to attend educational or vocational courses, subject to the same conditions outlined for convicted offenders. It directs the court to require a person sentenced to periodic imprisonment to attend educational or vocational courses subject to the same condition as outlined for convicted offenders. I might add that this Bill in the House here

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enjoys a wide range of bipartisan support besides the peoples listed upon the tote board. My cosponsors are Representative Laurino, Curry, Hassert, Feigenholtz, Schakowsky, Kotlarz, Wait, Blagojevich, Lachner, Kenner, Stroger, Davis, and many more. I think this is a good Bill and I would ask for its favorable passage. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Okay, just a couple of questions here. How many individuals will this impact is it estimated?"

Speaker Daniels: "Representative Saviano."

Saviano: "The Department of Corrections has informed me that it will affect inmates in the prisons who are currently working towards the GED and those who are presently on probation conditional discharge, so the exact numbers, we don't have. Our initial Department of Corrections fiscal impact was approximately cost at about \$600,000 dollars."

Speaker Daniels: "Representative Dart."

Dart: "And the costs would all be borne by the Department of Corrections?"

Speaker Daniels: "Representative Saviano."

Saviano: "Yes, it would, Representative."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. Now in regards to the provisions dealing with mandatory supervisory release in this Bill, it requires that an individual who is on mandatory supervisory release, shall attend a public institution of education. What occurs if that individual cannot attend because he's prohibited, say, because he has committed at some offense or...because we've been passing a lot of legislation dealing with individuals who bring guns into school and the

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like? What if this individual is unable to, cannot be accepted into a school?"

Speaker Daniels: "Representative Saviano."

Saviano: "Are you saying that someone is just not eligible for any kind of...just if they're in prison?"

Speaker Daniels: "Representative Dart."

Dart: "No, after they're released on mandatory supervised release, they're mandated to then go to...to undergo education. It's mandated. What if they cannot physically get into a school, they're not allowed in?"

Speaker Daniels: "Representative Saviano."

Saviano: "They will check in with their parole agent and every effort will be made to put them into a program eventually. Now, if they willfully avoid going into the program, then their parole will be revoked."

Speaker Daniels: "Representative Dart."

Dart: "So if it's not a willful violation, if they are prohibited from attending, then their mandatory supervisory release will not be violated? Is that correct?"

Speaker Daniels: "Representative Saviano."

Saviano: "That is correct."

Speaker Daniels: "Representative Dart."

Dart: "Are there any estimates on how many people this would impact who are on mandatory supervised release, which would be all inmates who are released after serving a sentence?"

Speaker Daniels: "Representative Saviano."

Saviano: "We don't have an estimate. Just to add to that, we've got a figure, just counting in prisons is about 37,000."

Speaker Daniels: "Representative Dart."

Dart: "Now the final thing that I just want to clarify on this, because I know where you come from on a lot of these measures. My understanding of the current law is that you

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get additional day for day good time credit for doing certain things while in the prison system, one of which is if you're attempting to gain an education. Would this not add more day to day good time credit for individuals who we are now forcing into the educational system? So by mandating them to do that, would they not be...would we not be in effect mandating that they get more good time credit?"

Speaker Daniels: "Representative Saviano."

Saviano: "Representative, not necessarily, because what the Amendment did. The original form of the Bill said they wouldn't be released from prison until they obtained their GED. What the new Bill says is that they would have to work towards it and that may come into play with them being released on some sort of probation or something like that. So it really doesn't affect the good time factor there."

Speaker Daniels: "Representative Dart."

Dart: "Just a final question then, but are they not eligible for good time credit while they are attempting to get that, though? I mean, while they're attempting to get the education, the GED, they would be allowed to get good time credit, so I was just trying to get that clear."

Speaker Daniels: "Representative Saviano."

Saviano: "Yes, but they're only a limited amount of inmates that are eligible for that sort of good time credit because of their offenses, whatever category they fall in."

Speaker Daniels: "The Gentleman from Cook, Representative Pugh. Representative Pugh."

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

Speaker Daniels: "He indicates he will."

Pugh: "Representative Saviano, I'd like to first commend you for

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having the foresight to try to deal with the problem that leads to...constantly leads to recidivism and with a little work, I think this legislation would be admirable. But at this point, I'd like to point out a couple of things to you. Are you aware that currently the Department of Corrections has high schools inside the county jail or inside the jails?"

Speaker Daniels: "Representative Saviano."

Saviano: "Are you talking about county jails or the Department of Corrections?"

Speaker Daniels: "Representative Pugh."

Pugh: "The county jails."

Speaker Daniels: "Representative Saviano."

Saviano: "It is my understanding that county jails, they do have inmates work towards, you know, their high school education, but that's the extent of my knowledge of it. Most of them do."

Speaker Daniels: "Representative Pugh."

Pugh: "For your information, Sir, they have accredited high schools within the county jails. The problems that they're...the problem that they're having within the county jail is that there is no mechanism outside that allows for these individuals once they have prepared themselves to take the GED. As a result of the testing being transferred from the Illinois Board of Higher Education over to the educational testing services, there's not enough equipment available for these individuals to take the test to receive their GED. So therefore, there's a six to eight month backlog for individuals to take the GED test. My question to you would be, what do we do if an individual has completed all of his time, has prepared himself to take the GED test and it's time for him to be released?"

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Speaker Daniels: "Representative Saviano."

Saviano: "Representative, that was what we addressed with the Amendment. He would then be released and whether was on his probation or his parole, he would be monitored and encouraged, kept on a list and made facilitated to get him into that program eventually to take that test."

Speaker Daniels: "Representative Pugh."

Pugh: "So if an individual were released, he would be released on some kind of probationary term where he would be monitored by a probation officer or a parole officer to ensure that he took and passed the GED test. Am I correct?"

Speaker Daniels: "Representative Saviano."

Saviano: "Representative, this Bill does not mandate that they receive a GED. It is a matter where the court directs them, encourages them to complete a GED course. I want to emphasize what motivates this Bill. I felt when this concept was brought to me that it had a two-prong approach to it. Number one, if we encouraged an individual to obtain a GED, number one, we would probably be increasing their self-esteem once they were back out into the mainstream of society. Number two, we would be giving them a tool, giving them something in a way of a high school education where they could go out and be eligible for various modes of employment. That is what is motivating this Bill, okay? So we couldn't mandate it because, obviously 'cause of jail overcrowding and problems like that, we had to make sure we had some avenues there where an individual wasn't ending up staying in prison longer than, you know, what his sentence allowed for."

Speaker Daniels: "Representative Pugh, your time is almost over. Can you kind of bring your remarks to a close?"

Pugh: "Yes, Sir, I just have one last question. If the

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individual is not mandated to take the GED or to receive a GED, then would I be correct in assuming that...what's going to happen if he does not? If he chooses or he or she chooses not to fulfill that requirement?"

Speaker Daniels: "Representative Saviano."

Saviano: "On page 12 of the Bill, it says the prisoner review board shall recommit to the defendant whose mandatory supervised release term has been revoked under the subsection. This subsection does not apply to a defendant with a high school diploma and goes on from there. Okay, this is mainly geared for alternative modes of imprisonment like supervision, probation, periodic imprisonment, electronic monitoring. This allows..."

Speaker Daniels: "Representative Saviano."

Saviano: "Under those terms, they could be mandated to complete the GED course. We could not mandate it when they were in prison. That's the difference. I don't know if you understand what I'm saying."

Speaker Daniels: "Representative Pugh."

Pugh: "I do and once again I commend you. I think it's an admirable attempt to address a problem. Would I be correct in assuming that the Department of Corrections is supportive of this measure?"

Speaker Daniels: "Representative Saviano."

Saviano: "Yes, they are."

Speaker Daniels: "Representative Pugh."

Pugh: "...questions."

Speaker Daniels: "The Gentleman, Representative Saviano, to close. Short Debate, Sir. Two people did not take it off. Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker, Members of the House. This Bill, I believe, isn't a cure all, but I believe it's a

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first step in the right direction of restoring self-esteem to people who are in prison or have been caught into our court systems to give them that extra push to get out into the mainstream of society and offer some opportunities to them to become productive members of our society and I would ask for a favorable vote. Thank you very much."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 548. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 ..., 0 voting 'no', and 0 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. Earlier this evening, the Chair indicated that motions to discharge rules would be read in and placed on the Calendar. With leave of the House, we will dispense with that reading and the Bills will be placed on the Calendar tomorrow. Do I have leave? Leave is granted. We'll now go to Second Reading. Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. I rise on a point of personal privilege. Mr. Saviano in providing the Members of the Body with the names of the Members who had been sponsors of the Bill, I would like the record to reflect that I was originally a hyphenated cosponsor of this Bill and that my name was removed involuntarily and through no fault of Mr. Saviano's. Thank you."

Speaker Daniels: "The record will so reflect. House Bill 398, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #398, a Bill for an Act that amends the Unemployment Insurance Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor

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Amendment #2 was referred to Rules and has been approved for consideration. Floor Amendment #2 was offered by Representative Weaver."

Speaker Daniels: "Amendment #2, Representative Weaver."

Weaver: "Thank you very much, Mr. Speaker. Amendment #2...Floor Amendment #2 corrects an omission that we had intended to include in the Amendment #1 in Committee. It's an agreed Bill. We had spent a lot of time meeting with the Teamster's Union, with the trucking industry. All we had to do to meet the department's requirements on this Amendment is simply to allow them to tap into the federal language that would not disqualify it from...their intervention from the federal program."

Speaker Daniels: "Any questions? The Gentleman from Sinclair, Representative Hoffman."

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

Speaker Daniels: "He indicates he will."

Hoffman: "Representative, Amendment #1 was adopted in Committee, I believe. Was Amendment #2 then adopted on the Floor?"

Speaker Daniels: "Representative Weaver."

Weaver: "No, Amendment #2 is the Floor Amendment."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I apologize. There's so few of these that we see on the Floor that I got confused. Please explain the Amendment to me and what it does to the Bill."

Speaker Daniels: "Representative Weaver, would you explain it again?"

Weaver: "I'll try this again. Thank you, Mr. Speaker. It, in effect, closes a back door which could have allowed the federal government to come in and annul the changes that we made in the underlying Bill. This was a request by the department to allow us to comply with the federal

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government. It's simply a language change which is agreed to. We ran it past the Teamsters. We ran it past the trucking industry. Everyone that had previously agreed to the underlying Bill, also agreed to this change."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Now I understand in the underlying Bill, when initially introduced was opposed by the AFLCIO and the Teamster's Union. Are you maintaining that Amendment #1, which was adopted in Committee and subsequently Amendment #2, are supported by the AFLCIO and the Teamster's Union?"

Speaker Daniels: "Representative Weaver."

Weaver: "Well thanks to the good offices of the Speaker of the House, we went through considerable negotiations in Chicago. The underlying Bill was agreed to by all those parties and like I just mentioned a moment ago, we ran this change, which was simply an inadvertent omission, it passed all of those same parties and they agreed to it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Now, it's my understanding that Amendment #1, which became the Bill, essentially indicates and exempts certain truck drivers from unemployment insurance and I understand, I heard your explanation and you indicated that this closes a loophole with regard to, I believe, the definition of employment. Could you further explain exactly what that loophole, you're closing, specifically does because I know that these two organizations were okay with Amendment #1. I know you ran this by them, but I just, for my edification, I think we have to clear that up, exactly what loophole closes in the original Amendment."

Speaker Daniels: "Representative Weaver."

Weaver: "Well, we've...a lot of folks who have been here for a number of years, including Representative Saltsman, have

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worked on this problem of independent contractors for quite some time. I think he mentioned 15 years in Committee. We finally think we have some language that sets forth a crisp and clean definition as to exactly what is an independent contractor, whereby the department is given direction. Previously, they were forced to ask trucking company owners, in this case, to pay unemployment and workman's compensation taxes on people who owned their own businesses and worked for them on a contractual basis and the strange part of it is, those contract truckers, independent contractors, even though those benefits were being paid on their behalf could never collect them, simply because they didn't fall within the guidelines of DES. This language cleans it all up. It's an agreed Bill process and I think everybody's finally happy with what we've managed to accomplish."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Representative, this Amendment in no way expands who this applies to. Instead, it only applies to the trucking industry and nobody else. Is that right?"

Speaker Daniels: "Representative Weaver."

Weaver: "That's correct."

Speaker Daniels: "Representative Hoffman, is that it? Hoffman."

Hoffman: "Thank you. I appreciate your time."

Speaker Daniels: "The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Saltsman: "Representative Weaver, wasn't former Senator Bill Merovitz the negotiator for the Teamster's Union on this issue?"

Speaker Daniels: "Representative Weaver."

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Weaver: "That's correct."

Speaker Daniels: "Representative Saltsman."

Saltsman: "After the first Amendment, he was very well satisfied.

He had called me and told me about the negotiations and I was glad to hear about it. As I said before, because we had worked on this thing for 15 years that I didn't know of, what is a real owner operator because let's face it, some operators cheated for some years and everybody was very leery of this. On the second Amendment, I've talked to the members of the trucking industry and actually, they were satisfied with that. The second Amendment is also okayed by the Teamsters. I didn't get back in contact with Bill again, but evidently he must have okayed this agreement or he probably would have called back on this and I refrain from calling him, knowing if there was something wrong with it that we would have been called on this issue. So, at that, I'm willing to accept this Amendment due to the fact that the Teamsters and the AFLCIO did sign off finally with this agreement and I know of all the years and the time that was put into this and I'm glad to see that it's finally been assessed as a program that's workable for everybody and as you said in Committee when you first introduced the Bill, if we find something wrong, we'll correct it. I mean, that's what we're here for and we're taking your word and everyone's combined that if something does happen to this, that it might be a failure in a year or two or there's a flaw, that we will come back and correct this issue."

Speaker Daniels: "Representative Weaver."

Weaver: "Well, thank you, Representative Saltsman, and it's my hope as well as yours, I echo your words that we certainly hope that this finishes it once and for all. I know I

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haven't worked on it nearly as long as you have and I'm tired of it. So I hope we've finally done it to the point we don't have to deal with this issue again."

Speaker Daniels: "Representative Saltsman."

Saltsman: "Yes, I wasn't on the negotiations, but what I'm looking at in my own mind, the people who were involved did come to this agreement. I'm going to support it, but there's still a couple of issues there that I, myself, am not happy with, but if they can live with it, I think we should vote for this legislation and if we see something wrong the next year or two, something that we missed, we'll be back here to straighten it out and work with the same parties again."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of House Bill 398 and in particular, as an example of successful agreed Bill process resulting in a piece of legislation that all the parties agreed to, that I'm certain that everyone in this Chamber and in the Senate can agree to and would hope that many of the issues that involve labor and management in other areas, such as worker's compensation, will be able to be resolved in a similar manner."

Speaker Daniels: "Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would like to echo the remarks of the Minority Spokesman on Commerce Industry and Labor, in that this is an example that the Speaker tried to talk about and me relaying it to the Members of that Committee and all those that were in attendance at the meetings is that the Speaker's intention is to have the agreed Bill process work and that means that people must get together, negotiate in

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good faith and come up with something that is workable and this is a fine example of that and that between now and the end of Session, whenever we adjourn, that we look forward to working on this, but again it must be negotiated. It must be in good faith and we must have some examples that there is movement. If there is not movement, if we do not find that there is negotiation in good faith, then we must move forward with an agenda in Worker's Comp, Unemployment, and other issues related to that Committee, but our intention, the Speaker's intention is to negotiate in good faith. This Bill is a fine example of the agreed Bill process. We look forward to working with everybody on that, in that manner."

Speaker Daniels: "Representative Weaver moves for the adoption of Amendment #2. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. Four ninety-seven. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 497. This Bill's been read a second time, previously. Amendment #1 was adopted in Committee. Amendment #1 was adopted in Committee. Amendments #2 and 3 were referred to Rules. No Floor Amendments. A Fiscal Note and a correctional budget and impact note have been requested on the Bill and they have been filed."

Speaker Daniels: "Third Reading. Five ninety-seven. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #597. Bill's been read a second time previously.

Amendment #1 and 2 were adopted in Committee. A Motion to table

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Amendment #1 has been offered by Representative Spangler."

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, I would wish that Amendment #1 would be tabled."

Speaker Daniels: "And that's your Amendment, Sir?"

Spangler: "Yes."

Speaker Daniels: "Okay. You've heard the Gentleman's Motion.

He's motioned table Amendment #1. Is there any discussion?
Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Can you explain to us what Amendment #1 is?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, basically it sets forth the guidelines for how
the development board would be governed and by whom, and
that subsequently was addressed in the second Amendment
where there was a minor change. It was a technicality in
as much as we didn't say that the second Amendment becomes
the Bill."

Speaker Daniels: "Representative Dart."

Dart: "So there is a second Amendment to this? Is the second
amendment on the Bill or has it been filed yet?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, there's a second Amendment on the Bill."

Speaker Daniels: "The Gentleman wants the table Amendment #1,
then he wants to move to adopt Amendment #2. Is there any
objections to that? Excuse me, I misstated. The Gentleman
wants to table Amendment #1, but the Committee Amendment #2
would still remain on the Bill. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. If that is the case now, we
don't want to object to Representative Spangler's Motion,
but if that is the case, will that Amendment stand on its
own? Will it be properly drafted then at that point in

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time?"

Speaker Daniels: "We'll check that out...might be at difficulty with that, Sir, and your point is well taken. So, we'll leave this Bill on Second Reading. The Gentleman will have to prepare another Amendment. Representative Spangler, if you table Amendment #1, then your Amendment #2 is out of order because it states that the Bill is amended...as amended and no longer would be amended. So, you follow that one? Just say 'yes'. Okay, thank you. Everybody else does, right? Okay. So, we are going to take this Bill out of the record and thank you for bringing that to attention. House Bill 797. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill #797, a Bill for an Act that amends the School Code. Second Reading of this House Bill. Amendments #1 and 2 were adopted in Committee. No Motions filed. Floor Amendments #3, 4, and 5 have been referred to Rules. A Fiscal Note and a state mandates note have been requested on the Bill as amended by House Amendment #1 and they have both been filed."

Speaker Daniels: "Third Reading. House Bill 798. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #798, a Bill for an Act that amends the School Code. Second Reading of this House Bill. Committee Amendment #1 was adopted. No Motions filed. Floor Amendments #2, 3, and 4 have been referred to Rules. A Fiscal Note and a state mandates note have been requested on the Bill as amended by House Amendment #1 and they have both been filed."

Speaker Daniels: "Third Reading. House Bill 815. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #815, a Bill for an Act in relation of manufactured housing and to repeal a named Act. Second

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Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions filed. No Floor Amendments. A Fiscal Note has been requested on the Bill and has been filed. A Judicial note has been requested on the Bill and has not been filed."

Speaker Daniels: "The Judicial note has not been filed?"

Clerk McLennand: "Yes, Mr. Speaker."

Speaker Daniels: "Okay. Hold the Bill on Second Reading. House Bill 849. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #849, the Bill has been read a second time previously. Amendment #1...Committee Amendment #1 was referred to Committee. Committee Amendment #2 was adopted. Floor Amendment #3 was referred to Rules. A state mandates note had been requested on the Bill and it has been filed."

Speaker Daniels: "Third Reading. House Bill 943. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #943. Bill's been read a second time previously. Committee Amendment #1 was referred to subcommittee. Floor Amendment #2 was referred to Rules. No further Amendments. A Fiscal Note had been requested on the Bill and it has been filed."

Speaker Daniels: "Third Reading. House Bill 1070. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1070. The Bill's been read a second time previously. Amendment #1 was adopted in Committee. No Motions filed. No Floor Amendments. A state mandates note and a Fiscal Note...a state mandates note and a Judicial note have been requested on the Bill and they have both been filed."

Speaker Daniels: "Third Reading. House Bill 1140. Read the Bill, Mr. Clerk."

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Clerk McLennand: "House Bill #1140. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note has been requested on the Bill and has been filed. A state mandates note has been requested on the Bill and has not been filed."

Speaker Daniels: "A state mandates note has not been filed. The Bill will remain on Second Reading. House Bill 1176. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1176. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note and a state mandates note have been requested on the Bill and they have both been filed."

Speaker Daniels: "Third Reading. House Bill 1209. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1209, a Bill for an Act that amends the Illinois Motor Vehicle Theft Prevention Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions filed. No Floor Amendments. A Fiscal Note was requested and has been filed on the Bill."

Speaker Daniels: "Third Reading. House Bill 1212. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1212. The Bill has been read a second time previously. Amendment #1...Committee Amendment #1 failed. Floor Amendment #2 was referred to Rules. A Fiscal Note has been requested on the Bill and has been filed."

Speaker Daniels: "Third Reading. House Bill 1234. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1234, a Bill for an Act that amends the Downstate Forest Preserve District Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. A Fiscal Note has been

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requested on the Bill as amended. A state mandates note has been requested on the Bill as amended and they both have been filed."

Speaker Daniels: "Third Reading. House Bill 1235. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1235, a Bill for an Act that amends the Downstate Forest Preserve District Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note and a state mandates note have been requested on the Bill and they have both been filed."

Speaker Daniels: "Third Reading. The Chair would like to announce that the students from the Calvary Christian School Band are in the Speaker's Gallery from the District of Representative Al Salvi and Representative Bob Churchill. Welcome to Springfield. House Bill 1456. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1456. The Bill has been read a second time previously. No Committee...Amendment #1 was adopted in Committee. No Motions. No Floor Amendments. The Fiscal Note, state mandates note, correctional budget and impact note and budget impact note and home rule note have been requested and they have all been filed."

Speaker Daniels: "Third Reading. House Bill 1488. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1488, a Bill for an Act that amends the Public Building Commission Act. Second reading of this House Bill."

Speaker Daniels: "Do you want 1488 taken out of the record, Representative Stevens? Take that out of the record. House Bill 1699. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1699, a Bill for an Act that amends the Public Community College Act. The Bill has been read a

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second time previously. Amendment #1 was adopted in Committee. No Motions filed. No Floor Amendments. A Fiscal Note and a state mandates note have been requested on the Bill and they have not been filed."

Speaker Daniels: "The Bill will remain on Second Reading. House Bill 1754. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1754. The Bill has been read a second time previously. Amendment #1 was adopted in Committee. Floor Amendment #2 has been referred to Rules. A Fiscal Note has been requested on the Bill and it has been filed."

Speaker Daniels: "Third Reading. Seventeen sixty-four."

Clerk McLennand: "House Bill #1764. The Bill has been read a second time previously. No Committee Amendments. Floor Amendment #1 was referred to Rules. A Fiscal Note has been requested on the Bill and it has been filed."

Speaker Daniels: "Third Reading. Eighteen forty-three." tfh;7

Clerk McLennand: "House Bill #1843. The Bill has been read a second time previously. Amendments #1 and 2 were referred to subcommittee. Floor Amendments #3 and 4 were referred to Rules. A Fiscal Note has been requested on the Bill and it has been filed."

Speaker Daniels: "Third Reading. House Bill 1987. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1987, a Bill for an Act that amends the Illinois Municipal Code. Second Reading of this House Bill. Committee Amendments #1 and 2 were referred to Rules. No Floor Amendments. A Fiscal Note has been request on the Bill and it has...a Fiscal Note and a state mandate note have been requested on the Bill and they both have been filed."

Speaker Daniels: "Third Reading. House Bill 2077. Read the

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Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2077, a Bill for an Act that amends the School Code. Second Reading of this House Bill. Amendment #1, 2, 3, and 4 were referred to subcommittee. Floor Amendments #5, 6, 7, and 8 have been referred to Rules. Floor Amendment #5 has been approved for consideration and is offered by Representative Cowlshaw."

Speaker Daniels: "Representative Cowlshaw, Amendment #5."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2077 is exclusively the quality school initiative which is that of state schools superintendent Dr. Joseph Spagnolo. After presenting this Bill at some length in the Elementary and Secondary Education Committee, superintendent Spagnolo agreed because there was only one small item in the material that appeared to be somewhat controversial that in order not to endanger the whole initiative, he would remove that. That was his agreement with those of us in the Committee. He is fulfilling that obligation. Floor Amendment #5 removes from this legislation any mention whatsoever of teacher certification or licensure. That's all it does."

Speaker Daniels: "The Lady from Cook, Representative Davis."

Davis: "That you, Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Davis: "Representative, since you have taken out the licensure requirement for high school teachers, has the IEA removed its opposition?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I do not know."

Speaker Daniels: "Representative Davis."

Davis: "You don't know. Well that answers that. This legislation gives jump start money or what... I mean, tell

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me more about the jump start program. What does the jump start program do? You see, this is one of the Bills that we didn't get to debate in our Committee. Testimony was presented, but we could not ask any questions."

Speaker Daniels: "Representative Davis. Representative Davis. Representative Davis. Representative Davis, up here, yoo-hoo. I'm up here, Representative Davis. Representative Davis, you will address the Amendment only, please. To the Amendment, Representative Davis."

Davis: "Now wait a minute. Isn't that what I'm doing? I asked about project jump start."

Speaker Daniels: "That's not in the Amendment, Ma'am."

Davis: "But it is in the Amendment."

Speaker Daniels: "To the Amendment."

Davis: "In the removing..."

Speaker Daniels: "Ladies and Gentlemen, please."

Davis: "In removing the licenser section of the legislation, do you say, Representative Cowlshaw, that teacher certification for high school teachers will remain as is?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "That is correct and I get an indication from the balcony that in fact, the answer to you previous question was yes."

Speaker Daniels: "Representative Davis."

Davis: "If it takes out the licenser, then that was all that it does. Is that right? I mean that's all this Amendment does?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "As I previously explained, yes."

Speaker Daniels: "Representative Davis."

Davis: "Thank you very much."

Speaker Daniels: "The Gentleman from Rock Island, Representative

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Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Just to comment, Representative Cowlshaw had agreed in Committee to do this, to remove this language and she has done that and I commend her on that action to remove the language that dealt with certification as was requested by the education association. So she has lived up to her agreement in this Amendment and I would commend her for that and I would ask for support on adopting Amendment #5."

Speaker Daniels: "You've heard the Lady's request. All those in favor of Amendment #5 please signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 2094. Read the Amendment, Mr. Clerk...read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2094. Bill has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Daniels: "Take House Bill 2094 out of the record temporarily. House Bill 2203. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2203, a Bill for an act that amends the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor Amendments #2 and 3 have been referred to Rules. A Fiscal Note was requested on the Bill and it has been filed."

Speaker Daniels: "Third Reading. House Bill 2305. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2305. The Bill has been read a second time previously. Committee Amendments #1, 2, and 3 were referred to subcommittee. Committee Amendment #4 was adopted. Floor Amendments #5, 6, and 7 were referred to

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Rules. A state mandates note and a Fiscal Note have been requested on the Bill and they have been filed."

Speaker Daniels: "Third Reading. Twenty-three thirty-two. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2332. The Bill has been read a second time previously. Amendment #1 was adopted in Committee. No Floor Amendments. A Fiscal Note has been requested on the Bill and it has been filed."

Speaker Daniels: "House Bill 553. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #553. The Bill has been read a second time previously. Committee Amendment #1 was tabled. No further Committee Amendments. No Floor Amendment. A Fiscal Note and a state mandates note have been requested on the Bill and they have been filed."

Speaker Daniels: "Both been filed?"

Clerk McLennand: "The Fiscal Note and the State Mandates Note were requested on the Bill as amended. It was filed on the Bill unamended. Committee Amendment #1 was tabled, so the notes are in order."

Speaker Daniels: "Third Reading. Ten fifty-nine. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1059. The Bill has been read a second time previously. Committee Amendment #1 was adopted. A Fiscal Note has been requested on the Bill and has been filed."

Speaker Daniels: "Third Reading. Sixteen O eight. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1608, a Bill for an Act that amends the Trust and Trustees Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Motions filed. No Floor Amendments. A Fiscal Note has been requested on the Bill and it has been filed."

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Speaker Daniels: "Third Reading. Sixteen ninety-nine. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1699. The Bill has been read a second time previously. A Fiscal Note and a State Mandates Note have been requested on the Bill and they have been filed."

Speaker Daniels: "Third Reading. House Bill 2094. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2094. The Bill has been read a second time previously. A Correctional Budget Impact Note and a Fiscal Note have been requested on the Bill and they have been filed."

Speaker Daniels: "Third Reading. House Bill 2345. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2345. The Bill has been read a second time previously. Amendment #1 was adopted in Committee. No Motions filed. A Fiscal Note and a State Mandates Note have been requested on the Bill and they have been filed."

Speaker Daniels: "Third Reading. House Bills - Third Reading."

Speaker Daniels: "House Bill 579. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #579, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Thank you, Mr. Speaker. House Bill 579 is a Bill that was brought to my attention by the president of the Fraternal Order of Police at the lodge at Joliet Prison. His name is Andre Dixon and he told of leaving...he sent each of us a care package this past July. He told of leaving a barber shop in Chicago and finding one of his

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tires flat. As he was changing the tire, all of a sudden a car turned the corner and stopped next to him, the driver stepped out of the car and said, Dixon if you wasn't straight with me when I was locked up you'd be under that car right now. Now nothing happened to this correctional officer, but it could have. As he puts it, he was at the mercy of this ex-con. Another time he was visiting friends on the south side of Chicago, visiting high school friends and an ex-con came out of a driveway from across the street yelling, well I better not say that word somebody might take exception. No, it's the H word. Now that Dixon...he pointed out that Dixon, Dixon wouldn't look out for me when I was locked up in the joint and he began to walk towards me in a threatening manner and made it to the porch where I was. He said, 'I was defenseless, one arm in a sling'. If it weren't for my friends being present I'd probably be another statistic. Another black man killed in Chicago with my department blowing it off as an isolated incident. He asked, why do correctional officers have to be put in this vulnerable position? He says, this is the only profession to my knowledge that when you quit or retire or are presently employed, but off duty, our lives are in constant danger because of our employment. The ex-con never forgets the faces of those who kept him locked up for years. He asked, when will the Legislature realize that the correctional officer who served this state and country need to be able to protect themselves and their families while off duty? Well I'm hoping...I'm hoping that night or that day is today. This Bill not only would give the right of current...current county and state correctional officers, but also retired state and county correctional officers and also retired peace officers those being

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retired deputy sheriffs and retired policemen to carry concealed weapons. If there are questions, Mr. Speaker, I would be happy to answer them."

Speaker Daniels: "The Gentleman from Kankakee, Representative Novak."

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

Speaker Daniels: "Indicates he will."

Novak: "Representative Skinner, not only...not only does this Bill allow, from my understanding, allow retired peace officers...that means retired police officers, what county, local to carry weapons? Is that correct?"

Speaker Daniels: "Representative Skinner."

Novak: "Without a permit, is that correct?"

Skinner: "That is correct."

Speaker Daniels: "Representative Novak."

Novak: "And it also allows correctional officers, like those individuals that work in county jails and also correctional officers that worked at the state level to carry weapons without a permit, is that correct?"

Speaker Daniels: "Representative Skinner."

Skinner: "That's the purpose of the Bill."

Speaker Daniels: "Representative Novak."

Novak: "Okay. For purposes of definitions, let me give you an example. I know a correctional officer, say back at our Kankakee County Jail, may be a person that works in the front window that doesn't have any...anything to do with coming in contact with prisons. They may be... In their bargaining unit, they may be a dispatcher, it might be an individual that has...does not have any direct contact with inmates. Would they be allowed too, under the definition? Would they be allowed to carry weapons without a permit?"

Speaker Daniels: "Representative Skinner."

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Skinner: "Representative, a correctional officer means a full time sworn officer of the sheriff or a full time employee of the Department of Corrections who is primarily responsible for the control and custody of offenders, detainees or inmates."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Why are we doing this? I remember a few years ago we had a Bill...no I'm serious, why are we doing this? I remember a few years ago we had a Bill in a Committee that we killed to allow retired peace officer...for what godly reason would they want to take guns around with them for on the street? When already retired, they served their 20 or 25 years loyally to their municipality or to their county or their state. Why would they want to go around and carry guns?"

Speaker Daniels: "Representative Skinner."

Skinner: "To protect their lives and those of their families, Representative."

Speaker Daniels: "Representative Novak."

Novak: "I'm sorry, Mr. Speaker. Representative Skinner, could you repeat that?"

Speaker Daniels: "Representative Skinner."

Skinner: "I said, to protect their lives and those of their families. If you'd like me to cite examples I can. I can even show you...I mean, if you want documentation that it's needed, I have it here. And you actually have it in your mail because Mr. Dixon sent each of us a white folder containing all sorts of articles."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. What is the level of incidences here? I did get...I did receive that packet of information on my desk and I perused it briefly. But what is the

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incidence of...or the percentage of incidences that have been occurring around the state? Do we have a lot of ex-cons going around stalking former correctional officers and retired police officers?"

Speaker Daniels: "Representative Skinner."

Skinner: "I cannot answer your question, directly. I can tell you there are instances which are in the informational package that this Fraternal Order of Police Lodge president sent you. I'd be happy to put them in the record if you'd like."

Speaker Daniels: "Representative Novak."

Novak: "Do the current police associations, let's say the Dale Gobranson group, I think the Police Chief's Association in Illinois, do they support this, do other police agencies support this? What F.O.P., excuse me, what F.O.P. supports this legislation?"

Speaker Daniels: "Representative Skinner."

Novak: "Is it a certain lodge number or is it a statewide F.O.P., a county F.O.P.?"

Speaker Daniels: "Representative Skinner."

Skinner: "The lodge number is 263, I identified it as the lodge at the Joliet prison."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Well, has any...how many lives have been threatened or I mean, can you give us an indication of the seriousness of this? Has one of our...has some of our officers been killed? Have their cars been stolen, have their homes been ransacked and robbed?"

Speaker Daniels: "Representative Skinner."

Skinner: "Well, here's a funeral notice from the A.R. Leach Funeral Home for Charles Harvey. He's not alive

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because...he's not alive because his friends think a gang member did him in. Here's a report dated 10/27/94 from a...that was filed with the Joliet Correctional Center where the officer in question said, I was driving to work in my personal car, a 1989 Plymouth Voyager mini-van, I was...it was a 1989 Plymouth Voyager mini-van. I was going north on Eastern Avenue just past the Henry Jacob Manor that's when I heard a gunshot and then my right rear window was blown out. He notes that he was in full uniform ready for work. Here...I can go on if you want."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. That means...that means any retired officer, okay, is authorized to carry a gun, without a permit. Are they immuned from certain state laws? They can carry that weapon on their person? They could leave it on the seat of their car? They can put it in their handbag, if it's a female correctional officer? They could put it in a holster around them and they could walk around, right down the main street with that weapon on their person, correct? Is that what this law allows them to do?"

Speaker Daniels: "Representative Skinner."

Skinner: "All of the above."

Speaker Daniels: "Representative Novak. You only have less than a minute, Sir."

Novak: "Okay. Thank you, Mr. Speaker. Well, I have serious reservations about this Bill and I understand the plights and concerns of correctional officers. I mean, anybody can be...anybody can be stalked or gone after with a weapon. I just have real serious reservations about this Bill. I can recall the same subject matter came up two or three years ago in a Committee down here in the House and the Bill

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failed to get out of Committee because of safety concerns. I mean we have police agencies, we have the law enforcement agencies, we have the States Attorney's office. And I think our police agencies are doing a fine job. I just have real serious concerns about retired personnel wearing...being able to have weapons without a permit. Thank you."

Speaker Daniels: "The Gentleman from Peoria, Representative Saltsman."

Saltsman: "Yes. Thank you, Mr. Speaker. You know, this Bill's been kicked around here for a number of years and I don't know of any police group or any organization that is with...that is for this legislation. Senator Shaw, his last year in the House, had a Bill over here in Conservation Committee and the City and Villages and it was just to let police officers, retired police officers, who had passed the 400 hour test to carry a gun, and they qualified. What happens when these people get 72 and 73 years old and get senile? Now wait a minute. Now when they get 78 and 80 and they got Alzheimers, now you're going to have these people running around the street. They're eligible to carry these guns if you allow this. Now I don't know...I know every police organization in the State of Illinois and this Bill how it got out of any Committee, I can't believe it. I mean I...as regards to the Sponsor I know he's got a guy up there in his area that's pumping him, he's pumped several of these Representatives from that district. Now some people just want to carry a gun. Now you got a lot of volunteer cops out there, the defense cops and them, they love to carry a gun, they love to wear that badge. But the problem with it is they don't qualify, they can't pass the test, they can't

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go to a university system and qualify for the 400 hour course. These guys don't even have to do that. All these guys have ever carried has been a Billy club and a flashlight and now you're going to strap a gun on them...and now you're going to strap a gun on these people. Now don't forget, I got a few of these people that live at my neighborhood and I don't want no guns on them. No I'm glad I stayed late tonight. I'm glad the Bull game ain't on, I'm here for this Bill. But this is ridiculous. I can't believe that a Committee would let a simple Bill like this out of here. You know, look around here and see some these retired cops we got lobbying and how would you like to strap a gun back on those people again? Now we've got them out here in the hallways. Now I'm serious when you let a man legally carry a gun, next thing their going to want to do is let Legislators to carry guns around, now we got real trouble. Now anybody that would clap for that you show how simple this Bill is. This Bill is more serious than that. This is one of the worst piece of legislation to hit the Floor this year. This Bill deserves to go down the tubes. The cops don't even want it, don't force them to wear them, we're glad to get them off of them."

Speaker Daniels: "The Lady from Cook, Representative Fantin."

Fantin: "Thank you, Mr. Speaker. Questions to the Sponsor, please."

Speaker Daniels: "He indicates he'll yield."

Fantin: "Representative Skinner, approximately how many correctional officers do we have at this time in the State of Illinois?"

Speaker Daniels: "Representative Skinner."

Skinner: "I don't know, but someone is suggesting there may be 20,000. Perhaps the Department of Corrections' liaison who

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I saw earlier tonight might be able to come and tell me."

Speaker Daniels: "Representative Fantin."

Fantin: "Approximately 20,000 currently, that are currently working you said? Am I correct?"

Speaker Daniels: "That's what he said."

Fantin: "Thank you. Do we have any idea of how many retired correctional officers we have?"

Speaker Daniels: "Representative Skinner."

Skinner: "I do not."

Speaker Daniels: "Representative Fantin."

Fantin: "Do you have idea how many retired police officers?"

Speaker Daniels: "Representative Skinner."

Skinner: "I did not check the pension records. It's the principal that I'm offering here."

Speaker Daniels: "Representative Fantin."

Fantin: "But we're talking now, Sir. If you're talking maybe 20,000, 20,000 correctional officers in this state plus all the retired officers, correctional officers plus all the retired policemen. We're talking maybe 50, 60, 70,000 more guns walking around these streets daily. Am I correct, Sir, in those figures?"

Speaker Daniels: "Representative Skinner."

Skinner: "Well, Representative, I'm not at all sure there are that many, but if there are, there would be that many more good guys with guns on the street to protect us."

Speaker Daniels: "Representative Fantin."

Fantin: "Because these people have worked in a correctional institution, are working, we hire them...excuse me I can't hear."

Speaker Daniels: "Excuse me. Ladies and Gentlemen of the House. Ladies and Gentlemen. Ladies and Gentlemen. Okay. Representative Fantin."

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Fantin: "Thank you. We have no idea then how many correctional officers we have working. I do not believe, Sir, that every correctional officer we have working in this state should be carrying a weapon on them at all times. To me, that is quite frightening. I don't know if you're aware of how many these correctional officers and some of their background and how they are with these prisoners. I think the prisoners would have to be frightened when they got out too of some of these correctional officers. Say what you think. But to put a gun in every correctional officer's pocket, would you want them walking in here, Sir, being able all these people to be able to carry guns in here?"

Speaker Daniels: "Representative Skinner."

Skinner: "Well, Representative, they all have this little certificate that says they've had 40 hours of firearms training. That's a lot more than the gang bangers have had."

Speaker Daniels: "Representative Fantin."

Fantin: "I still don't believe, Sir, that that certificate would give them the entitlement to carry a gun, a concealed weapon, all the time. To the...to the..."

Speaker Daniels: "To the Bill."

Fantin: "To the Bill, please."

Speaker Daniels: "Can the Lady please have your attention? Ladies and Gentlemen."

Fantin: "I think we need to take a very close look at this. When we're talking about putting 40, 50, 60,000 concealed weapons on persons walking around the streets, wherever. May they been retired police officers, correctional officers, whatever. I think that's a pretty frightening thought to have that many more guns on our streets being concealed and I don't believe there would be enough

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control. And as our previous Representative pointed out, what if...when these people become 80, 85 years old, do we still think they're qualified to carry these concealed weapons? I'm sorry, that frightens me. And I hope you will all consider this and definitely give this a 'no' vote. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr...thank you, Mr. Speaker, Ladies and Gentlemen of the House. I also rise to oppose House Bill 579. If for any other reason, last year I received a letter from an inmate. I received a letter from an inmate that...down in Hillsboro. The inmate complained about the activities of some of the guards there, that they were involved with KKK activities, they were passing KKK literature. And I was alarmed that we have state employees working on state time, in a state correctional facility passing out KKK material. Now if House Bill 579 was to pass, we would be putting...allowing some of those correctional guards the opportunity to carry guns without a permit. Why should we allow correctional officers to carry a gun because they're threatened? What about school teachers that get threatened? Should we allow school teachers to carry a gun? What? What about...what about...you know, Mr. Speaker, Mr. Speaker, can we have some order please?"

Speaker Daniels: "Can the Gentleman have...please. The Gentleman."

Morrow: "I don't think we should take this lightly. A lot of people get threatened in this world. Some of us get threatened. Should we be allowed to carry a gun because we get threatened? Postal workers. Of all of the numbers of

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shootings we've had at postal offices, should we allow all postal workers to carry a gun? McDonald's, Kentucky Fried Chicken, churches. Should everybody be allowed to carry a gun? Now you guys might take this as being comical, but it's not. This is opening up Pandora's Box. We've messed up, five or six years ago when we gave police powers. Mr. Speaker, I've got to ask for some more...please, I've got to ask for more order."

Speaker Daniels: "Ladies and Gentlemen. Both sides of the aisle. Can the Gentleman have your attention, please?"

Morrow: "We opened up a Pandora's Box six or seven years ago when we allow to increase police powers to just about every police authority in this state. Now you have Cook County Forest Preserve officers, correctional officers, stopping people in Cook County for traffic violations. You have Secretary of State police pulling people over for traffic violations. I mean, my God, let us all be police then. Let's pass a Bill that saying that we all should have police powers and we should all have the right to arrest and cite and yes, if so, use dangerous force. When is this madness going to stop? I'm looking at...I'm looking at an article in U.S.A. Today. I'm looking at an article in U.S.A. Today, Montana, Montana has passed a Bill and some of you have come over here and have kidded me of last week in Committee about my comments of Nazism and Fascism. Montana has passed a Bill that says, gays have to register. Now doesn't that sound like in the 1930's in Nazi Germany when the Jews had to register in order to stay in Germany? When are we going to stop this madness and say that we're all free under one God, under one Constitution? If that correctional officer...probably wouldn't have that problem if we would keep the prisoners in jail and make them serve

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their full sentence. If we dealt with truth and sentencing, we wouldn't have people out here. And for the Gentleman, I'm closing, Mr. Speaker. And for the Gentleman that ex-warden was killed in my district. He was not retired, he was an active police officer of the state. He was allowed to carry a gun and he still couldn't defend himself. So why do you think a retired policeman is going to defend himself? This Bill is ridiculous."

Speaker Daniels: "The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. Yesterday...yesterday, the Senate passed out of Committee a Bill on concealed weapons for the honest citizens of this state. Now there might be some individuals that are guards, that are people that work for some of these agencies, that might not be capable of carrying a gun. The Concealed Weapon Bill in the Senate set...will set down a procedure for an honest citizen to have the right to carry a gun if they qualify under certain, very strict, conditions by the state police. It has proved to be a deterrent to crime in other states in this nation and it would do the same thing for the State of Illinois. And you're going to have to look at this very carefully because if that Bill comes out of the Senate, you're going to have to decide whether the honest citizens of your district are capable of carrying a gun and being responsible. A criminal carries a gun and he doesn't have to go through any training procedure. So you should look at this carefully. Yeah, we've made fun of this, we've made fun of this. But the people out there are saying, the cops, the police in this state and my cities can't be every place. The responsibility for defending you is going to be

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on your shoulders and your shoulders only. You have to defend yourself and the state and your cities, unless a cop sits at the front and back door of your house 24 hours. So you should consider this carefully and I know we've made a lot of fun of this, but the Concealed Weapon Bill is coming. And you are going to have to make a decision about whether the honest citizens of your...of your district have the responsibility and the right to carry that gun."

Speaker Daniels: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I rise in strong opposition to House Bill 579. You know..."

Speaker Daniels: "Excuse me. Ladies and Gentlemen of the House. Ladies and Gentlemen. Representative Erwin."

Erwin: "Thank you, Speaker. I rise in strong opposition to House Bill 579. You know, over the last couple of years we've heard a lot in this chamber about law abiding citizens having the right to bear arms, having the right to have concealed weapons. Law abiding citizens have the right to apparently arm themselves wherever and however they choose. Well you know what folks? Let's just look at the statistics for a minute. They're all law abiding until they use their weapon. They're all law abiding citizens until someone steals their gun and uses it against them. They're all law abiding citizens until their kid maybe is rustling around the house at night and they shoot their child mistakenly because they think it's an intruder. These are all law abiding citizens who use guns in the commission of crimes, many of which are committed as crimes of passion with not a great deal of forethought. But frankly, people are still dead and injured all over this state. The law abiding citizens who have guns, commit

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crimes because there are going to be more guns around. I mean, I'm just not sure what in the world is going to take this state or the rest of our country to understand that the more guns there are, the more accidents and crimes are going to be committed with them. It doesn't take a brain surgeon, Representative Skinner, to understand that if we arm every living soul in the United States there are going to be more crimes committed with guns. Can we please agree that only people who are engaging in sport activity with safe law guns and law enforcement officials should be the only people with guns in this state. I strongly urge opposition to this really awful, awful Bill."

Speaker Daniels: "The Gentleman from St. Clair, state your inquiry."

Hoffman: "Yes, Mr. Speaker. Does this preempt home rule?"

Speaker Daniels: "No, it does not. The Gentleman from Tazewell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. Representative Skinner to close."

Skinner: "Well, Mr. Speaker, I have a correction to make. There are only 7,000 correctional officers working for the Department of Corrections. I apologize for not having the answer at the tip of my tongue. I would also like to point out that the Gentleman who initiated this Bill is black. I personally think that is totally irrelevant to the Bill, but since the Gentleman on the other side of the aisle decided to bring up the subject of race, I think that ought to be put in the record. The slain warden was not allowed to

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carry a gun except on the way to and from work. I presume...I do not know, but perhaps the Gentleman that spoke before me knows whether he was on his way to and from work. If he was not on his way to and from work, he was not allowed to legally carry a firearm. I've stated previously that each one of the people involved here have had 40 hours of handgun training, but it's even better than that. They've all had the retired...the retired folks have had 20 years of experience. I would also like to point out to the Gentleman from Peoria that in order to carry these concealed weapons, these Gentlemen who are retired, will have to have a firearms...a Firearm Owners Identification Card. And if they become feeble minded, incapacitated mentally, the FOID card would be revoked. So I think I can answer his objection. I guess the question we have to answer here is, whether we want the correctional officers to be able to take control of the prisons back from the gangs because that's what's really an issue here. Our correctional officers are now being intimidated by friends outside the prison of the gang members inside the prison. I am not confident that the Department of Corrections has control of any prison, that the gangs do not control them all. However, if that is the case, this is a step in the opposite direction. Because this will give the correctional officers an opportunity to defend themselves, shall we say equalize the playing field outside the prisons. I have been requested by numerous retired police officers to include them in this Bill and that is why I've done so. I received an anonymous letter from my local county jail, from one of the correctional officers, there are 42 of them in McHenry County. And it says, Representative Skinner, if you get this Bill passed there

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are going to be 42 more good guys in McHenry County with guns that know how to use them on the street. Now you want a cop on every block? This won't quite do it, but it will put a lot more qualified good guys on the block than there are now. I would ask for your favorable consideration of this modest proposal to bring the Second Amendment back to the State of Illinois."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 579. All those in favor signify by voting 'aye'; opposed by voting, 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 30 'ayes'; 76 'no'; 5 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 613, Representative Blagojevich. Mr. Clerk, read the Bill...excuse me, excuse me, Mr. Clerk. Excuse me. There's a treat here. Representative Currie, for what purpose do you rise?."

Currie: "Thank you, Speaker, on a point of personal privilege. You all may know that Representative Ray Frias got promoted in the primary elections in Chicago in February and a week from Tuesday he will be elected an Alderman of the City of Chicago. To speed him on to greater glory, Representative Burke bought him a cake and although there aren't very many pieces left, you're all invited over to see if there is a crumb available for you and to wish Representative Frias Godspeed."

Speaker Daniels: "Representative Frias, if you had a Bill, we would call it. Would you like to say something, Sir, to you Colleagues? Representative Frias."

Frias: "Thank you, Mr. Speaker. This is a rare sight. I know in

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the two years I've been here I think I've made a speech on this Floor maybe two or three times. I'm going to miss everyone here. I've made relationships and friendships with people here that's going to carry me throughout my political career. This is where...my colleagues included. This is where I cut my political teeth. This is where I learned what politics is all about and taking the knowledge that I have now acquire in the General Assembly, I hope to function as a productive member of the city council and I hope to keep in contact with all my friends. I really am truly going to miss all of you from and the bottom of my heart, I thank all of you for being there when I needed you and even when you weren't. And when you are in the city council, look me up and no garbage cans unless you're in the twelfth ward. Thank you."

Speaker Daniels: "House Bill 613. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #613, a Bill for an Act in relation to firearms. Third Reading of this House Bill."

Speaker Daniels: "Representative Blagojevich. Ladies and Gentlemen. Let the Gentleman have your attention, please."

Blagojevich: "Thank you, Mr. Speaker. I must confess I wasn't prepared to have one of my Bills called today so I didn't bring the file; however, I know this Bill like the back of my hand. I passed it out of here last year. I welcome all questions and I would delighted to hear questions from the Democratic side of the aisle as well as the Republican. Let me say this briefly what the Bill does. It does the following, it's very similar to Andrea Moore's Bill. I believe it mirrors Roskam's Bill or should I've said Roskam's Bill mirrors mine, since mine was in fact the Bill that passed out of here last year long before Peter Roskam conceived the idea. In any event, I'm for Roskam's Bill

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and to the extent that my Bill can help Roskam's Bill ultimately be law, I am happy to say right now on the record that I would be happy to subordinate this particular Bill for his or for Andrea Moore's for that matter. In any event, I hope we can pass this Bill out. It simply says that if your convicted of domestic battery or your convicted of the misdemeanor charge of violation of an order of protection, you lose your right to own a firearm. If you are charged with either one of those crimes and an order of protection is issued, the right to own a firearm is suspended until the ultimate outcome of the case. I'm here to answer questions and I hope I receive some."

Speaker Daniels: "This Bill is on Short Debate. Does anyone stand in opposition? Representative Blagojevich to close."

Blagojevich: "Thank you, Mr. Speaker. I urge due passage and I appreciate you calling my Bill. Thank you."

Speaker Daniels: "You heard the Gentleman's Motion. The question is, 'Shall House Bill 613 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 108 'aye', 3 voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 668, Representative Santiago. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #668, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Santiago."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. I'll be brief. This Bill has passed this House a number of times. It passed the Senate two years ago and

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the governor amendatorily vetoed the Bill. What this Bill includes is the governor's version of the amendatory veto. What this Bill does is expands bilingual education to preschool students in Chicago only. I will be more than happy to answer any of your questions."

Speaker Daniels: "This Bill is on Short Debate. Does anyone stand in opposition? Representative Dart, you stand in opposition, Sir?"

Dart: "Mr. Speaker, no. I have some questions in regards to the Bill, though. I might be in opposition. I don't know. I don't know what the Bill does."

Speaker Daniels: "Proceed."

Dart: "Thank you and I am joined by enough colleagues that I would like to take it off of Short Debate."

Speaker Daniels: "Well we could always take it out of the record, too."

Dart: "I just want to ask a couple of quick questions."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. My question's going to be real quick. I know this is something that you have worked on before, Representative, dealing with bilingual education. How is it, if at all, any of this effected by the measures we've passed dealing with wavers and the whole like?"

Speaker Daniels: "Representative Santiago."

Santiago: "This will... The Bills that we passed will not have any effect on this Bill."

Speaker Daniels: "Representative Dart."

Dart: "Just a follow-up on that. Would the individual schools be able to wave or does this have any impact whatsoever in regards?"

Speaker Daniels: "Representative Santiago."

Santiago: "This Bill doesn't have anything to do with wavers or

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anything like that."

Speaker Daniels: "Representative Dart. Representative Santiago to close."

Santiago: "Thank you, Mr. Speaker and Members of the General Assembly. I..."

Speaker Daniels: "Just a second, Sir. Apparently Representative Davis wants to ask you a question. Representative Davis."

Davis: "How much does this Bill cost? What is the cost?"

Speaker Daniels: "Representative Santiago."

Santiago: "There's absolutely no cost to this."

Speaker Daniels: "Representative Davis."

Davis: "Representative Santiago, the State Board of Education is going to open a bilingual preschool? Is that correct?"

Speaker Daniels: "Representative Santiago."

Santiago: "Basically, this will allow preschool bilingual students to participate in the general curriculum. Basically, right now, they have been denied this equal opportunity as the other students."

Speaker Daniels: "Representative Davis."

Davis: "Santiago, right now they cannot go to a regular preschool?"

Speaker Daniels: "Representative Santiago."

Santiago: "No. That's why I have the Bill right now so that we could allow them to participate in the preschool programs."

Speaker Daniels: "Representative Davis."

Davis: "There's no line item for this in the budget?"

Speaker Daniels: "Representative Santiago."

Santiago: "This doesn't cost anything."

Speaker Daniels: "Representative Davis, you done? Representative Santiago to close."

Santiago: "Thank you, Mr. Speaker. Once again, I hope each and everyone support this Bill. This is a Bill that I have

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worked on with Representative Cowlshaw, Representative Leitch, and several other Members of these legislatures, so I hope that you vote in favor of this Bill. Thank you very much."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 668. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 113 'aye', 2 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 820, Representative Cowlshaw. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #820, a Bill for an Act that amends the Higher Education Student Assistants Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 820 is an initiative of the Illinois Student Assistants Commission or ISAC, which administers the minority teachers of Illinois Scholarship Program. Currently, this program which is for students who are sophomores or above in institutions of higher education and who are qualified as minorities are entitled to a maximum award of \$5,000.00 a year as long as they are full-time students. The current law dictates that at least 30% of the funds appropriated for this program must be reserved for qualified male minority recipients. The majority of applicants for these scholarships are women. In recent years, ISAC has had many qualified female applicants, but not always enough qualified male applicants to meet the 30% requirement. If there are not enough male

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applicants, ISAC can not use these funds for female applicants. It seems a shame once the first of January has arrived and we are halfway through the Fiscal Year, which is all that this Bill provides, that as of that date, if there are an insufficient number of qualifies male applicants for these scholarships, ISAC should be entitled to award them to females. That's all this Bill does and I should be glad to try to answer any question."

Speaker Daniels: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. Representative, can I ask you a few questions about this proposal?"

Speaker Daniels: "She indicates she will yield."

Erwin: "Thank you. Would you explain to me how...if we are aware of how much money...how much in state funds was set aside for this scholarship program, the minority teachers scholarship program."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "In FY '95, it was 1.5 millions dollars."

Speaker Daniels: "Representative Erwin."

Erwin: "Thank you. Mr. Speaker, I should probably ask that this be removed from Short Debate."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I appreciate that..."

Speaker Daniels: "Your Welcome."

Erwin: "Representative, is the... The purpose then was to allocate some funds to encourage...would you give us a little explanation of what the purpose of this was?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I already explained all that in my opening statement. Current law requires that at least 30% of these funds be used for males. There are not a sufficient number of male applicants. Because of the way the law is written, ISAC

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can not give this money to girls. All this does is after January 1 permit ISAC to give the money to girls."

Speaker Daniels: "Representative Erwin."

Erwin: "Thank you, Representative. Do these applicants, do the female applicants have to be minority applicants?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, that would seem a pretty logical conclusion considering it's called the Minority Teachers of Illinois Scholarship Program."

Speaker Daniels: "Representative Erwin."

Erwin: "Thank you, Representative. I just wasn't sure when we were going from minority male that we were also going to minority female or if we were just going to females so I just wanted to make sure we got all the correct boxes checked. Thank you, Representative, I'm sure there will be some other questions on this, but I can't think of any right now."

Speaker Daniels: "The Lady from Cook, Representative Flowers. Oops. The Gentleman from St. Claire, Representative Hoffman."

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

Speaker Daniels: "She indicates she will."

Hoffman: "Representative, you sound tired. It's been a long day. Are you tired? Your voice sounds tired."

Speaker Daniels: "Yes. Representative Hoffman."

Hoffman: "I guess she won't answer that. Representative, with regard to the Bill, I was trying to be nice, but I guess with regard to the Bill. Just explain to me, have in the past the 30% that has been set aside been utilized by minority males?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I could not hear his question."

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Speaker Daniels: "Ladies and Gentlemen of the House.
Representative Hoffman, could you repeat it please?"

Hoffman: "In the past years, have the 30% that has set aside for
minority males been utilized?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Last year, according to ISAC figures, somewhere
around 29% of the funds was used for male applicants,
leaving 1% of funds. This is not a major shift, it just
seems even if there are only 3 or 4 scholarships that could
have gone to a minority female and are not given to that
female simply because she is not a male, that does not seem
fair to me. That is all this Bill does. It is not
controversial. It came out of Committee on a vote of 13 to
0 and I can't imagine why anybody could possibly be opposed
to it unless of course, you do not want to help minority
females become teachers."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, Representative, I guess my question is how come
we're not soliciting more male applicants...male minority
applicants to fill these teachers scholarships? Because I
think that is the whole goal of the scholarship program is
to have more male minority teachers in the classrooms. Is
there any program presently in place that is recruiting
male minority teachers...potential male minority teachers
for these scholarships?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, it is not the role of ISAC to solicit
people to apply for these scholarships. That is not the
assignment the General Assembly has given to the Illinois
Student Assistants Commission. They do advertise the fact
that there are these scholarships available, but they do
not go out and actively seek people to come and apply for

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these scholarships. Now I believe they do have a program where they provide materials about these scholarships to every qualified institution of higher education in this state. But beyond that, Sir, they can't very well use the money they should be using for the students to go out and try to solicit the students."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Right, well I guess our concern on this side of the aisle is... I understand and I understand your goals are laudable and I don't question that. What I do question is the way the program possibly has been implemented and up and running in the past. I think that this General Assembly, when it passed this type of scholarships, made a rational decision that they want to set 30% of the funds aside for there recruitment and for scholarships for minority male teachers scholarships. The idea being that people in the minority communities could use males as role models, should have them as role models in the schools. And if we aren't doing that, I'm sure that there are more than ample individuals out there who would like to utilize these scholarships, but may not know about them. If we are only 1% short...if we are only 1% short, we shouldn't be selling the program short. We should be going out there and recruiting people and saying, hey we want to have minority males in the the classrooms. We want to insure the role models are there for minority youth in the classrooms and recruit them. That's what I think we should...instead of doing it this way and just giving up on the program, I would submit that we should be out there fostering program and fostering participation. I would urge a 'present' or a 'no' vote."

Speaker Daniels: "The Gentleman from Tazwell, Representative

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Ackerman."

Ackerman: "Thank you, Mr. Speaker I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The Lady from Dupage, Representative Cowlshaw, to close."

Cowlshaw: "This is a good Bill. It is for girls who are minorities. Vote 'yes'."

Speaker Daniels: "The Lady has moved for the adoption of House Bill 820. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 110 'aye', 0 voting 'no', 4 voting 'present'. This Bill, having receive a Constitutional Majority, is hereby declared passed."

Speaker Daniels: "House Bill 901. Return to Second Reading, Mr. Clerk. Would you like to first read it on Third."

Clerk McLennand: "House Bill #901, a Bill for an Act that amends the Environmental Protection Act. Third Reading of the Bill."

Speaker Daniels: "Return to Second Reading. House Bill 913, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #913, a Bill for an Act that amends the State Police Act. Third Reading of this Bill."

Speaker Daniels: "Representative McAuliffe, House Bill 913."

McAuliffe: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 913 amends the State Police Act, requires the State Police merit board to award back pay to officers found not guilty in a suspension hearing or who have served a period of a suspension greater than that prescribed by the board. The Bill was recommended by

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Illinois State Troopers Lodge 41. The fiscal impact is minimal."

Speaker Daniels: "Any discussion on the Bill? The Gentleman from Washington, Representative Deering."

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

Speaker Daniels: "He indicates he will."

Deering: "Mr. Speaker, pursuant to the House Rule I am joined by the requisite number of hands of my colleagues to take this Bill off of Short Debate."

Speaker Daniels: "How many hands are those? What's the requisite number?"

Deering: "Enough. Enough."

Speaker Daniels: "Ok."

Deering: "Representative McAuliffe, I carried this Bill last year. You and I sponsored this together and it died in the Senate. Does this have the language in it that...if there is a frivolous action brought, the people bringing the action have to pay the cost? Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Pugh."

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

Speaker Daniels: "He indicates he will."

Pugh: "Representative McAuliffe, how many State Police will be affected by this piece of legislation?"

Speaker Daniels: "Representative McAuliffe."

McAuliffe: "Representative Pugh, I really couldn't tell you. I don't imagine it would be a very great number, probably no more than ten a year."

Speaker Daniels: "Representative Pugh."

Pugh: "So this legislation would not be retroactive, it would be from the starting date on?"

Speaker Daniels: "Representative McAuliffe."

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McAuliffe: "No, it's not retroactive."

Speaker Daniels: "Representative Pugh."

Pugh: "Thank you very much."

Speaker Daniels: "The Gentleman from Tazwell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "Gentleman's move the previous question. The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it and Representative McAuliffe to close. The Gentleman moves for the adoption of House Bill 913. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'aye', 0 voting 'no', 0 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 934, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #934, a Bill for an Act that amends the Counties Code. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Hanrahan."

Hanrahan: "Thank you, Mr. Speaker. House Bill 934, Amendment #1, becomes the Bill. This is actually four Bills in one. The first Bill is identical to House Bill 6, Representative Phelps, and provides that a multiple county health department may hire attorneys to represent and advise the department concerning matters that are not within the exclusive jurisdiction of the State's Attorney of one of the counties that created the department. The second Bill which is the original Bill, House Bill 934, allows map

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Amendments that are proposed to correct errors made by the county during a comprehensive rezoning to be passed by a simple majority rather than subject to a 3/4 majority. The third aspect of this Bill is Representative Clayton's House Bill 936 suggested by Lake County, provides that appeals from final zoning decisions of the county board must be filed within one year unless a shorter time limitation applies. And the last element of this Bill which is essentially House Bill 938 expands the public record definition to include digitize electronic material. I would be happy to answer any questions as would I presume Representative Phelps and Representative Clayton."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Stroger."

Stroger: "Mr. Speaker, I would like to yield my time to Representative Hoffman."

Speaker Daniels: "Gentleman from St. Claire, Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Now my understanding, Representative, in your explanation is there are essentially three Bills that are in this one Amendment. The original Bill, which indicates that...is the original Bill in this...in this now at all?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Yes, the original Bill, Representative Hoffman, is in here. But there are four Bills; not three."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Do you know what the numbers of the Bills were and who the Sponsors were in the original Bills? Were they Bills that were introduced originally?"

Speaker Daniels: "Representative Hanrahan."

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Hanrahan: "Representative, as I mentioned in my opening statements, House Bill 6, Representative Phelps, as well as House Bill 934 and House Bill 938, which I Sponsored as well as House Bill 936, Representative Clayton's Bill. This was an agreed Bill, bipartisan Bill, in the County and Townships Committee."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well when you say agreed, agreed by who?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Both the Democrats and the Republicans."

Speaker Daniels: "Representative Hoffman, do you want to pass the file back to Representative Lang? Okay. It's on it's way back. Representative Lang, you want to...no... Representative Hoffman."

Hoffman: "I'm just getting warmed up, Mr. Speaker."

Speaker Daniels: "Alright. Have at it."

Hoffman: "Representative, I understand that your original Bill provided that if an Amendment to a proposed comprehensive rezoning has made and is viewed that that comprehensive rezoning...or that the Amendment to the comprehensive rezoning is only minor in nature. It would take only a simple majority in order to adopt that change. Is that correct?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And it's my understanding that that is in this Bill. Normally that would take a 3/4 vote in order to accept or adopt a comprehensive rezoning. My question to you is if it's so easy and it's technical in nature, why do we need to change it from a 3/4 vote to a simple majority make it easier. It would seem like the 3/4 vote would easily take

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place simply because it's only a technical change in rezoning."

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "It was a feeling of Lake County that by making a simple majority as opposed to 3/4 of a majority that it was making it more simple and it was extraordinary to suggest 3/4 vote was required."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well it's my understanding... I don't know that there was any agreed Bills. I wasn't in the Committee when this was passed. But it's my understanding you weren't in the Committee when it was passed either. So it's kind of hard for us to determine whether it was exactly agreed. I don't believe that there are any agreed Bills per say or an agreed Bill list that was passed out of the Counties and Township Committee. Is that correct?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "It's my understanding that that was the case. It may or may not have been the case, but it's my understanding that it was."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well it's my understanding that this passed out 6 to 4, Representative, so I don't think that...is that wrong? Is that wrong information? I guess I'll just ask that question. It passed out 6 to 4. What was the vote in Committee?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "Nine, zero, one, Representative. That's my understanding."

Speaker Daniels: "Representative Hoffman, you have the vote now. Representative Hoffman."

Hoffman: "Well, Mr. Speaker, I would just ask that potentially if

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any of the potential Sponsors that Representative Phelps would possibly explain what is exactly in the Bill only because I don't know that the Sponsor really went in depth into what is exactly in the Bill, and I would ask that since it is his provisions if we could potentially have and we would run a slip over there to have Representative Phelps added as a hyphenated Sponsor if that would be okay with the Representative. And that's all I have."

Speaker Daniels: "Further discussion? The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, for your indulgence, Sir..."

Speaker Daniels: "Got the file. Okay."

Lang: "I appreciate it very much."

Speaker Daniels: "You're welcome, Sir."

Lang: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Lang: "How are you tonight, Representative? Having a good time? Good. Representative, I'm sure you're aware of the constitutional provision that requires Bills to have a single subject matter, are you not?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "These Bills all are within the area of responsibility of the County and Villages or the Towncounty and Townships Committee. That's correct."

Speaker Daniels: "Representative Lang."

Lang: "Well, thank you for answering the question I didn't ask. The question was are you familiar that the constitution requires single subject matters in Bills."

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "As I stated, I think there's synergy between these Bills."

Speaker Daniels: "Representative Lang. Anything further,

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Representative Lang?"

Lang: "Oh yes. Just bare with me. Keep the clock running, Sir."

Speaker Daniels: "I will. Thank you. You got 3 minutes and 50 seconds."

Lang: "That's alright. We'll use it up. So, Representative, one of these Bills deals...or one of these sections deals with the county health department hiring private attorneys. One of these deals with zoning and one of these deals with electronic filing of records. How do these three relate to each other, Sir?"

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "They all relate to local governmental matters."

Speaker Daniels: "Representative Lang."

Lang: "In much the same way that parking ordinances and electing a mayor would, I suppose."

Speaker Daniels: "Representative Hanrahan."

Hanrahan: "If you see it that way."

Speaker Daniels: "Representative Lang."

Lang: "These folks are trained really well, Mr. Speaker, on how to answer these questions. No question about that. I have nothing further at this time, Mr. Speaker."

Speaker Daniels: "The Gentleman from Tazwell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'aves' have it. The Gentleman, Representative Hanrahan, to close."

Hanrahan: "Thank you, Mr. Speaker. I would appreciate you favorable vote on House Bill 934."

Speaker Daniels: "The question is, 'Shall House Bill 934 pass?'"

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All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 113 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 939, Representative Clayton. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #939, a Bill for an Act that amends the Bikeway Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Clayton."

Clayton: "Thank you, Mr. Speaker. House Bill 939 amends the Bikeway Act. It provides that the interagency council shall convene at least quarterly rather than from time to time. And it also provides that the council should include a county engineer or a county superintendent of highways which would be chosen by the statewide association of county engineers. Currently, the law provides that the council on bikeways which is chaired by the Secretary of Transportation for the purpose of determining policy and priorities and infectuating the purposes of the Bikeway Act and that council is lacking a county engineer and thus does not have the local input that we feel is necessary."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Mr. Speaker, this is the one time you recognized me when I didn't want to be, but I'll try to accommodate myself to this policy. Now I would think Representative Hoffman has responsibility for this legislation. He has a great deal of expertise in this area. Representative Hoffman has been trained for years in these matters. I know he has a lot of pressing questions, Mr. Speaker."

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You've recognized the wrong person. I'm surprised you would do that, Mr. Speaker. And I am yielding back to Representative Hoffman."

Speaker Daniels: "The Gentleman from St. Claire, Representative Hoffman."

Hoffman: "Yes, Mr. Speaker, I would yield to the Gentleman from Cook, Representative Lang."

Speaker Daniels: "I don't know if we could do a three way yield. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. You know, I don't know that I have the expertise to really handle this file. I would yield to Representative Schakowsky."

Speaker Daniels: "The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. Since this legislation deals with bikeways, I'm going to yield to the real expert, Representative Harold Murphy."

Speaker Daniels: "The Gentleman from Cook, Representative Murphy."

Murphy: "I move the previous question."

Speaker Daniels: "The Gentleman has moved the previous question. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Clayton to close."

Clayton: "I urge a favorable vote on this House Bill 939."

Speaker Daniels: "The Lady has moved for the adoption of House Bill 939. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 112 'aye', 2 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 988, Representative Noland. Mr. Clerk, read the Bill."

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Clerk McLennand: "House Bill #988, a Bill for an Act that amends the Wildlife Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Noland."

Noland: "Thank you, Mr. Speaker. House Bill 988 amends the Wildlife Code and is a hunter safety education Bill. It would require all first time purchasers of hunting licenses to first pass a hunter safety course if they were born after January 1, 1980. It will not effect current hunters; it only effects young people under 16 who take a hunter course. It would grandfather in all existing hunters. I welcome any questions."

Speaker Daniels: "The Gentleman from Cook, Representative Harold Murphy."

Murphy: "Mr. Speaker, I would like to first take it off of Short Debate. At this point in time would like to yield my time to Representative Granberg."

Speaker Daniels: "I knew it was too good to be true. The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Noland, just a couple of questions please. When we talk about what is the necessity for this and what is the current law in respect to this type of training?"

Speaker Daniels: "Representative Noland."

Noland: "The current law is that all youth under age 16 must pass a...first take a hunter safety education course before they can have a hunting license. So, under 16. The necessity is to promote safe hunting, hunting ethics, wildlife preservation, and just good sportsmanship."

Speaker Daniels: "Representative Granberg."

Granberg: "Where would these courses be available,

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Representative? I know particularly with us downstate, these small towns, these rural areas sometimes might be difficult to get to these places. So would they be readily available for all these people that would be impacted?"

Speaker Daniels: "Representative Noland."

Noland: "Courses would be readily available. First off because moneys are made available through Pittman Robertson funds and so there would be money available through federal funds through excise taxes on firearms and ammunition. So the money would be there from the federal government for more information, more courses and so they would be made available as a needed basis. The people are volunteer educators and would be made available throughout the state and would be advertised by conservation."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I'm not familiar with the Pitman fund. What is that fund and how is that dispensed, Sir?"

Speaker Daniels: "Representative Noland."

Noland: "The Pitman Robertson fund. They were two congressman. This is named after two congressman. It's actually...the proper term is the federal Pitman Robertson Act, actually called the federal aide and wildlife restoration Act. Passed into law in 1937 and 7% of those dollars go to education. Sixty-two percent go to develop and maintain wildlife areas and 26% go to research."

Speaker Daniels: "Representative Granberg."

Granberg: "Who are the recipients of those funds, Representative?"

Speaker Daniels: "Representative Noland."

Noland: "Who are the recipients of those funds? It would come to the Department of Conservation and they would use that to buy materials to help do all the administrative costs for

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offering these courses."

Speaker Daniels: "Representative Granberg."

Granberg: "So how much does the Department of Conservation currently receive from this federal fund?"

Speaker Daniels: "Representative Noland."

Noland: "I do not have the answer to that question."

Speaker Daniels: "Representative Granberg."

Granberg: "So giving the current state of affairs in Washington, what happens if there is a reduction in funds at the federal level for this program?"

Speaker Daniels: "Representative Noland."

Noland: "Representative Granberg, first off, the courses are taught by volunteer instructors so there's no cost for instructors. The materials then are purchased through the PR funds. That is a federal excise tax dedicated for that program. So as long as there are excise taxes on firearms and ammunition, those dollars will be available."

Speaker Daniels: "Representative Granberg."

Granberg: "So those funds, Representative, are used for the purchase of materials for these types of courses only. Is that correct?"

Speaker Daniels: "Representative Noland."

Noland: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "And how would those funds be distributed locally to various areas where these training courses would be given?"

Speaker Daniels: "Representative Granberg."

Noland: "Those funds...Mr. Speaker...the electrician...there's a short in my microphone I believe. Is this...Speaker, is this on brief debate? Or is it Short Debate? Mr. Granberg, those dollars come to the Department of Conservation, then they could go to a local group a Ducks

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Unlimited, Pheasants Forever...someone else could teach the course, but those are volunteer instructors. The cost for booklets, for instance, this booklet here. Hunter education booklet is paid through by the Pitman Robertson funds."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, are you being bothered by your own Members, Sir? Can you keep your...if there's some problem we could try to deal with this. Ask them to seize. But seriously, Representative, when we go downstate and if you require this with this legislation."

Speaker Daniels: "Representative Granberg."

Granberg: "How do we know that this will be available for all of the kids downstate in these rural areas? How will the need be determined? How will that need be assessed? Who will make that assessment? And then what course of action will be taken?"

Speaker Daniels: "Your almost out of time, Sir. Representative Noland."

Noland: "I think it's set by the lost of supply and demand. As more people need it they make more courses available and they will spread them out geographically. So it will be made available as demand rises."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. Now you and I, we belonged to Ducks Unlimited and all these groups, but what happens in these areas where these groups do not exist? What happens to those kids and if they would not come in compliance with the law, what would be the course of action then? Would there be a penalty? Would there be some type of civil penalty? Would they not be allowed to hunt? Could they be subject to arrest? That type of reaction."

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Speaker Daniels: "Representative Noland."

Noland: "Your question is, what happens if they don't take this course and they are found hunting? Conservation police officers would come and I assume arrest them, possibly confiscate their gun, turn them into their parents."

Speaker Daniels: "Representative Granberg, 30 seconds left, Sir."

Granberg: "Representative, part of that question was as well, some of our areas do not have Ducks Unlimited and these various things. So if that is not readily available to these kids and you and I know in our areas these kids are usually well trained by their parents on the use of hunting weapons. If that is not readily available they can not take the course. If they are hunting on their own property, would they be subject then to civil penalties by the Department of Conservation?"

Speaker Daniels: "Representative Noland."

Noland: "I don't believe it's the purpose of the Department of Conservation to go out and arrest people hunting on their own land without, if they are under 16...if they are born after 1980. The idea is just to encourage hunter safety. I don't think we will have conservation police officers going and writing in and arresting people. Representative, it really doesn't change the current system. There are courses taught today for young people that will not change. If there are not local groups to sponsor it, Department of Conservation will find hunting groups or a gun shop or someone to come in and teach those courses. There are plenty of people who want to help with hunter education."

Speaker Daniels: "Representative Granberg. The Gentleman from Coles, Representative Weaver moves the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The

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'ayes' have it. Representative Noland to close."

Noland: "There are currently 38 states with such legislation.

And I just move the adoption. Thank you."

Speaker Daniels: "The question is, 'Shall House Bill 988 pass?'

All those in favor signify by voting 'aye'; opposed by

voting 'no'. The voting is open. Have all voted who wish?

Have all voted who wish? Have all voted who wish? Mr.

Clerk, take the record. On this question, there are 111

'aye', 0 voting 'no', 0 voting 'present'. This Bill,

having received the Constitutional Majority, is hereby

declared passed. House Bill 1023. Read the Bill, Mr.

Clerk."

Clerk McLennand: "House Bill #1023, a Bill for an Act to amend

the Probate Act of 1975. Third Reading of this House

Bill."

Speaker Daniels: "Move the Bill back to Second Reading. House

Bill 1099, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1099, a Bill for an Act concerning

police and fire protection. Third Reading of the House

Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Parke."

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

House, House Bill 1099 allows non home rule municipalities

to appoint deputy police and fire chiefs. It also applies

to fire protection districts. They want to have the same

authority as home rule communities now...have now. This

Bill is supported by the Illinois Municipal League, the

DuPage County Mayors and Managers Conference, the Police

Chiefs Association and the Fire Chiefs Association. I

would ask for it to be passed."

Speaker Daniels: "The Gentleman from Cook, Representative Lang."

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

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Speaker Daniels: "He indicates he will."

Lang: "Representative, do you really need statutory authority to appoint a deputy chief of the police and the fire department?"

Speaker Daniels: "Representative Parke."

Parke: "Representative Lang, I would introduce this legislation if it was not thought that it was necessary."

Speaker Daniels: "Representative Lang."

Lang: "Well, what happens if a municipality does not want to do this? Are you going to impose that on them or do they have the option?"

Speaker Daniels: "Representative Parke."

Parke: "It is permissive."

Speaker Daniels: "Representative Lang."

Lang: "And why...why does the statute not allow them currently to do this?"

Speaker Daniels: "Representative Parke."

Parke: "I'm not sure what the wisdom was whenever this statute was introduced. We are putting it in a form that is necessary for what we're trying to achieve tonight."

Speaker Daniels: "Representative Lang."

Lang: "So you authored and introduced the Bill without really knowing the background on that, is that correct?"

Speaker Daniels: "Representative Parke."

Parke: "That is not...that is not something that is germane to the issue. What we are trying to do is what the Bill says. It is not something that's currently allowed. We think it's a good idea and that's why we've introduced the legislation."

Speaker Daniels: "Representative Lang."

Lang: "Who testified on this Bill in Committee, Sir?"

Speaker Daniels: "Representative Parke."

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Parke: "I did and a member of...two members of the Illinois Police Chiefs Association."

Speaker Daniels: "Representative Lang."

Lang: "Anybody from the Deputy Police Chiefs Association testify on this Bill since it affects deputy police chiefs?"

Speaker Daniels: "Representative Parke."

Parke: "If you know of any, I'd be interested in talking to them, but I haven't heard that there is such an association."

Speaker Daniels: "Representative Lang."

Lang: "How about the Deputy Fire Chiefs Association? Did they testify? No, they didn't either?"

Speaker Daniels: "Representative Parke."

Parke: "I've not heard that they have an association either."

Speaker Daniels: "Representative Lang."

Lang: "Was there any opposition at all to this Bill in Committee?"

Speaker Daniels: "Representative Parke."

Parke: "The...we have a letter from the Associated Firefighters Association. Also, it says the Illinois...Associated Firefighters AFLCIO and the Illinois Police Association have indicated that they have an objection to it."

Speaker Daniels: "Representative Lang."

Lang: "Well, so wait. So the groups that it effects plus the AFLCIO are opposed to your Bill? Can you tell us why they're opposed to your Bill?"

Speaker Daniels: "Representative Parke."

Parke: "I think it's a turf thing. I think the reality is is that they would prefer that...that a choice is usually made within the rank and file of that various police department as they would normally want. This allows a police chief or a fire chief to establish his own team or her team. And I think that that's the right thing to do and that's why

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we've introduced the legislation."

Speaker Daniels: "Representative Lang."

Lang: "Well that would explain why...why some of those groups might be opposed. Why would the AFLCIO be opposed to your Bill?"

Speaker Daniels: "Representative Parke."

Parke: "They did not testify, that I remember, it was only the...it was only the Associated Firefighters, I think, that actually came and testified against it. So I don't why they did. It's probably...again, it's probably to protect their union membership because they took the position and I can't speak for them. That's only an assumption."

Speaker Daniels: "Representative Lang."

Lang: "So the...are these people appointed by the chief...the police chief and the fire chief appoint their own deputies?"

Speaker Daniels: "Representative Parke."

Parke: "They will be appointed the same as the chiefs and fire...the police chiefs and fire chiefs either through the Police and Fire Commission or through the village manager, as it is currently."

Speaker Daniels: "Representative Lang."

Lang: "So the police chiefs and fire chiefs do not have the ability under your Bill to directly appoint these people?"

Speaker Daniels: "Representative Parke. You have 50 seconds left, Sir."

Parke: "Well, it seems that is not...that is not the case. It says here, the Board of Fire Commissioners and Police Commissioners or the Municipal Managers shall appoint all officers and members of the fire and police departments in this Bill, including the chief of police and the chief of

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the fire. So this applies to them, so therefore it applies to the assistants."

Speaker Daniels: "Representative Lang."

Lang: "Sir, I think I heard you use the word 'shall'. Previously, you said this was permissive and now we find that it is not permissive."

Speaker Daniels: "Representative Parke."

Parke: "If they choose to appoint, then they shall appoint."

Speaker Daniels: "Representative Lang."

Lang: "Alright. I think I understand what the word 'shall' meant there."

Speaker Daniels: "Sir, your time is out. Will you bring your line of questioning to a close?"

Lang: "I think I'd rather just yield to Representative Saltsman, if I might, Mr. Speaker."

Speaker Daniels: "You can't yield anything you have left, but I would happy to recognize Representative Saltsman. Okay. You have your own time. Representative Saltsman."

Saltsman: "I was in this Committee meeting as a member of the City and Villages Committee and the only people that are for this are administrative people who don't believe in fire departments and police departments going through the rank and promotional series. These Bills have been around down here for a long time. The Chiefs of Police Association and especially the city managers, they like to bring their old Fred brother in from Buffalo, New York in Illinois because he knows more than the chief does and they're going to bring him here to make an assistant chief out of him. They can be appointed from out of the ranks. They couldn't not even been a firefighter before, they could have not...they don't even have to be a police...a police officer before. You know, they come out of a

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personnel department. So what has happened in tradition and through the Police and Fire Commission Act, as our patrolman and as our firefighters are promoted to the rank of Lieutenant, the rank of Sergeant and the police department, the rank of Engineer, the rank of Captain, Battalion Chief, Assistant Chief in the fire department. You have to advance from the next lowest rank. You have to be a Captain before you can take the examination for assistant chief. Well that's not good enough for them to have a person that's worked within their department for 25 or 30 years to say, you're not qualified because you know the men too well, you know this department, you know this city too well, you're too favorable. We want a guy in here to crack the whip and tell these people who have joined this union that you're not going to have the representation anymore. This is a very anti-union program. You're not going to have the representation anymore that you did have. All your tradition is gone, all your years of service. All your years of service as a police officer, as a fire fighter can be forgotten about in this town. We're going outside of this city and we're going to get somebody to replace you. We don't have a man in Peoria that tried that. One Hundred and Ninety man fire department and they're trying to say that we never had a man that was qualified. They wanted a person to come in from out of town. As a chief, fine, they did that. As a police chief, fine, they did that. That's their top administrator. But when you go out into the ranks and the people who are out in these suppression areas, they should come from the ranks that they come from. It's been a great success in the history of this state and it stops the spoil system. It stops the mayor from putting his brother in that position.

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It stops the city manager from bringing some assistant manager, got fired under him out in Mexico City, Missouri or one of those places, well I'll put him on as an assistant, first assistant chief of police or first assistant fire chief. Because he knows the book, he don't know a damn thing about the departments, he don't know anything about being a cop or a fireman, he don't know a thing about that, but he's going to be an administrator and he's going to come in here and make change for change sake only. And in experience this is what they've did. Now, if the city wants this and if your local police and fire department wants this, I'm talking about the policeman benevolent, the FOP are opposed to this, the AFFI Associated Fire Fighters from Illinois who are members of the State Federation Labor, they were there and they testified very strongly against this. David Foreman, the president from Joliet, Illinois, sat and opposed this vigorously in Committee. And this is why you got the communications in writing to you people that want to protect your police department and want to protect your home people. If they want to do this and if they think that they can come to an agreement, then let them go to the Collective Bargaining System and let them get this assistant chief and this deputy chief taken out of the promotional ranks on the step program. They have did this in a few cities, they have negotiated where assistant chief and above can be appointed. But don't cram it down somebody's throat that has never negotiated or with what restrictions can be put on these people or put any John Doe in charge as being a deputy chief or a deputy fire marshal. We had them hired in Peoria, they were deputy chief city managers and they made fire chiefs out of them. Never

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qualified or took a gun or anything in their lives. Because they were an assistant city manager they were made a chief of police. And it caused friction, it caused morale problems within these departments. Now many of you people have been alderman, many of you people...some of you people have been on police and fire commissions. If you want that mayor or city manager to come in and cause a disruption in your department, you vote for this legislation. And I...I doubtedly negotiated 14 years as president of the firefighters union and 28 years within a department and worked very closely with the police agencies in the State of Illinois. Sure, he said the Municipal League, they just don't like policeman or firemen. If the firemen or policemen were for this they would be against it, they're against everything. Their word's no good around here. The Illinois Municipal League, their word's no good. They want this for the simple reason that they could come in, they could help break unions, they can help destroy the morale of fire departments. And they're going to say, fellows you're going to do it our way. And these are the scapegoats, they hang around now for about two years and they're gone. They never make a career in these cities they go to. If they come through your ranks they could be there for another ten or 12 years and you're going to get their experience. But these fly-by-nights that they bring in for these deputy jobs are there to cause damage control, 90% of them cause damage control. They're not taken from the ranks. In other cases we've had complaints of some of the hundred and some fire departments and police departments, 280 of them in the state, that a patrolman comes on, pretty soon he gets a deputy chief's job because his dad's the mayor. This is a spoiled system when you

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take this out of either collective bargaining for these programs or if you take it out of the tier step program of examinations to replace the men in your departments. So if you are opposed to your 20 and 30 year fireman or policeman from having those jobs and you want a 90 day wonder to come in your town and take one of these over, regardless of qualifications, you vote for this Bill. Let me tell you something, when you go back home, I'll guarantee you 95% of your policemen and firemen are opposed to this legislation. Everyone, he said, the Sponsor said that is for this, everyone he said is administration and you know what that calls for. Sometimes the city manager gets canned before the jerk he brought in comes. And this is the problems that we have. So if you want to turn your departments against you, 98% of police and fire in downstate Illinois, you vote for this Bill. This is not a good piece of legislation and it could be dealt with through bargaining."

Speaker Daniels: "The Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker. First of all, I'd like to explain to everybody that I'm in very much support of this Bill. I had the police chief of our city come to me, sit down and explain just exactly what the genesis of the Bill was and why it was being offered. One of the most horrible things that any police chief or fire chief can succumb to is when they have an elected mayor appoint them the fire chief or the police chief and then their hands are tied to have the deputy chief following in their same footsteps or have some kind of continuity. Now I can assure you when we're talking about the lives and well being and property of all of our towns, the thing you most want to do is have the guy that's in charge have the second guy that's in

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charge on the same wave length. What the Gentleman over there said very well may be true with the patronage type past of Chicago and some other areas. But when we're talking about downstate rural small time departments, we're talking about what really counts and what's important and that's the fact that you have continuity from that police chief right on down to that patrolman, from that fire chief right on down to that fire fighter. I could go on and on because I know there was a lot of time allocated to the other side. But I can tell you I've been there and there's no way we want to tie the hands of a police chief or a fire chief in a municipality and say, he can't have some direction on who his management is under him. We're not talking about doing away with unions, we're not talking about doing away with any kind of...of seniority or anything like that. We're talking about having the right people in charge, that should be in charge. I would urge a strong 'aye' vote with respect to this Bill. Thank you."

Speaker Daniels: "The Gentleman from Effingham, Representative Hartke."

Hartke: "This is a frivolous request, Mr. Speaker. This should require or get the required number of votes. We would ask for a verification."

Speaker Daniels: "If the Gentleman...Representative Parke to close."

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, notwithstanding the tirade that my colleague on the other side of the aisle has gone through, I will just remind you basically what this Bill does. All it does is allow non home rule communities and fire protection districts to have the same flexibility in establishing leadership and the fire departments and the police

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departments of home rule communities. This is a fairness issue, it puts them on the same level field. I don't understand the dialogue, I will tell you this is a fairness issue. Why should we penalize non home rule communities? When home rule communities are doing this all over the State of Illinois? This is a very simple Bill. I ask for the passage."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1099. All those in favor signify by voting 'aye'; opposed by voting, 'no'. The voting g is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, we have 39 'ayes', 73 'noes', 2 voting 'present'. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. House Bill 1116, Representative Cross. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1116, a Bill for an Act that amends the Mechanics Lean Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a relatively simple Bill. It amends the Mechanics Lean Act by allowing the court to order payment of a successful lean claim it's attorneys fees when it's found that the owner without just cause or right fails to pay the lean claim. This passed out of Committee. I'm not sure if it had any 'no' votes and it passed last year out of the House 115 to nothing. I would be glad to answer any questions if I can."

Speaker Daniels: "The Lady from Cook, Representative Kaszak."

Kaszak: "Mr. Speaker, I just wanted...I voted for this last year. I think it's a terrific Bill. A lot of women contractors are injured by people who take advantage of people who take

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them up and do not pay them Bills or pay their Bills unjustly and I think we should all vote for it. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker and before I ask the Sponsor questions, I am supported by a sufficient number to take this off of Short Debate. Mr. Speaker, will you acknowledge please. Take it off of Short Debate, Sir. Thank you. Will the Sponsor yield?"

Speaker Daniels: "The Gentleman indicates he will not."

Lang: "Well he doesn't have to yield, I just asked."

Speaker Daniels: "He yields."

Lang: "Thank you. Mr. Cross...Mr. Cross, would you give us a better handle on what this Bill does? I think I know what this Bill does and I think I am willing to support it, but there's many people on my side of the aisle that really are not sure what this Bill does and who have not received the many cards and letters I have received on it as a member of the Judicial Committee."

Speaker Daniels: "Representative Cross, can you answer his question?"

Cross: "Representative, I will try to as briefly as I can. It allows for the..."

Speaker Daniels: "Excuse me. Ladies and Gentlemen...Ladies and Gentlemen. Representative Lang has an important line of questioning here. Thank you. Representative Cross."

Cross: "Representative, it would allow those entitled under the Mechanics Lean Act to recover attorney's fees when they have to enforce their lean."

Speaker Daniels: "Representative Lang."

Lang: "Well you know, Mr. Speaker, I've been asking Mr. Cross questions since the middle of January. That's the first

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time he's really answered one. And I'm going to support your Bill, Sir."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 1116. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'aye', none voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1119. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1119, a Bill for an Act relating to tuition waivers at public universities. Third Reading of this House Bill."

Speaker Daniels: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 119, as amended, authorizes Illinois Public Universities to grant undergraduate tuition waivers to individuals with athletic, academic or other abilities in addition to any tuition waivers that Universities offer that are exempt by statute. The Legislative Audit Commission requested this legislation. I'm on that commission with Representative Hannig, another cosponsor, and it's in response to Universities waiving tuition without statutory authority and I request that the Members give it a favorable vote."

Speaker Daniels: "The Gentleman from St. Claire, Representative Hoffman."

Hoffman: "Thank you, Mr. Speaker. We would ask that this be removed from Short Debate with the requisite number of people."

Speaker Daniels: "Representative Hoffman."

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Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Now, Representative, this...does this increase the number of statutory waivers for tuition for athletics or academics?"

Speaker Daniels: "Representative Biggins."

Biggins: "No, it does not. It merely in a sense makes proper...legal according to statute what the universities have been doing already."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So the...what you are saying is this is codifying what they are doing already?"

Speaker Daniels: "Representative Biggins."

Biggins: "Currently, there are some universities that are doing the practices that have not been specifically approved by law. This makes those practices according to statute. And they have been issuing tuition waivers in return for things such as services provided to the university, students, or faculty. And this now makes this legal under the Illinois statutes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well who makes the determinations as to how much each university can provide with regard to these tuition waivers?"

Speaker Daniels: "Representative Biggins."

Biggins: "The Board of Higher Ed allows for these waivers."

Speaker Daniels: "Representative Biggins. Representative Biggins. Representative Hoffman."

Hoffman: "Representative, you said the Board of Higher Ed authorizes the tuition waivers. Do they also authorize the amount for each specific university? In other words, does the Board of Higher Ed say that this university can give

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this much for academic and this much for athletic et cetera?"

Speaker Daniels: "Representative Biggins."

Biggins: "The Board of Higher Ed does grant the authority, it does not however, specify how many of those waivers should be used for academics or sports or other activities."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well it's my understanding that this Bill says that the tuition waivers exceed the amount authorized. The Board of Higher Education may reduce that university's budget for the succeeding Fiscal Year by the amount of excess. So in other words, does that mean that if tuition waivers are given in an amount more than authorized by the Board of Higher Education that that University's budget will be reduced the next year?"

Speaker Daniels: "Representative Biggins."

Biggins: "I could not hear the end of your question, Sir."

Speaker Daniels: "Representative Hoffman."

Hoffman: "The question was whether the...whether the Bill indicates that if you give too much scholarship money over the amount authorized by the Board of Higher Education whether the next year that university's budget will be reduced by the amount that you gave over the amount that was authorized by the Board of Higher Education."

Speaker Daniels: "Representative Biggins."

Biggins: "That's correct, Representative."

Speaker Daniels: "Representative Hoffman."

Hoffman: "My understanding is this was from the Audit Commission. Is that correct, a Bill that was requested by the audit commission?"

Speaker Daniels: "Representative Biggins."

Biggins: "Yes, Representative."

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Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, Mr. Speaker, I would just indicate that I think that this is a positive move and in the right direction and I would urge an 'aye' vote."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes. Thank you, Mr. Speaker and Members of the House. I would rise on this side of the aisle in support...in support of the Gentleman's Motion. The State Board of Higher Education has a policy under which they allow universities in our state to offer these tuition waivers. The Auditor General has the authority and the responsibility to audit all these state agencies including the university system. And the rub that has arisen is that the Auditor General does not feel that the Administrative rules are sufficient enough authority to do these tuition waivers. And so he continuously finds audit points against each and every university in the State of Illinois that's audited. Now generally speaking, those of us on the Audit Commission side with the Auditor General and try to compel the state agencies to get in compliance with state law, but there are those times when we look at what the Auditor General has found in his audit points and say that the law really needs to be changed. What the universities are doing in this case does make sense and so we are simply asking, and it is in a bipartisan manner, that we change the law so that the Auditor General can quit finding these audit points for these tuition waivers which we all agree are good things. So I would join the Gentleman and urge that all members on both sides of the aisle vote 'yes' on this Bill. And I thank you."

Speaker Daniels: "The Gentleman, Representative Biggins, to close."

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Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I again request an 'aye' vote on House Bill 1119."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1119. The question is, 'Shall House Bill 1119 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. NCAA final scores. North Carolina beats Georgetown. UCLA beats Mississippi State. Yukon versus Maryland. And Kentucky versus...beats Arizona State. Tomorrow the Bulls will beat Orlando. We are sure. There was one sad note tonight: Penn State beat Iowa. Okay. You'll pay for that one. House Bill 1130. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1130, a Bill for an Act that amends the Illinois Health Facilities Planning Act. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman, Representative Black."

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1130 is a good Bill. House Bill 1130...I like House Bill 1130. I ask you to please vote for House Bill 1130. Thank you."

Speaker Daniels: "Any questions? Any debate? The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "It sounds like it's a wonderful Bill. Would you tell us what is in the Bill?"

Speaker Daniels: "Representative Black."

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Black: "Yes I would be glad to, Representative. You voted for this Bill last year and I appreciated your support then. It got hung up in the Senate. We will try it again, okay? House Bill 1130 amends the Illinois Health Facilities Planning Act. The language was drafted by the Illinois Health Facility Planning Board and it does have the approval of the Department of Public Health, the Illinois State Medical Society. I'll...as quickly as possible. The Health Facilities Planning Board was designed to assist the Department of Public Health in licensing and monitoring the establishment, construction, or modification of health care facilities in the state. This Bill enables the board to carry out all facets of rule promulgation, not merely the articulation or formulation of policies as follows in their rules. The...currently, the Board must act in conjunction with the Department of Health during the rules making process. Excuse me. Let me make something very clear, this Bill does not amend the civil administrative code, so there is no way, there is no way that this legislation allows the Health Facilities Planning Board to circumvent JCAR. The legislation is here because the Joint Committee on Administrative Rules said that the Board did not have the authority to make a couple of changes in definition. The two changes were discontinuation and substantially changes the scope. JCAR said you had to have statutory authority to do that and asked them to get it. That's what this Bill is. It passed the House last year. I don't believe there was a negative vote. It got hung up in the procedure in the Senate."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Mr. Speaker, can I take this Bill of Short Debate? I believe I'm joined by a requisite number of... Well then

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it doesn't matter. And it does say Short Debate in the Calendar Mr..."

Speaker Daniels: "Do you have any questions?"

Schakowsky: "Yes, I think I do."

Speaker Daniels: "Okay."

Schakowsky: "Does this...among the additional powers that are created, does the Board...can the Board establish fees? Do this have anything to do with new fees that might be established?"

Speaker Daniels: "Representative Black."

Black: "There has always been a graduated fee language in the Health Facilities Planning Act."

Speaker Daniels: "Representative Black. Representative Schakowsky."

Schakowsky: "Are there any opponents to this legislation?"

Speaker Daniels: "Representative Black."

Black: "Opponents or proponents?"

Speaker Daniels: "Opponents."

Black: "No, Representative. As I suggested to you, I know of no opposition. This Bill has passed before. It is almost identical to Representative Currie-Kubik Bill last year that got hung up in a Conference Committee."

Speaker Daniels: "Representative Schakowsky. Representative Skinner."

Skinner: "You used the or...will the Gentleman yield to a question or two?"

Speaker Daniels: "He indicates he will."

Skinner: "You used the word 'discontinuation' and said that it was being defined here someplace. Is that correct?"

Speaker Daniels: "Representative Black."

Black: "No. Not at all. When they tried to use that word in promulgating a rule before JCAR, JCAR said they needed

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statutory authority to do that."

Speaker Daniels: "Representative Skinner."

Skinner: "Does that mean that this board does not have the authority to suggest that under utilized hospitals be closed?"

Speaker Daniels: "Representative Black."

Black: "I have no idea."

Speaker Daniels: "Representative Skinner."

Skinner: "Well, neither do I. Thank you."

Speaker Daniels: "Representative Black to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This passed the House last year 112 to nothing. It passed the Senate 58 to nothing. It died in Conference Committee. It's a good Bill. I like the Bill. Please vote for the Bill."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1130. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 112 'ayes', 2 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 1132. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1132, a Bill for an Act that amends the Transient Merchant Act of 1987. Third Reading of this House Bill."

Speaker Daniels: "Representative Spangler."

Spangler: "Thank you, Mr. Speaker. House Bill 1132 amends the Transient Merchant Act of 1987. It requires a person who sells, offers for sale, or annoyingly permits the sale of certain products at a flea market to keep available for

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public inspection an identification card identifying the person as an authorized agent manufacturer or distributor of the product offered for sale. It defines flea market for purposes of the Act."

Speaker Daniels: "Any questions? Representative Schakowsky."

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

Speaker Daniels: "He indicates he will."

Schakowsky: "Is this legislation in response to a problem that's been found at flea markets?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, as a matter of fact it is. It's not only a consumer protection Act, but it's a retail merchandising protection Act as well. What it would cover is baby food, infant formula, or similar products like that, pharmaceuticals or over the counter drugs or cosmetics and medical devices. In the past what has happened is, some of our retailing merchants have found their products for sale in flea markets with the tags still affixed to them. That's one instance. In the other instance, certain products do not meet specifications to be able to be sold on the market as reputable products and in turn through shrinkage or theft they are stolen and then put into the consumer market, thereby jeopardizing the safety of consumers who purchase them."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Mr. Speaker, I would like to take this Bill off of Short Debate and I am joined by a number of Members. So, is this Bill designed to protect consumers or is this an issue of the vendor not doing the proper things in term of taxes or we are worried about them stealing products? Who ultimately are we protecting in this legislation?"

Speaker Daniels: "Representative Spangler."

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Spangler: "We are protecting the consumers as well as the retailers that sell these products."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Can you tell me what Amendment #1...what effect it had on the Bill?"

Speaker Daniels: "Representative Spangler."

Spangler: "I believe that it amended some of the penalties that would be found if somebody was found in violation."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well when I look at Amendment #1, what I see is that...a couple of words changed...'agent', 'manufacturer'...'agent' or with Representative of...what is the effect of that?"

Speaker Daniels: "Representative Spangler."

Spangler: "Simply stating that the manufacturer or agent, say if it is a Mary-Kay or some other cosmetic firm that they would not necessarily be the manufacturer, but they would be an authorized agent of sale."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Who is going to enforce this legislation?"

Speaker Daniels: "Representative Spangler."

Spangler: "The local law enforcement agencies would have the enforcement provisions."

Speaker Daniels: "Representative Spangler. Representative Schakowsky."

Schakowsky: "Can you tell me how many merchants we have registered that operate at these kinds of places? What kind of monitoring job is this? What's the scope of it? How many...how many merchants are we talking about?"

Speaker Daniels: "Representative Spangler."

Spangler: "It would be all the merchants in Illinois. If your question is directed towards how many merchants at

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particular flea markets, I have no idea."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well I meant how many transient merchants, obviously...I mean. is there any estimate of these? Are these like...would this include people like that sell magazines door to door, or what's the universe that we are talking about?"

Speaker Daniels: "Representative Spangler."

Spangler: "With the number of flea markets we have throughout the state and on the very days that they have those flea markets, there's really no way to predict how many different flea markets or merchants would be involved in this, Representative."

Speaker Daniels: "Representative Schakowsky, you have 28 seconds left."

Schakowsky: "I'm...then let me ask two questions that I have left and you can answer them or not answer them. Would this be considered in any way an unfunded mandate? That's question one. And do you predict that fees as a result are going to go up because of this new requirement?"

Speaker Daniels: "Representative Spangler."

Spangler: "The answer to both of those questions would be 'no'."

Speaker Daniels: "The Gentleman from Kankakee, Representative Novak. Do you have any questions, Sir, or would you like to make a statement about the Bill?"

Novak: "Mr. Speaker, pardon me, I'm sorry. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Novak: "Yes, thank you. Representative Spangler, what kind of a license has to be purchased for transient merchants? Do you know if they are supposed to buy the license? Do they buy it at the Department of Revenue or City Hall or what?"

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Speaker Daniels: "Representative Spangler."

Spangler: "Yes, Representative, I can read from current law that the Transient Merchant Act of 1987 requires the transient merchant or an itinerant vendor as defined in the Act to register and obtain a license from either a County Sheriff's office or a local police department. The Act also requires the afore mentioned individuals to file assuredly bond or make a cash deposit equal to 50% of the wholesale value of the merchandise that the applicant intends to offer for sale. Unless the law enforcement agency as the licensing agency waves that requirement, but that's current law. That would not change."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative, I can recall when this law was put into effect. At that time I was county treasurer and I believe all transient merchants in this state had to go to their local county treasures and file a certificate with them and a bond at their office and then post that particular certificate whether they were going to have some sale at a hotel or selling paintings or a flea market. Isn't that correct? That's my recollection."

Speaker Daniels: "Representative Spangler."

Spangler: "Representative, I think you're talking about the taxes collected and that type of thing. What this Bill does is that it protects consumers from products that potentially are hazardous or dangerous to them and have been stolen from a manufacturer and not delivered to an incinerator or some other method of destroying and are now potentially in the hands of consumers."

Speaker Daniels: "Representative Novak."

Novak: "Yes. Thank you, Mr. Speaker. These apply to consumer

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goods. Would there be a possibility it might apply to gun shows or things like that or gun auctions or antique auctions? I noticed in the analysis that it indicates baby food, infant formula, over the counter drugs, pharmaceuticals. I'm sure nonprescription type, but nowhere in the Bill does it indicate anything about other types of consumer items. So this Bill is specifically relegated to those items indicated?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, Representative Novak, that was a very good question and it pertains only to the enumerated products such as baby food, infant formula, or similar products and pharmaceuticals, over the counter drugs or cosmetics, or medical devices. You are right."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Representative. I think this is a good Bill and I think we should all support it. It certainly protects the consumer and the Sponsor's done a fine job."

Speaker Daniels: "The Gentleman, Representative Spangler, to close."

Spangler: "I would only ask for an 'aye' vote from everyone."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1132. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 109 'ayes', 0 voting 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Twelve twenty-one. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1221, a Bill for an Act that amends the Adoption Act. Third Reading of this Bill."

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Speaker Daniels: "Return the Bill to Second Reading. House Bill 1267, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1267, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1267 is the same as we had a Bill last year that was introduced by Representative Rotello and passed this House unanimously. It would establish a work teaching and training institute and basically what it's doing, it would really bring together members of the business labor and industry. The partner with educational community and those members who require training and assistance with methodology and really, by what we are doing really, is creating a school to work teaching and training preparation that can be established to help people prepare. This is really a program that's an outgrowth of the Illinois Educational Association. It's supported very strongly by the Illinois Manufactures Association, Illinois Education Association and at this particular point I guess I can just tell you that they are going to be creating a thirteen member advisory board. Go through it real quickly, we've got, it's going to be appointed as follows: local superintendent appointed by the State Board, one teacher appointed by the IEA, a teacher appointed by the IFT, a teacher educated and appointed by the State Board of Higher Ed, one member of the private sector appointed by the IMA, Illinois Chamber of Commerce, Business Round Table, Foreign Bureau, one occupational education instructor, a career dean appointed by the community college president's council, a member of the Hospital Association, Hotel Motel Association, Illinois Restaurant

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Association, a member of the Illinois Retail Merchants Association. This Bill is a good step the the right direction as far as our vocational training in this state and I would certainly hope that members would look favorably upon it this evening."

Speaker Daniels: "The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, how much will the...it cost for the advisory board?"

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "As far as the initial stages here...as far as setting it up that people are going to be serving without compensation. Down the road, once this institutes is actually adopted, the intension is to use the staff that is already with the State Board of Education, but there is no doubt that the training institute will require some funding at some point. The figures that are coming from the Vocational Association, they're estimating...they estimate that the cost of the program around \$2.5 million."

Speaker Daniels: "Representative Dart."

Dart: "Down the road, where would you expect the money for that to come from?"

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "Clearly, I think what we're talking about at this particular juncture is just simply appointing the commission. The intension would of course be as we look at bringing this meandering type of program together from business education and industry that we could have a situation where this would not necessarily have to come completely out of the State Board of Education. Hopefully there would be, because what we are trying to do is help

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train the teachers as well as make the work force better prepared, hopefully some of these costs can be absorbed from the private sector as well. But they are saying, this program, they are looking at down the road would be around 2.5 million."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. And just for clarification where...physically, which fund did you say, I'm sorry, would the money physically come out down the road? And I understand that you were saying that there's a good chance that business will pick up a great deal of it and so on. So the 2.5 million may be less than that, but whatever the sum, which area would it be coming from out of the budget?"

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "Clearly, the situation...it would not be in the Fiscal Year '96. It would be in the odd years. So we would be looking as this group of people comes together and they provide and start putting together this program it probably would be at least Fiscal Year '97, perhaps fiscal year '98."

Speaker Daniels: "Representative Dart."

Dart: "Now the council that this creates, would there be any conflict with existing programs that are up and running now along the same lines?"

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "No, in fact that's one of the thing they are looking at here. There are programs that are similar and it's actually intended that they can use existing programs. There's a program out at Sangamon State University that has a curriculum center that...in fact they are planning on integrating them into this as far as using those facilities. In fact that question I brought up

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specifically with the Illinois Vocational Association as we discussed this and their intent is certainly not to overlap any, you know, to use the existing programs and go from there, Representative."

Speaker Daniels: "Representative Dart."

Dart: "So through the advisory board and the like they would be able to to A) insure that we are not removing any programs that are in effect and up and working, but they would be also be able to look at programs that maybe similar, but do not work and get rid of those?"

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "Yes. I think it's clear that the intention here is to create that the group is going to look at the programs and come up with suggestions. I don't think they are really going to be empowered to dismantle anything that's certainly in place at present, Representative Dart. That's not the intent. The other thing I think we should mention as well is that they are strongly encourage local districts to participate and that's the intension of this, but as suggested by those as we go through this thing, this is not a mandate on the local school districts and in fact, that is written into this proposal."

Speaker Daniels: "The Gentleman from Cook, Representative Turner."

Turner: "Thank you, Mr. Speaker. I would like to yield my time to Representative...or I should say minority leader, Madigan."

Speaker Daniels: "Certainly. Minority leader Madigan, would you like this time? You got it. Are you going to award another certificate again?"

Madigan: "Yes."

Speaker Daniels: "Good. Is your cameraman ready?"

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Madigan: "I don't know."

Speaker Daniels: "We are really happy you are voiding these certificates."

Madigan: "Right."

Speaker Daniels: "Have at it."

Madigan: "Thank you. So, Mr. Tenhouse, I rise in opposition to your Bill and my objection rests with the fact that I have been hearing for months that the director from Washington from the Washington counterpart to our Speaker Mr. Gingrich, is that the message from the last election was that people want to downsize government. They want government off their backs. They want government out of their lives. That's what they want, right? That's what they want? So what are we doing here? Another bureaucracy. Another government. That's all we are doing. So, Mr. Tenhouse, we have an award for you. Congratulations, Mr. Tenhouse, a grow award and we would be most happy to give this to you with a picture, hang in your office, send to you local media. Congratulations."

Speaker Daniels: "We are going to name this the Quinn ceremony, Pat Quinn Ceremony from now on in. Representative Stevens. The Gentleman moves the previous question. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Tenhouse to close."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm really honored. I didn't even realize that the minority leader even knew what I looked like, so it's nice to know that he recognized me after five years. Thank you. I think this is a good Bill and clearly it was a Bill that was introduced last year by my democratic counterpart and, you know, I think it's a step that we have to look at, especially as we start talking about making the transition

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to the real world and I think this is a type of program and I would certainly urge the membership on both sides of the aisle to support it. Thank you."

Speaker Daniels: "The Gentleman's move for the passage of House Bill 1267. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 76 'aye', 34 'no', 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Daniels: "Representative Davis."

Davis: "When my light is on for the past three Bills. you have moved to the previous question before I got a chance to speak. Now my question on this Bill is...my question on this Bill is, where are the Amendments to fund education first? Yes, my light is on. After three Bills. You cannot do that. I had my light on to speak, I have a right to be called. You can't choose which Democrats speak and which Democrats don't speak. You know, now I let you do it three times. I came up there nicely, but still you persist. You persist..."

Speaker Daniels: "House Bill 1532, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1532, a Bill for an Act relating to school recycling programs. Third Reading of this House Bill."

Speaker Daniels: "Representative Poe."

Poe: "Mr. Speaker, Members of the House, I would like to introduce House Bill 1532. This Bill amends the School Code and the natural resource Acts, requires the State Board of Education, Department of Energy and National Resources to conduct a joint study to determine the

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feasibility of and if applicable, to develop preliminary plans for implementation of a statewide school recycling program. The intent that the legislation would focus on school age children and would be an effective way of promoting recycling efforts at any early age. Mr. Speaker, I would ask for a favorable vote."

Speaker Daniels: "Any discussion? The Lady from Cook, Representative Davis."

Davis: "Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Davis: "Will this Bill that you have proposed here cost about 2 million dollars? What do you think?"

Speaker Daniels: "Representative Poe."

Poe: "No."

Speaker Daniels: "Representative Davis."

Davis: "What would it cost?"

Speaker Daniels: "Representative Poe."

Poe: "It is a study and the study would cost about \$50,000 to have the study done."

Speaker Daniels: "Representative Davis."

Davis: "Fifty thousand dollars to study a recycling program?"

Speaker Daniels: "Representative Poe."

Poe: "Yes, it is for a statewide program. Currently, we are serving about 300 school out of over 4,000 schools in the State of Illinois. We need to promote recycling. I think we are all concerned in our districts. We keep having landfill situations. We have people talking about incinerators. If we can develop at a young age and the habits of our children and recycling and teach them how to recycle we can save some of these problems down the road."

Speaker Daniels: "Representative Davis."

Davis: "What is the position of the Department of Energy and

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Natural Resource on this legislation?"

Speaker Daniels: "Representative Poe."

Poe: "They are opposed to it at this time on the account of the consideration of what the cost might be in the future."

Speaker Daniels: "Representative Davis."

Davis: "The Department of Energy and Natural Resources are in opposition to this legislation. Well I would like to know where is the Amendment that belongs on this Bill that asked that we fund education first. Where is that Amendment that states that those of us who do believe in education believe that we should fund education first and I find that that Amendment is not missing. Can you tell me where it is, Representative?"

Speaker Daniels: "Representative Poe."

Poe: "Representative, this is how the Bill came out of the Committee."

Speaker Daniels: "Representative Davis."

Davis: "It's Amendment #4."

Speaker Daniels: "Representative Poe."

Poe: "Representative, it was sent to the Rules Committee."

Speaker Daniels: "Representative Davis."

Davis: "But your Bill came out of Rules. And here, Representative, you want us to spend \$50,000 for a study on recycling instead of on reading. Reading and writing. You want to do recycling. And not fund education."

Speaker Daniels: "Is that a question? Representative Poe."

Poe: "Yes. This is a statewide study on recycling for small children in your district and mine."

Speaker Daniels: "Representative Davis."

Davis: "In my district there is a program that already exists. It doesn't cost anything? They just wrote on a piece of paper that children should put plastic in this bag, paper

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in another bag and things made of other materials in something else and it didn't cost anything. The cost of the containers was zero because they used objects they already had. Exactly, what would the \$50,000 be for?"

Speaker Daniels: "Representative Poe."

Poe: "Representative, currently about 10% of the School Districts in the State of Illinois have recycling programs. This \$50,000 would be spent for a feasibility study how we could get this down and teach all of our young children recycling habits at a young age."

Speaker Daniels: "Representative Davis."

Davis: "I would think, Representative, that any teacher or any school could write in its school improvement plan its proposal for recycling and that would not cost additional funds, and I find it very questionable that you are willing to spend additional funds before we fund education first."

Speaker Daniels: "Representative Davis. Representative Poe. There's only a minute left of your time, Representative Davis. Representative Poe."

Poe: "That is our goal."

Speaker Daniels: "Representative Davis, you have 48 seconds left."

Davis: "Thank you. Representative, on Amendment #5 you're a cosponsor of the original Bill, well we made it into an Amendment. But on the original Bill that we made into the Amendment you are a cosponsor of that Bill and it doesn't appear here. It doesn't exist. Why?"

Speaker Daniels: "Representative Poe."

Poe: "This is how the Bill come out of the Committee. I would appreciate if we could address the merits of the Bill that's on the table."

Speaker Daniels: "Representative Davis, you have 10 seconds

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left."

Davis: "This was a Floor Amendment. Let me just say this in conclusion. Hopefully this is our last Bill because these are people with good common sense. They need to go to bed and get some rest so that they can get here early in the morning and read these Bills. It's stupid to stay here after 12:00 for stupid Bills like this."

Speaker Daniels: "The Gentleman from Madison, Representative Steve Davis."

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

Speaker Daniels: "He indicates he will."

Davis, S.: "Representative Poe, the \$50,000.00 figure that you come up with, where do you come up with that figure?"

Speaker Daniels: "Representative Poe."

Poe: "E and R estimates that the cost would be \$50,000 to conduct the study and develop the report and findings and recommendations."

Speaker Daniels: "Representative Davis."

Davis, S.: "Representative, then the \$50,000 will be coming out of their budget? Is that correct?"

Speaker Daniels: "Representative Poe."

Poe: "It would be coming out of the solid waste management fund."

Speaker Daniels: "Representative Davis."

Davis, S.: "That will be coming out of the E and R budget?"

Speaker Daniels: "Representative Poe."

Poe: "Yes."

Speaker Daniels: "Representative Davis."

Davis, S.: "Why, Sir, would that be coming out of their budget when your talking about issues that effect schools? Why wouldn't this be coming out of the State Board of Education's budget?"

Speaker Daniels: "Representative Poe."

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Poe: "This is a solid waste management program and issue and that's where it comes out of."

Speaker Daniels: "Representative Davis."

Davis, S.: "Do you envision, Sir, that this program would have debates as to clean MURFs and dirty MURFs and the programs that would be taught in the classrooms would try to distinguish between clean MURFs and dirty MURFs and which one of those programs would be better to use in our recycling efforts?"

Speaker Daniels: "Representative Poe."

Poe: "This is an objective study and after the study we will have those answers."

Speaker Daniels: "Representative Davis."

Davis: "In that Bill it specifies matters to be addressed by the study. What other matters would be addressed by the study, Sir?"

Speaker Daniels: "Representative Poe."

Poe: "Components of the plan are to include guidelines for funding criteria for grant assistance to school districts for implementation of a program and implementation time table plans to encourage active program participation, recommendations regarding programs effectiveness of a pilot program, evaluation of the current conduct of school recycling paper for accrument program and recommendations to a better the program."

Speaker Daniels: "Representative Davis."

Davis, S.: "Representative Poe, it just seems to me like this is just another wasteful program in the State of Illinois. I don't know why we can't just ask the State Board of Education to ask our school districts to include some sort of recycling education in their study programs. I don't know why we have to have this specific Bill to address this

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specific problem in the State of Illinois. My question to you, Sir, is this, don't you feel like even though \$50,000 may seem like a small amount to you, that money could go toward the teacher retirement insurance crisis in the State of Illinois instead of going to silly studies like this, instead of going to stupid studies like this, we come up with study on top of study on top of study and we don't want to talk about the insurance crisis in the State of Illinois for the retirement teachers, for the very people that you are talking about that you want them to teach these students about recycling. You want to teach them about recycling, but you don't want to talk about the health care insurance crisis for the retired teachers in the State of Illinois."

Speaker Daniels: "The Gentleman from Tazwell, Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker, I move the previous question. The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Representative Poe to close."

Poe: "Mr. Speaker, Ladies and Gentlemen of the House, I think we overlook a problem that concerns all of us in conservation of the state, protection of the environment, and we got to take care of our economy and environment for our future for our children. And what better times is it to teach our children whether their young age. They develop these habits when they are young and they carry through their adult life and will save the economy and make the environment a better place to live in. Thank you."

Speaker Daniels: "The question is, 'Shall House Bill 1532 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? The Clerk will take the record. This Bill, having gotten 55 'aye', 52 'no',...the Gentleman puts it on Postponed Consideration. House Bill 1746. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1746, a Bill for an Act that amends the Consumer and Installment Loan Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker. House Bill 1756 (sic - 1746) amends the Consumer Installment Loan Act to allow a consumer loan company to offer rebates or gifts to customers and to offer monetary incentives to third parties who are so-called rainmakers for bringing in business. Under current law there's no provision in the statute for authorizing these incentives to be given to customers, and the Illinois Financial Services Association is requesting that the Consumer Loan Industry have the same ability to offer incentives such as other groups as banks have. I'd be happy to answer any questions."

Speaker Daniels: "Is there any discussion? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I'd like to take this Bill off of Short Debate. Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Schakowsky: "It sounds like this Bill allows lenders to offer incentives...can you give me an example of what lenders can do under this Act that they're not currently allowed to do?"

Speaker Daniels: "Representative Biggert."

Biggert: "Under...under the current law, a consumer lender who is...a consumer loan company who is authorized to and licensed by the Department of Financial Institutions to

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make loans of \$10,000 or less and under current law they're not able to give any incentives, such as key chains or pencils to customers, such as banks do when they come into their bank."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So this is a Bill that would...this is sort of like a Key Chain Bill. And the prevention of the key chain allowance is somehow... What is the effect of that? The fact that they can't give away key chains?"

Speaker Daniels: "Representative Biggert."

Biggert: "Being able to give away, what's called an inducement, is to have a customer come into their so-called loan company and take a loan. It is an inducement."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "We don't have a law in this state that limits the amount of interest we can charge on consumer loans, do we or do we?"

Speaker Daniels: "Representative Biggert."

Biggert: "No, we do not."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "So...so don't we run the risk now if someone is offered a really nice key chain that they might be dooped into some kind of a loan that has maybe a 50% or 75% interest rate? I mean aren't we running now with these fabulous inducements that we could be putting customers at risk of being billed?"

Speaker Daniels: "Representative Biggert."

Biggert: "No, I don't think so. This really is...there's small loans and banks and other financial institutions have the ability to do right...to do that right now, we have not found that...that that has been abused."

Speaker Daniels: "Representative Schakowsky."

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Schakowsky: "Where did this Bill come from? Who brought this Bill to you or where did you get this idea?"

Speaker Daniels: "Representative Biggert."

Biggert: "As I said before, it was suggested by the Illinois Financial Services Association."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Aside from key chains, are we talking about maybe they could offer tvs or toasters even. Yes, toasters or...is there any list of things that will be approved as things one could give away under this Bill?"

Speaker Daniels: "Representative Biggert."

Biggert: "That would be left up to the discretion of the loan company. But I think that anything that they give as an inducement cuts into what they might make on the loans. So it is self limiting as is a bank."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Right now the people who make these loans are considered to be at a competitive disadvantage to whom? Who is that is in the business of these small loans that we're trying to put into even playing field?"

Speaker Daniels: "Representative Biggert."

Biggert: "These are all small loan companies that are licensed under...under this particular Act. I think that they are...want to be competitive with someone that might go to a bank for a small loan or go to another financial institutional such as a savings and loan company."

Speaker Daniels: "Representative Biggert. Representative Schakowsky, you got 19 seconds."

Schakowsky: "Would this put like loan sharks or people like that at a more competitive advantage now because they could offer these kinds of premiums?"

Speaker Daniels: "Representative Biggert."

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Biggert: "I don't know who you're referring to as loan sharks.

These are consumer loan companies that are licensed by the Department of Financial Institutions."

Speaker Daniels: "The Gentleman from McHenry, Representative Skinner."

Skinner: "Is there any limit to the amount of money that can be rebated? That is if we're really talking key chains, does this Bill say they can't give more than a buck away to induce somebody to borrow \$10,000?"

Speaker Daniels: "Representative Biggert."

Biggert: "Under the statute, no. This does not have any limit. But as I said before, the amount of inducement de...cuts into the amount of money that they would make on a loan."

Speaker Daniels: "Representative Skinner."

Skinner: "I don't know, Representative. This just doesn't sound like a very good idea to me. Thank you."

Speaker Daniels: "The Gentleman from Champaign, Representative Tim Johnson."

Johnson, Tim: "Mr. Speaker, I move the previous question."

Speaker Daniels: "The Gentleman has move the previous question. The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. The main question is put. Representative Biggert to close."

Biggert: "This is a Bill for small consumer loan companies and I would urge 'do passage'."

Speaker Daniels: "The question is, 'Shall House Bill 1746 pass?' All those in favor signify by voting 'aye'; opposed by voting, 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 56 'ayes', 54 'no'. The Lady puts it on Postponed

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Consideration. Representative Churchill now moves that the House stand adjourned until 8:00 tomorrow morning. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The House will stand adjourned until 8:00 tomorrow morning with time for Perfunctory Session for the clerk. Have a good evening."