

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

116th Legislative Day

April 19, 1996

Speaker Daniels: "The House will come to order. Members will please be in their chairs. Those not entitled to the floor will please retire to the gallery. The Chaplain for the day is Pastor J. Howard Kraps of the Central Christian Church in Mt. Vernon, Illinois. But, previously Pastor Kraps was with the South Side Christian Church here in Springfield, Illinois. Pastor Kraps is the guest of Representative John Jones. Guests in the gallery may wish to rise for the invocation. Pastor Kraps."

Pastor Kraps: "Shall we pray? Eternal God, our Heavenly Father, we call upon You today because You are the one who knows our hearts and You direct our paths. We pause to remember today the tragedy in Oklahoma City, pray Your blessings upon the families of those affected. Help us as a people here in the State of Illinois to work toward a more peaceful nation. Help us to work for stronger homes. Help us to work in such a way that we can extend a hand of fellowship and brotherhood to those about us. We thank you for this great state and for the position she holds in our nation. We thank you for this Body of Legislators. We pray that You'll continue to give them wisdom for decisions they make, guidance and direction and integrity and all things. And especially today, be with them and the tasks before them. We pray in the name of the Master, Amen."

Speaker Daniels: "Thank you, Pastor Kraps. One year ago today, we watched in horror as the...folded in Oklahoma City. The President has asked us to observe a moment of silence. The final toll showed 168 people dead, 686 injured, and countless others left heartbroken. To remember this tragedy, the worst act of terrorism on American soil, we join with others across the nation in observing a moment of silence in memory of those lost. In accordance with the

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request of the President of the United States, we will observe 168 seconds of silence. We'll now be led in the Pledge of Allegiance by Representative John Jones."

Jones, John: "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 Daniels: "Roll Call for Attendance. Representative Currie is recognized on the Democratic side of the aisle for excused absences."

Currie: "Thank you, Speaker. Please let the record show that Representative Martinez is excused today."

Speaker Daniels: "The record will so reflect. On the Republican side of the aisle, Representative Tom Cross is recognized for excused absences on the Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. We're all here on the Republican side."

Speaker Daniels: "The record will so reflect. Take the Roll, Mr. Clerk. There are 116 answering the quorum call and a quorum is present. The House will now come to order. Page five of the Calendar on the order of Third Reading appears House Bill 3151. Representative Myers."

Clerk McLennand: "House Bill #3151, a Bill for an Act that amends the Water Shed Improvement Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Myers."

Myers: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3151 is the Livestock Management Facilities Act. With the Amendment we've added yesterday, the Livestock Facilities Management Act is one of the toughest base line environmental laws in the nation dealing with livestock facilities. This Act sets in place

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standards for construction of new lagoons or extensively modified lagoons and livestock facilities. It sets in place standards for certification of a livestock facility manager. It sets in place standards for waste management plans for any and all operations. It sets in place standards for requirements for inspection of the lagoon and either the pre-construction, construction, or post construction phase. And finally, one of the major provisions of the Bill is financial responsibility that ensures that management facility operators exhibit some kind of financial responsibility in the event of a closure and possible cleanup of the site. As we look at other Bills or other laws in the other states of this nation, we see this industry changing in structure and nature. And other states are beginning to address this issue. I think we should feel proud that we have one of the toughest laws to deal with environmental concerns. And by environmental concerns, I mean, maintaining water quality and air quality. This Bill does that in several different ways. I would be very happy to answer questions on the Bill."

Speaker Daniels: "Representative Winkel."

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

Speaker Daniels: "Indicates he will."

Winkel: "I'm informed that you have reached an understanding with the environmental community that addresses their concerns about this Bill. Would you please explain that understanding for us today?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Winkel, we have listened to the concerns of the environmental community and have agreed to hold public hearings around the state to take testimony from all interested parties on the Livestock Management Facilities

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Act. Included in these hearings will be the House and Senate Sponsors of the Bill, the representatives of the Departments of Agriculture, Natural Resources, Public Health, and the Environmental Protection Agency. After the rulemaking process is completed, the Bill's Sponsors and the Representatives of those advisory committees, along with members of the livestock industry and the environmental community will convene to discuss the information gathered during the hearing process. It is the intent that from this process, any problems with the Livestock Facilities Management Act will be addressed to satisfy the concerns of the interested parties."

Speaker Daniels: "Representative Winkel."

Winkel: "Representative Myers, what is the position of the Stewardship Alliance and the Environmental Council on this Bill?"

Speaker Daniels: "Representative Myers."

Myers: "It is my understanding that with this agreement, both parties will support the Bill."

Speaker Daniels: "Representative Winkel."

Winkel: "To the Bill. Representative, I commend you for your willingness to work on this Bill with the environmental groups and I think you've got an excellent Bill now that is a good base line approach, that does have teeth in it, which was a concern of a lot of Members. And I appreciate your work and your diligence in moving this Bill forward. I think it's a good Bill and I urge a 'yes' vote."

Speaker Daniels: "Further discussion? Representative Granberg."

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

Speaker Daniels: "Indicates he will."

Granberg: "Representative Myers, now it's my understanding that there is no language that would actually impose a

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moratorium on these large out of state facilities from locating in Illinois. Is that correct?"

Speaker Daniels: "Representative Myers."

Myers: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I have met with the friend of mine dealing with agriculture in Missouri, two weeks ago. He indicated to me that Missouri because of their concerns over these facilities, imposed the moratorium. Is that also correct?"

Speaker Daniels: "Representative Myers."

Myers: "That is correct."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, my question is, Representative Myers, why would we not impose a moratorium, if in fact, Missouri did? Because they are concerned about the devastating impact that some of these large facilities, not our family owned facilities, like you and I are concerned with. But, we're not concerned, we don't see any detrimental impact to those operations. But why would Missouri do it and why would we not follow a similar course of action?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Granberg, I'm not totally familiar with why Missouri would do it. But I can, I think, explain some of the reasons why we would not do it. First of all, Missouri does have a permitting process. We do not have a permitting process in this state that we can put a moratorium on. Secondly, there's been a great deal of concern expressed about the family farm. Well, many of the developments that are in place now that are expanding are family farmers. And as I understand it, the moratorium that was in place in Missouri applied to everybody, whether

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it was large, small, in state, out of state, anybody. We don't want to impact the family farmers and especially those that are already under construction, a moratorium would put a real problem in their operation because the banker doesn't understand when the government says, 'I'm sorry, but you've got to stop construction and you can't generate revenue'. In addition, we feel that our Bill is attempting to address many of the aspects that were concerning in Missouri. For instance, recently there was a quote by the director of the Department of Natural Resources in Missouri. A fellow by the name of David Shore, who indicated that the problems that precipitated the moratorium in Missouri, namely Premium Standard Farms. The spills that occurred there in Missouri were not structurally-related. They were management-related and vigilance failures. They think they have gotten the message that we won't tolerate any of these incidents in Missouri. This Bill addresses management. That we feel is key because you can have technology and science that puts together the best facility possible, but if you don't have the proper management, then you may have one of these incidences."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. Well, my concern is this, among others. Missouri has done this. From my understanding of the debate on the Amendment yesterday, there is no set schedule for the public input hearings. There are going to take place in the summer. There is no set hearing. We don't know when these rules are going to be promulgated. We don't know what the regulations are going to be. And in the interim, we have no legislation to stop these large, out of state corporate interests from

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coming into Illinois and potentially doing tremendous damage to our environment and to our family farms and to our rural communities. That is my concern, Representative. I know what you're attempting to do, but that is a very, very major concern of mine. And so, but let me ask you one more question. It also came to my attention this morning that the memo that was issued by the Department of Energy and Natural Resources was supposed to be confidential. Now, it's also my understanding that they are attempting to find that person and to possibly terminate his or her employment. Will you join me in trying to protect that person for doing his or her job?"

Speaker Daniels: "Representative Myers."

Myers: "Representative, I don't think it's our place to get into the management of the employment practices of any of the departments in this government. I have no intention to do harm to that individual, but neither do I feel that are proper that we take an active role in protecting or trying to discharge any kind of employee."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, I find that unfortunate, Representative, because I think it might be perceived that, in fact, you might be involved, I know you would not be involved. But because that memo is damaging to your legislation, that I think all of us in this House should stand up for the rights of that individual. But thank you for your time. Mr. Speaker, to the Bill, if I may."

Speaker Daniels: "Representative Granberg, you're out of time, but I'll extend it because it's you, for a minute. Go ahead, to the Bill."

Granberg: "Thank you very much, Sir. Representative Myers, I have always as far as my recollection goes, always voted

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with the Farm Bureau. I want to protect our family farms. I've always done that. I will continue to do that. But I have very serious concerns why we're implementing this legislation, why Missouri has a moratorium, other states are looking to stop these large out of state multi-national or corporate facilities from locating in their states. We're going to pass this legislation that will do nothing to stop these operations from coming into Illinois. It will do nothing to stop the operation in your area. And in the meantime, we will have to wait for rules to be promulgated, during the summer where there are no set schedules for hearings. I don't think this goes far enough. I think to protect our family farms, we need less regulation and less burdensome regulations by EPA for our small operations and more for these large out of state corporate operations. So I reluctantly rise in opposition."

Speaker Daniels: "Further discussion? The Gentleman from DeKalb, Representative Wirsing."

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

Speaker Daniels: "Indicates he will."

Wirsing: "Representative Myers, as we looked at the construction of this Bill, that it was apparent that management is an extremely important role in functioning of a successful hog operation. If you could, give us, and I know you did some of this yesterday, but give us some input as to how this Bill directs correct management in the operation of any hog operation, not just based upon size."

Speaker Daniels: "Representative Myers."

Myers: "Representative Wirsing, it has been stated by the Environmental Protection Agency that many of their complaints are not structurally-related, that they are

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management-related. In addition, we are looking at studies from Agricultural Law Center at Drake University in Des Moines, Iowa, who did a study of 15 states and found that the size of an operation is not necessarily an indication of the potential of any operation to pollute. So from that stand point, we looked at what does cause the pollution. In view of the fact that many of today's modern operations are using the latest science and the most modern technology available, it all came back to management. That's why we put into the Bill, procedures for establishing a certified livestock manager. We put into the Bill, procedures for establishing a livestock waste management plan. These procedures will apply to all livestock producers of all species because manure does have an odor. Manure does affect water quality and it doesn't matter whether that it comes from a hog or a cow or an ostrich or a turkey. They all have the same potential, if they are not managed right. Hence, the desire and the need to put this management aspect into the Bill. The recent spills that we have heard about in Illinois have all been management related, not structurally related. The more we can do to educate the operator and everyone surrounding the facility on the proper management of that facility, the more likely we are to maintain ground water and surface water quality and to minimize any potential effect on air quality."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Thank you. One more question, understanding that any Legislature, any government entity can pass laws, create rules, create permits, but certainly if those rules, they have to be ultimately abided by, by the individuals who are involved on an everyday basis. Give me a sense of what are penalties within this legislation when improper management

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is the practice."

Speaker Daniels: "Representative Myers."

Myers: "If there are violations of the provisions of the law dealing with construction of the lagoon, if there are violations with respect to failure to certify or failure to have a livestock waste management plans, there are fines that are imposed upon the operation or the operator. In the event that those operators do not correct the problem or do not comply with the order to correct the problem, the Department of Agriculture can issue a cease and desist order. Now, I don't know about you, but in any business operation, if you're required to shut down your operation, you've just shut down your revenue stream. And I think that's a very serious implication to any producer that even thinks about failing to comply with an order. In addition to that, if there is a pollution violation, the Environmental Protection Agency has in place in Title 35 of the Environmental Protection Act, certain fines that can be levied up to \$10,000 and \$5,000 a day, that are serious fines for pollution. And I think that any of those fines are onerous enough to warrant consideration and compliance with the law."

Speaker Daniels: "Representative Wirsing."

Wirsing: "Thank you, Representative Myers. To the Bill, it has already been indicated that this is the most intensive piece of legislation dealing with regulating with giving direction, with setting rules and standards for the livestock industry in our nation. And I think we ought to take, we ought to be proud of that, that if for no other reason is the fact that all entities came to the table with Representative Myers' hard work, including the pork industry itself, who supports this. And I think that's

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something that needs to be lauded and needs to be understood that that's an extremely important and difficult situation to create to happen. I think that we need to also recognize there always is this part of this whole process that the livestock industry is a viable, economic force here in Illinois. And as Representative Myers moved to this process, you had to keep that in mind as well, that we did not want to shut down an industry that was a major part of our food supply and also a major economic force here in Illinois. I'll be quite honest with you, Representative, I didn't think that this could be accomplished. I didn't really think that all these entities could come together and not only either be neutral, but more importantly, all be in support of this piece of legislation. As I had said in committee, this is a very pro-active stance in direction to move forward, for not only the livestock industry here in Illinois, but agriculture in total. And that is extremely important, when we realize that agriculture is the number one industry here in Illinois and the livestock industry is a part of that. So I laud you for your hard work and for your."

Speaker Daniels: "Representative, can you bring your remarks to a close?"

Wirsing: "For your diligence in continuing to work hard to accomplish what we had before us today. And I certainly would hope that we have a overwhelming 'yes' vote on this piece of legislation."

Speaker Daniels: "Representative Hartke."

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

Speaker Daniels: "Indicates he will."

Hartke: "Representative Myers, I think I heard you say that this piece of legislation would apply to any and all livestock

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operations that are presently in existence as well as those that may be in the future."

Speaker Daniels: "Representative Myers."

Myers: "I'm sorry, Representative Hartke. Could you repeat the question, please?"

Speaker Daniels: "Representative Hartke."

Hartke: "I thought I heard you indicate that this piece of legislation would apply to any and all livestock operations that are now in existence or which will be in the future. Is that correct?"

Speaker Daniels: "Representative Myers."

Myers: "The legislation for lagoon construction applies to only new or significantly modified. The legislation applies to all livestock operations which with respect to the certification process and the livestock waste management plan. However, there is some minor thresholds. Any one over 300 animal units will be required to obtain a certified livestock manager status. The waste management plan does not come into effect until 1,000 animal unit level is reached."

Speaker Daniels: "Representative Hartke."

Hartke: "300 animal units and that is a 1,000 pounds of live weight on any given day on your operation?"

Speaker Daniels: "Representative Myers."

Myers: "Yes, Representative, any given day."

Speaker Daniels: "Representative Hartke."

Hartke: "That's not an annual production or anything like that. This is any given day."

Speaker Daniels: "Representative Myers."

Myers: "Yes."

Speaker Daniels: "Representative Hartke."

Hartke: "You indicated that you would need a certified livestock

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manager's certificate if you had over 300 animal units in your operation. Where would I go to get something like that and I'm a hog farmer and I've been raising hogs now for 15 years and did not graduate from the University of Illinois or any Ag school? Where would I go to get a certificate of livestock manager degree or some kind of a license?"

Speaker Daniels: "Representative Myers."

Myers: "The Department of Agriculture will design and set into place the certified livestock manager status in accordance with working with the industry and the cooperative extension service. This program will be very similar to a certification process that the Department of Agriculture currently administers, called the private pesticide applicator's permit. To obtain this certification, you would either have to pass a test and/or attend a seminar and a class, depending on the size of the operation you have. But, certainly it would involve a certain amount of study because the test would have to be taken every three years, as we currently do with the pesticide applicator's certification. So you would have to continually renew that and the test would change and be based on the Department of Agriculture's design standards and the knowledge that you would have to pick up, based on new information or new science or technology would be included in that next test."

Speaker Daniels: "Representative Hartke."

Hartke: "Yes, and of course, if you fail the test, the Department of Agriculture is going to come out and sell your cows, sell your hogs, and shut your operation down. Is that correct?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Hartke, the way the tests are operated

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today, you are given advance notice that your certification is due to expire, that you need to take another test and renew that certification before the expiration date."

Speaker Daniels: "Representative Hartke."

Hartke: "You mentioned in your Act about the bonding that would be required. How is that bonding amount set for security to make sure that you will be there to clean up your system if you should happen to shut it down, your closure report has to be filed and all that? Who determines the amount of bonding that will be required?"

Speaker Daniels: "Representative Myers."

Myers: "The Department of Agriculture through the rulemaking process determines the level of financial responsibility for that bond. The Livestock Facilities Management Advisory Committee, that we adopted in the Amendment yesterday, determines after reviewing the necessary information, what level that bond should be, dependent upon the size of the lagoon and the size of the operation. Then, ..."

Speaker Daniels: "Representative Myers, could you conclude the answer to the question, please?"

Myers: "The Department of Agriculture would administer that bond and require or administer the Act and require the necessary information from the producer to make sure the bond is in place."

Speaker Daniels: "Further discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I don't think I have any questions for Representative Myers at this time, but I do have a couple of comments that I'd like to make. Representative, first, I commend you for sticking to it and I think this is important in legislative abilities and it's

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something that you have done. But I'd like to admonish you at the same time for some of the questions that ultimately were answered were asked early on in this process. And whether it was you or someone else that was making the decisions, you chose to say that this is all we can do at this time. Well, maybe the right people weren't asking the right questions at that time, but ultimately they did. You know, I think that the report that leaked out from IDNR, whether it was right, wrong, or indifferent, it did accomplish something. And I hope that you along with us are very appreciative of the fact that it got the attention of some other people. It made them ask the same questions that were found in that memo, which now ultimately have at least started to be answered. There's still are some things that I don't think have been. But with the Advisory Board that your Amendment did place, I think that we do have a great quality qualified group of individuals who will be making recommendations to the Department of Agriculture to implement these rules in an effective fashion. Some of the things that maybe are not in this that maybe should be and I hope that, that Committee as they in their advisory capacity, look at this, that they make strong recommendations that this be placed in Rule. If not, followed by legislation to accommodate. You know, the ground water monitoring is still a major concern and I don't think we've addressed it specifically. Maybe you believe that we have and will. You know, if we look at the design standards and I know that you say that this committee will be making recommendations. But I hope that we make those very specific and such that we all can feel assured that we'll be able to accomplish those things that are important. The certification process, you know, this

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individual that's going to be in charge and responsible party. I think that we have one of the toughest standards for those people who are running those facilities, who are taking care of the waste management for the various communities that we represent. They have standards and guidelines that ensure that we will not be devastated by any kind of contamination in our water systems. I hope that we have that same concern and interest here. You know, once again, I'd like to say that the process has worked to a degree. Whether or not we're successful in continuing to accomplish those things that are important to all of us, will depend in large part at least in the short term on this advisory committee. You know, I commend you also for saying that we're going to be allowed to participate in some kind of a hearing process this summer. And I assume that, that will include people from this side of the aisle as well as that side. At least in participating in giving ideas and understanding and following a direction that this advisory committee is giving to the Department of Agriculture. I know that we have professionals in place in the various agencies in this state. But we were elected as this Body to represent those people that live around us. Not only the farmer, the agribusiness industry is very important. And I think we have to do everything we can to ensure that it continues and even improves in the State of Illinois. And I'm very much in favor of that. But, we have responsibility to those people who live in the neighborhood. And, you know, there's a lot of things that we're going to have to continue to do. And I hope that we have the chance to work with you in perfecting this thing in the next few months and hopefully in the next few years, we'll have it totally

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perfected to where that we can all go to bed at night, never worrying, but feeling that we're going to have a quality meal on the table the next evening."

Speaker Daniels: "Further discussion? Gentleman from Will, Representative Wennlund."

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

Speaker Daniels: "He indicates he will."

Wennlund: "Representative Myers, can you tell me what's in this Bill that would protect the environment in the event of a spill, like the 25 million gallons of pig manure that escaped into the environment, polluted wells, polluted lakes, rivers, and streams in another state? What is there to protect the environment in Illinois in the event, we have a like spill of 25 million gallons of pig manure?"

Speaker Daniels: "Representative Myers."

Myers: "Representative, there is absolutely nothing in this Bill that would guarantee that that would not happen. What this Bill does attempt to do is guarantee that there are safeguards in place to hopefully avoid that, by setting the construction standards for the lagoons to make sure that they are properly constructed. And then to set operation standards for the way the lagoon is to be managed and handled and operated in order to avoid any possible error by human beings."

Speaker Daniels: "Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker and thank you, Representative Myers. I got to the bottom of this one already. Here we are with another subsidy for the farmers at the taxpayers' expense. I knew it. I could smell it. Another farm subsidy and we ought to oppose it because we've given the farmers enough this year already. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from

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Madison, Representative Stephens. Representative
Stephens."

Stephens: "I move the previous question."

Speaker Daniels: "You want to hold that?"

Stephens: "I want to hold that."

Speaker Daniels: "I'm going to recognize Representative Deering."

Deering: "Thank you, Mr. Speaker. I sure appreciate that
consideration. Will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Deering: "Representative, 300 animal units, I think was mentioned
earlier in debate, where we would now have to require
registration, certification, whatever. Can you tell me on
average for an average farmer, how many head of hogs that
may be in a single operation?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Deering, 300 animal units for any swine
under 55 pounds would equate to about 750 head or for
greater than 55 pounds would equate to 750 head. For any
animal under 55 pounds would equate to about 10,000 head."

Speaker Daniels: "Representative Deering."

Deering: "So, is there any grandfathering in this language for
those operations that may be at that plateau today or the
day this would be signed into law? Will anybody be
grandfathered in and will automatically be covered under
this or will they have to go through some schooling or some
registration or any upgrades in their facilities? If they
have existing lagoons, would they have to upgrade those
existing lagoons?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Deering, certification is required of all
producers. There is no grandfathering in of any of the
producers. And yes, as they increase the size of their

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operation, they would have to comply with the additional requirements for the certification process."

Speaker Daniels: "Representative Deering."

Deering: "Okay, Representative, again my concern with the Bill, a big concern that I have is the inspection during the construction phase of the lagoons. I'm of the opinion that we should let the EPA, the Pollution Control Board, under their current existing regulations monitor during the pre-construction, under construction, and post construction phase of the lagoon. It's my understanding the Department of Ag will have an inspector doing this procedure. Can you tell me why we want to dump this into the laps of the Department of Ag when clearly we know they're going to have to go out and hire more people? Why can't we let existing regulations, existing personnel handle this situation?"

Speaker Daniels: "Representative Myers."

Myers: "Representative, I think there's some very good reasons why we want to leave it to the Department of Agriculture. First of all, the Pollution Control Board does not do any inspecting. So it would fall back then on your other entity, the EPA. The Department of Agriculture, on the other hand, does have a working knowledge of this type of structure, this type of design. And they do have a working knowledge with the engineers that put these designs together. The Department of Agriculture also has a very good and close working arrangement with the Environmental Protection Agency on various other certification standards. For instance, they already do some inspecting on commercial pesticide containment facilities. So they and the EPA do work together and I think that you can see some consistency when you see the Department of Agriculture making these inspections in consistency with EPA."

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Speaker Daniels: "Representative Deering."

Deering: "Yes, just two short questions. Number one, will there be a bipartisan makeup on this Commission that you're putting together to conduct these statewide hearings?"

Speaker Daniels: "Representative Myers."

Myers: "Representative, I think the desire might be that the House Ag Committee conduct the hearings, include the entities that I mentioned earlier, the Members of the Advisory Committee in addition to the Sponsors."

Speaker Daniels: "Representative Deering."

Deering: "Did you say the Sponsors of the Bill or the sitting House Ag Committee would conduct the hearings? The sitting House Ag Committee?"

Speaker Daniels: "Representative Myers."

Myers: "Representative, I'm willing to work out who is going to hold the hearings or the sponsor of the hearings. But I think that we can come to an agreement on whether it would be the sitting House Ag Committee or whether it would be just the Sponsors and invite the Ag Committee. I don't have any problem with how this would be set up."

Speaker Daniels: "Representative Deering, your time has expired. Could you bring your questions to a close?"

Deering: "Thank you, Mr. Speaker. Just an inquiry of the Chair in closing. Has there been a Fiscal Note request filed on this Bill?"

Speaker Daniels: "Mr. Clerk."

Clerk McLennand: "A Fiscal Note has been requested on the Bill 'as amended' by Amendments #1, 2, 3, and 4, and have been filed."

Speaker Daniels: "Fiscal Note was requested and was filed, Sir. Representative Deering."

Deering: "Can the Clerk relay to us what the cost impact could

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be?"

Speaker Daniels: "Why don't you come down here and look at it, Sir. It's fairly lengthy. Further discussion? The Gentleman from Macon, Representative Noland."

Noland: "Thank you, Mr. Speaker. I rise in support of this Bill. Tremendous effort has gone into this Bill. The House Sponsor and the Senate Sponsor worked very hard, convened hearings in their district. The Governor appointed a Livestock Industry Task Force. They worked very hard. This is the most comprehensive Bill of its kind in the nation. It has two major components and a stringent education component for the producers to help them with management and education issues. And secondly, for the environment. This is the best Bill of its kind in the nation. It deserves your 'yes' vote. Thank you."

Speaker Daniels: "Further discussion? The Gentleman from Bureau, Representative Mautino."

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

Speaker Daniels: "Indicates he will."

Mautino: "Representative, the move which has taken this to 300 animal units, which would be about 7500 head of hogs, is that correct?"

Speaker Daniels: "Representative Myers."

Myers: "That is incorrect, Representative. 300 animal units would be 750 animals over 55 pounds."

Speaker Daniels: "Representative Mautino."

Mautino: "I stand corrected. 750 animals over 50 pounds. Okay, one of the concerns, will the Commission be looking at that number this summer in the course of your hearings? I think that we've had some from some of my local farmers, they've expressed a concern that some of the areas that we're looking at and I know when we were out in North Carolina

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looking at the hog operations earlier on this summer, there was a question where the small farms were basically being, an independent producer had no market and everything was being geared more towards the larger producers. If you didn't have a contract, you didn't have a market. That's another question which must be addressed, but as we bring this regulation into the smaller guys, I think that you have to keep in mind that we do not want to drive the family farm out of business. And I think that has to be addressed over the course of the summer in setting of the numbers and the level of regulation. Is that going to be an intent of the Commission on these hearings?"

Speaker Daniels: "Representative Myers."

Myers: "The intent of these hearings is to hear any and all information that we feel is relevant to the Act. However, what you have just, the issue that you brought up deals with the market structure. We are not attempting to look at the market structure. We are only attempting to look at how we can protect ground water and surface water quality and maintain proper air quality. So, that is the area that I think the hearings need to focus on."

Speaker Daniels: "Representative Mautino."

Mautino: "I agree that we need to take a look at the water quality and those issues that are closely related. But a lot of the problems do result with the large operations. So we have to make sure that we're regulating those that we're intending to regulate and not putting constraints that are going to drive the small family farmer out. You know, there's that old saying, 'Grandpa had a farm. His son has a garden. His grandson has a can opener.' I mean, we want to make sure that we ensure that there is a market for our independent farmers as well as these large

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producers. And I think that's something that you need to address inside of these hearings. And with your commitment on that and the hearings for the summer, I'd be proud to vote for the Bill."

Speaker Daniels: "Representative Myers."

Myers: "Representative, this Bill was designed specifically to protect all aspects of the industry in terms of maintaining the viable family farm. While we want to make all farms responsible on one end, we realize that the larger an operation gets, then there may potentially be more problems associated with it. This Bill established base lines which we hope were not going to be onerous on the small family farm. It was designed to make sure that the small family farm could live with these. But at the same time as we established the base lines and we allow in the rulemaking process for an increase in size, we allow the rulemaking process to address the issue of size. Do we need stronger, tighter, more controls on the larger operations? If not, so be it. If we do, then the rulemaking process has that ability, has that flexibility to establish additional standards and enhance the aspects of the Bill."

Speaker Daniels: "Representative Mautino."

Mautino: "Okay, on that so then also the scope and the flexibility of the rulemaking procedure are going to be addressed in those hearings this summer. I think that's something that we have to look at to make sure that our regulatory bodies can set those numbers so we don't impact the small guy. I thank you."

Speaker Daniels: "Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. To the Bill. This is a Bill that for the first time for the livestock industry sets some management

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criteria. Not only management criteria for production, but also to conserve our natural resources as well as to be good neighbors. I would like to also mention that this is for the entire livestock industry, not only the hog industry, but it does affect the dairy industry as well as the beef industry. I urge your support a 'yes' vote on this Bill. It's a step in the right direction. I think through the hearing process, everybody will be involved and so this is a good step. And I urge a 'yes' vote."

Speaker Daniels: "Representative Ryder."

Ryder: "Mr. Speaker, Ladies and Gentlemen of the House, all of us at some time in our career have had a problem created in our district, a problem who we probably didn't like, wanted it to go some place else, a problem we didn't create, a problem that defies solution. A problem that creates such a dichotomy between the parties that are interested that they literally cannot agree on what it is that they're talking about. And all of us have responded in various ways. We've tried to pass the buck. We've taken on the issue head on. We've selected a side. We've tried in our own ways to deal with it, either politically or on principle. And now we've got a problem before us that we don't even want to talk about, hog factories, hog manure. We don't even want to talk about the subject. We make jokes about it. We suggest that, let somebody else handle this issue. And yet, a Freshman in this chamber said, 'I didn't ask for this problem, it came to me. But I'm going to do something about it.' And so this Freshman Legislator said, 'let's have some hearings. Let's do some work. Let's produce a package.' He may have been advised, 'let somebody else handle it.' He may have been advised, 'someone else should carry this for you.' But he said on

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principle, 'this is something that I'm going to do. This is how I'm going to handle an issue.' And so he worked and worked and worked until you now have before you a Bill, believe it or not, a Bill that's supported by the Illinois Farm Bureau and the Illinois Environmental Council, a Bill that's supported by the Illinois Pork Producers and the Stewardship Alliance because one Legislator on principle decided that he was going to do something right. Now the distinguished gray-haired Floor Leader on the other side has said, 'why aren't we doing it like Missouri or why aren't we doing it like another state?' Folks, let me go on record as suggesting, this is one of the strongest Bills in the nation. This Bill addresses the problem where it exists with management decisions, with management competence, with regulation of management error. I came this week prepared to go back home and explain, 'well, this is a Bill that nobody liked, so maybe we were doing the right thing.' And now, surprise of all surprises, the environmental groups and the Farm Bureau have said this is a Bill we support because of one person's bulldog stubbornness and legislative leadership. Because of one person's ability to get something done in this General Assembly, to produce one of the toughest Bills in the nation. Now, the really difficult part here is that you say, 'I don't want to regulate Mom and Pop, but I want to take care of those corporate giants.' The problem he has is the corporate giant is smaller than the Mom and Pops. It's a problem and we have to deal with. And you have to admire the integrity, the ability, and the grit of a Freshman Legislator to say, 'I'm going to try to solve this problem.' And solve it, he has. This is the best first step on this problem of anywhere else in the nation, the

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very best first step. And I think we should support this Bill and I obviously congratulate the Sponsor on his hard work."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Mr. Speaker, I Move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. The main question is put. Representative Myers to close."

Myers: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, you've heard the comments and the details of this Bill. In closing, I would just like to reiterate those who support the Bill. We have all of the agencies in the State of Illinois on board: the Environmental Protection Agency, Department of Natural Resources, Department of Ag. They all support the Bill. The Governor's office publicly supports the Bill. The livestock industry publicly supports the Bill. And now the environmental community publicly supports the Bill. I think it's a great first step in addressing the problems associated with making sure that we protect and preserve our ground water quality and our air quality. I request an 'aye' vote."

Speaker Daniels: "Representative Myers has moved for the passage of House Bill 3151. All those in favor will signify by voting 'aye'; opposed by voting 'no'. 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? The Clerk will take the record. On this question, there are 101 'aye', 11 voting 'no', 2 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed."

Speaker Daniels: "On the Order of Third Reading, page five of the

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Calendar, appears House Bill 3449. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #3449, a Bill for an Act in relations to persons who commit offenses against children. Third Reading of this House Bill."

Speaker Daniels: "Representative Klingler."

Klingler: "Thank you, Mr. Speaker, Members of the House. House Bill 3449 adds the offense of child murderer to the Child Sex Offender and Notification Law. This Bill applies to those who commit the offense of first degree murder against an individual 18 years of age or under, after the effective date of the Act of June 1st, 1996."

Speaker Daniels: "Is there any discussion? Representative Novak."

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

Speaker Daniels: "She indicates she will."

Novak: "Representative Klingler, what age you said adds the offense of anyone perpetrating a murder upon a child? What age limit do we stop at? Is it?"

Speaker Daniels: "Representative Klingler."

Klingler: "Under the age of 18 years."

Speaker Daniels: "Representative Novak."

Novak: "Under the age of 18 years. Is this retroactive like your original Bill that required sex offenders, I think, over a 10 year period to register? Is this similar?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, this is similar and the registration and notification provision. However, the registration begins with the effective date of the Act on June 1st."

Speaker Daniels: "Representative Novak."

Novak: "How is the current notification under the current law that was signed by the Governor this year or that went into

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effect, I believe on January 1, how is the notification process coming along? I understand in talking to representatives from the Department of State Police before JCAR sometime ago, that they're having much difficulty getting all these sex offenders to register with the local authorities. Is that correct?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, you're actually referring to two different Bills. The first Bill that you're referring to is the General Sex Offender Registration System which is different from the Child Sex Offender Registration. Under the Child Sex Offender Registration Bill, the State Police are now in their second draft of the rules and they're working on provisions that would provide under the mandatory notification provision for notification every three months to the schools and day care centers and DCFS."

Speaker Daniels: "Representative Novak."

Novak: "Representative, I don't think I got an answer. What I asked you and it's well documented by Terry Gainer is that they are having difficulty having the sex offenders that were included under the Bill that you sponsored last year to register with local authorities. They're having difficulty finding these people because some people have either changed their names or left town or they're having difficulty having people respond to the either personal visits by the State Police or the local authorities or by registered mail, whatever the process they're using. That's the question I was asking. And I understand we've got about what 30 thousand of these individuals in this state and we have, I think less than 10 thousand of them have registered. Is that correct?"

Speaker Daniels: "Representative Klingler."

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Klingler: "Representative Novak, the Bill to which you're referring is not the Child Sex Offender Registration Act. Instead, what you're referring to and the difficulty of the registration is a Bill that was passed in January as part of our criminal fast track legislation. That provided for the registration of all sex offenders, not simply child sex offenders. And that is the Bill to which the difficulty is. Under my Bill, under the Child Sex Offender Registry, the registration had already occurred over the past 10 years."

Speaker Daniels: "Representative Novak."

Novak: "Representative, but how many people have registered under the Bill, your Bill that became law this year? Can you tell me that?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, there were about 1900 on the Bill when it became law. And the effective date of this Bill is June 1st."

Speaker Daniels: "Representative Novak."

Novak: "Representative, in talking to the State Police before JCAR, this Bill has sort of a bifurcated purpose. January 1st was the effective date of the Bill that required the registration. June 1st becomes the effective part of the Bill when the rules will be promulgated, requiring the notification with respect to the entities in the community. It's a bifurcated Bill. How many people out of the 1900 that registered are still out there that haven't registered? How many people left in the State of Illinois?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the registration has gone on during the past 10 years and it's an automatic process of those

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convicted of child sex offenses. There has not been the problem of registering persons convicted of child sex offenses. That has gone on since 1987."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative, you know in relation to the letter that Terry Gainer had sent to the Speaker concerning the Quality First Program and the effect it was going to have on the State Police budget with respect to layoffs and their inability to perform investigations, wouldn't you think that letter would have a tremendous impact on the fiscal aspect of this legislation?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative Novak, this Bill will actually have very little fiscal impact. The effective date of this Bill is June 1st, 1996. And the registrations will begin for offenses occurring after that date."

Speaker Daniels: "Further discussion? The Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It's very seldom that I rise and try to invoke the emotions of the Body here. But I must do it because I think back to how we opened up our Session today, remembering those who died in the Oklahoma bombing. I want to talk to you briefly about an individual 10 years old, Christopher Myer. Christopher Myer, does everyone remember him? I don't want you to forget his name either because there was a perpetrator of that crime murder after sexual abuse against a 10 year-old by an individual that every single person that had contact with him, including the attorney that defended him, said, 'if this individual gets a chance again, he will murder a child again.' You know

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what? I have a lot of friends on both sides of the aisle, but I get very upset when I see somebody talking about, 'well, how come those criminals haven't come in and notified the law enforcement authorities?' And how come you, Sponsor Representative, don't know how many? Come on now, let's get to the issue here. This is a good Bill. I'll tell you what. For all of us that have children and all of us that have grandchildren, if Timothy Buss would have been moving into our area, we'd wanted to know he was living there. So let's get off the political mumbo-jumbo here in trying to harangue the Sponsor and say, 'do you know how much it costs. Do you know how many are out there? Do you know how many have notified or made the, you know fulfilled the obligation of the law?' Let's get on with the point of business here and let's take care of all the other Christopher Myers' under the age of 18 throughout the state in all of our communities and get on with good public policy and let the laws manage themselves when they get up to the point where they can be taken care of. As I said before, I don't rise very often and try to invoke the emotions of this Body. But this is a very emotional Bill when it comes to hitting in your community, as it did in ours last summer. I rise in strong support of this Bill. I commend the Sponsor and everyone else that has worked on it. And would appreciate an 'aye' vote from all the Members of the Body. Thank you."

Speaker Daniels: "Further discussion? Representative Dart."

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

Speaker Daniels: "She indicates she will."

Dart: "Representative, does the State Police have their database up and operating completely now?"

Speaker Daniels: "Representative Klingler."

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Klingler: "Representative, the database for the Sex Offender Registry has been in place since 1987. This Bill will provide the beginning of a new database for those who commit child murder."

Speaker Daniels: "Representative Dart."

Dart: "Well, so this database is not up completely yet. They're going to put this together, is that it?"

Speaker Daniels: "Representative Klingler."

Klingler: "That's correct."

Speaker Daniels: "Representative Dart."

Dart: "This wouldn't be a first for me. I guess I'm a little bit confused here, because your press conferences you held back last year for your previous Bill, you kept referring to initiatives that Representative Currie and Representative Novak who want to expand this to murderers. You kept saying to leave it the way it is 'cause it was too expensive and we ought to wait 'til the database is up and running. You're saying that the database is not up and running but we're going ahead with this anyways. Why have you made a 180 on us here?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, that's a good question. The database was up and running for the Child Sex Offender Registry and it's been added to continually since 1987. We're beginning a new database for child murderers, effective the date of this Bill."

Speaker Daniels: "Representative Dart."

Dart: "Representative, I understand that. The problem is that your words were different, though. Between November and March, in those few months, you now have done a 180 and to what before was unacceptable when we tried to make these changes last year, you said they were unacceptable because

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of the database. Now you're saying that, 'What the heck, let's go ahead.' The previous speaker talked about, 'Let's get on with this'. We were all for getting on with this. We were for getting on with this back in November. I'm asking you now, why did you change? What's changed so significantly because your words from your press conference were we should not do this right now. In the last couple of months, what has been this dramatic change that has allowed you to do this 180 on us?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, the focus of the original Sex Offender Notification Bill was to remove the criminal penalty against law enforcement officers for disclosing that information and to establish a system of notification and I indicated at that time that I would like to work with other Members of the General Assembly and other offenses that might be added. The State Police, the Sheriff's Association, and other law enforcement agencies were very much wanted to get this system going. The way this Bill was structured, because of the long sentences for murder, in fact, the registration for most cases will not take place for a number of years. So this does give the police, the law enforcement the time to get the experience with the notification provision."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. Representative, you still haven't explained that at all. Have you fixed the problems in this Bill in regards to how this Bill applies in the City of Chicago based on the district lines? Have you fixed that yet? You told me you were going to look into that and fix that. Have you fixed it yet?"

Speaker Daniels: "Representative Klingler."

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Klingler: "The Illinois State Police are looking at all aspects and how the notification will be carried out and it will be carried out throughout the state."

Speaker Daniels: "Representative Dart."

Dart: "Representative, to the Bill, to the Bill. I'm not going to get any answers to this one. Representative, you told me last time this Bill was up, you were going to work on trying to get this workable for the City of Chicago. You haven't done this. It still does not work. It cannot work in the City of Chicago the way you have it written right now. It can't work. Secondly, you and other Members over there voted for this education package the other day which was going to cut the number of State Police officers who could work in this. They won't be there now so they won't be able to help. More importantly, Representative, a prior speaker talked about not making this political. There is a method. I put an Amendment together. I asked for your help in this to keep these people out of, off the streets altogether so that we wouldn't have to notify anybody about anybody. The only notification we'd have to send out is guess what, victim of the rape? Guess what, victim of the child murderer? You won't ever have to see or hear from this guy again. We're giving you notice, he's gone. He's away. I presented that Amendment to this Bill. You turned your back on that. You told me we were going to work on it. Have not seen or heard from you on that one at all, Representative. This is a political move on your part. I wish it wasn't. There's a way we could make the streets a lot safer and you're turning you back on it, Representative."

Speaker Daniels: "Further discussion? Representative Flowers."

Flowers: "Mr. Speaker, I would like to yield my time to Tom

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Dart."

Speaker Daniels: "Representative Dart, did you need additional time?"

Dart: "Representative, you also made references last time, too, about the penalty section, that you did not want the penalty section changed. Why are we doing a 180 on that now?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, at the time of the original notification Bill, the only provision we were working on was providing for procedures for notification and taking away the criminal penalty for law enforcement for releasing information. We have that provision in place and now we're ready to move on and we've toughened the penalties for failure to register and adding child murderers."

Speaker Daniels: "Representative Dart."

Dart: "But Representative, those weren't your words. Last time this was up, last November when you had this up, you specifically were asked and you answered that you thought the penalty section was adequate the way it was. Why now are you changing? I mean, those are your words, not ours. You said that. Why? What's the difference? What's changed?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, when we're adding the offense of child murderers, I think that in itself provides the need for an increased penalty."

Speaker Daniels: "Representative Dart."

Dart: "Representative, you didn't answer my question again. The question is, is your exact words were the...I have it here, the transcript in the committee where you're talking about not wanting to make it a felony. You wanted to keep it as

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a misdemeanor. You want to stick with the present system. We want to raise it. What now has changed? I'm asking you, what has changed now in the penalty section that you want to increase it? You said not to. Why have you changed? Why have you flip-flopped on this?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, what we're changing is we're adding child murderers to the Sex Offender Registration and Notification Bill. And with that, we're increasing the penalty for failure to register."

Speaker Daniels: "Representative Dart."

Dart: "Representative, I'm going to direct you to a letter from the Illinois State Police directed to the Speaker of the House from Terrance Gainer, Director of the Illinois State Police. In it he talks about the cuts that are going to occur to his department as a result of the education Bill that you voted on. And he says here, finally these cuts..."

Speaker Daniels: "Representative Dart, to the Bill, Sir."

Dart: "This is to the Bill, I'm referring to the Representative, how she's going to pay for this and whether or not this is going to be operational. In this case, you have made the statement that this will be able to follow through. The Director of the Department of State Police says 'No'. He says that the cuts call into question the continuation of other critical State Police programs, among them the Sex Offender Registration and Notification Program. That's the Director of the Department saying, the Bill that you voted on the other day is going to cause cuts in his Department that going to make this Bill you have in front of us now meaningless because he can't enforce it. How do you explain that? Is the money going to fall from the skies or

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are going to have volunteers operating this? How's it going to work?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, there will be minimal fiscal impact to the Illinois State Police. And I've worked extremely closely with Illinois State Police. And furthermore, there will be no cuts for the Illinois State Police."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. But, Representative, I guess I'm drawn to the question then, who do you think is in a better position to decide whether this can be carried out? You or the Director of the Department?"

Speaker Daniels: "Representative Klingler."

Klingler: "Representative, I have worked extremely closely throughout this entire process, which has really gone on for greater than a year with not only the Illinois State Police, but also other law enforcement agencies. The Illinois State Police support this Bill and it will have minimal fiscal impact."

Speaker Daniels: "Representative Dart."

Dart: "Representative, maybe we can get a volunteer effort together for this because this is a letter dated April 4th of 1996, in which the Director of the very department that you're directing to carry this out is saying, that it is jeopardized by a vote on a Bill that you were supportive of. So here you are in your inimitable fashion of being on both sides of the issue saying, you want to cut his department, you want to cut his budget, and you have yet a program you want him to carry out. Representative, you can't do both. You know it. It's a cheap political ploy. You can't do both. You gotta to pay for this program. And you have gone about supporting a Bill, sponsoring a Bill

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that's going to take the very money away from this Department. This is a farce and this is a cruel hoax on all those people out there who think that this is going to go on the books. Because the Director of the Department which is going to enforce this is saying, that he will not be able to do this based on cuts that you're supporting, Representative. This is a very cruel hoax."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I move the previous question."

Speaker Daniels: "Representative Klingler."

Klingler: "I urge support for this Bill, which will be protection for children. I think it's very important that our schools, our day care centers, our foster care facilities know of child murderers, that they do not hire those people or employ them or have them as volunteers. This Bill will provide that knowledge to those agencies that work directly with children. I urge your support."

Speaker Daniels: "Representative Klingler's moved for the passage of House Bill 3449. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? One hundred sixteen, have all voted who wish? Clerk will take the record. On this question, everyone in the House is voting in favor of it, 116 'ayes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, with 116 votes, is hereby declared passed."

Speaker Daniels: "Representative Tenhouse, House Bill 3694. Read the Bill, Mr. Clerk. It's on the Order of Third Reading, page five of the Calendar."

Clerk Rossi: "House Bill 3694, a Bill for an Act making

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appropriations. Third Reading of this House Bill."

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. House Bill 3694 is a Bill that would appropriate one dollar for the Illinois Department of Corrections."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hannig: "Yes, Representative, we've heard some talk about your side of the aisle finding \$4 or \$500 million for schools. Could you tell us if it's going to be in this budget or one of the other Bills that we will vote on this afternoon?"

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "I'm certain as we look at each of the budgets and as they go through their Appropriations Committee with Minority Spokesman, Don Saltsman and the other Members of the committee, we will look for ways to save the state money. So I'm sure part of that will be in this, when it finally comes back."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, just to the Bill, Ladies and Gentlemen of the House. We have had Members on both sides of the aisle who have spent a good deal of time listening to the respective directors of the agencies come in. We've seen a number of people make proposals on both sides of the aisle. Unfortunately, those proposals, while sometimes being accepted, were left in committee when the Bills were simply not voted on. We saw what the process was last year where we had a gigantic budget Bill dropped on our desk and then we were asked to vote on it in about an hour, an hour and a half later. And it seems to me that each and every one of us is elected officials, representing nearly 100 thousand

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people back home, have a right and an obligation to understand what this budget is about. So I would rise in opposition to this procedure and this proposal. Certainly the individuals handling this Bill on the other side of the aisle are all honorable Gentlemen and Ladies. But I think the way that we're going about trying to pass this legislation in trying to adopt the state budget is again behind closed doors and certainly not in the best interest of the people that we represent. So I, for one, would like to know where the education money is going to be coming from. I would like to know when we're going to pay the Worker's Compensation moneys that we owe to people who have been hurt on the job. And I'd simply like to know if we're going to begin the process again of drawing down the state's bank balance. And if we're going to, once again, begin the process of stiffing the vendors who have provided services for the State of Illinois. So, I think all those issues are important, that they need to be answered, and this proposal simply does not do that. And I'd ask for a 'no' vote."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Tenhouse moves for the passage of House Bill 3694. All those in favor signify by voting 'aye'; opposed by voting '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 record, Mr. Clerk. On this question, there are 66 'ayes', 46 'noes', 2 voting 'present'. This Bill, having received a

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Constitutional Majority, is hereby declared passed. House Bill 2751, Representative Biggins. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2751, a Bill for an Act making appropriations to the University of Illinois. Third Reading of this House Bill."

Speaker Daniels: "Representative Biggins."

Biggins: "Thank you, Mr. Speaker. House Bill 2751 appropriates one dollar to the University of Illinois. It's to be worked on later and completed. I urge the support of the Members of the chamber."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hannig: "Yes, Representative, we dealt within a supplemental appropriation a couple of weeks ago. And it's my understanding that we dealt with the supplemental appropriation a couple of weeks ago, Representative, and it's my understanding that we didn't address all the issues that needed to be addressed in the supplemental. Could you tell if this proposal will finalize and fill out that proposal that we addressed, tried to address two weeks ago?"

Speaker Daniels: "Representative Biggins."

Biggins: "Thank you. The matters that we worked on in the supplemental was those matters that were necessary at the time. And you're right, we didn't complete it all so we're moving toward completion."

Speaker Daniels: "Representative Hannig."

Hannig: "Well, it's my understanding I think I heard, for example, that the Director of State Police or at least his Representative was in the media yesterday talking about how

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there's a 15 million dollar shortfall in that agency and how they need to have some additional funds in order to continue operations past about May 1st. Can you tell me if this Bill will address that? I don't see any money for that in here. Could you tell me how we're going to address that?"

Speaker Daniels: "Representative Biggins."

Biggins: "We are going to take care of the State Police and beef it up to the support that's necessary."

Speaker Daniels: "Representative Hannig."

Hannig: "Well, I guess I would just like to know when. I know that the State Police don't go on the radio and in the media and start making this a statewide issue if they didn't feel there was some urgency. So, I would like to see the state troopers remain on our highways and patrolling our communities. And I'd like to know when we're going to address it."

Speaker Daniels: "Representative Biggins."

Biggins: "With your support between now and May 22nd, we'll do that. And if we can pass the bonding Bill with your support, we can do a lot more for the people of the State of Illinois."

Speaker Daniels: "Representative Hannig."

Hannig: "Again, just to the Bill, Ladies and Gentlemen of the House. This is a vehicle Bill that the other side of the aisle is attempting to send over to the Senate for the purposes of some backroom's negotiation on how the budget pie should be divided. Certainly no one on our side of the aisle has been included in that process. And I think that certainly again while they have very honorable people handling that proposal over there, I think that they process is not in the best interest of the people that we

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represent. Each one of us has an obligation to ensure that we get the best bang for our bucks that we send down here as taxpayers and Representatives of taxpayers in this state. This is a bad process and I'd urge a 'no' vote on our side of the aisle. And I thank you."

Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Thank you, Mr. Speaker. Question for the Sponsor, will he yield?"

Speaker Daniels: "Indicates he will."

Schoenberg: "Mr. Biggins, are there any...you, moments ago, once again recited the mantra of the bonding Bill. And in the interest of time, I'll save the Members all the particulars that we discussed a couple of days ago about how some of the more acute needs, capital needs in the state, such as those for constructing prisons and for constructing, making construction at educational facilities, how that's not possible because we're using up our statutory limit for certificates of participation on more questionable projects. Mr. Biggins, is it your intention in this appropriation that we have any capital-related construction in something that goes on this Bill?"

Speaker Daniels: "Representative Biggins."

Biggins: "We don't know for sure because the Bill, as you know, is not complete yet. But I will say that I can understand your lack of interest in the bonding program. But I think it's a disservice to the Members from downstate and that represent the City of Chicago, because we all know that's where most of the bonding projects' moneys are spent. And I believe in working for all the people of Illinois, not on a regional basis, to further the programs and the projects that are best for all the taxpayers, particularly downstaters and the City of Chicago."

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Speaker Daniels: "Representative Schoenberg."

Schoenberg: "Well, Mr. Biggins, I don't think that asking for the Legislature to be able to approve capital projects that run into tens of millions of dollars prior to us breaking ground on them is regional parochialism. If anything, I think that's the kind of process that raises an eyebrow for all of us, whether we live in the suburbs like you do and I do, whether we live downstate, or whether we live in the City of Chicago. I don't think any of us here in the House, and I would assume in the Senate as well, are quite willing to just abdicate our responsibilities entirely for the fiscal oversight of projects, regardless of who's proposing them and abdicate that responsibility for another branch of government. The reason why I ask if there's any capital-related projects is because if, in fact, there are not, there are other vehicles available for financing those projects. But we're not going to be able to use those vehicles, those certificates of participation which current statute authorizes us, up to \$125 million annually to use because the space for that \$125 million is going to be used to overpay 3 very large, very exorbitant, very extravagant real estate transactions to house state agencies. And I would urge the Members on both sides of the aisle that until we have more details available on this Bill, that they vote 'no' on House Bill 2751. Thank you."

Speaker Daniels: "Representative Black."

Black: "Thank you very much, Mr. Speaker. I'm hanging on every word. I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Biggins now moves the passage of House Bill 2751. All those in favor will signify by voting

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'aye', opposed by voting 'no'. The voting is open. This is final action. 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 70 'ayes', 41 'nays', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Daniels: "House Bill 3695, Representative Tenhouse. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3695, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3695 appropriates one dollar for the Department of Transportation for the State of Illinois."

Speaker Daniels: "Any discussion? Representative Hannig."

Hannig: "Well, thank you, Mr. Speaker and Members of the House. To the Bill. Earlier in the week, we heard a great deal of discussion about how this Body and the other side of the aisle was going to find \$4 or \$500 million of money for education. And we heard the directors of the agencies come in and ask how that would impact them. And they had some ideas about how this would create layoffs and how this would hurt the agencies that we so depend upon. And we heard discussions on that side of the aisle during this earlier discussion that, Oh, this is not an appropriation Bill. This is only a way to spend that money. This is a way to redirect the money to the suburbs'. But, now we're talking about appropriation Bills. So I would say to the Members on the other side of the aisle, let's see your cuts. Let's see your plan. We want to know what this budget is going to be about. It's time to come forward and show us where you plan to make these cuts. It's time to

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come forward and put up or shut up, because we are coming into the end of the appropriation process. We're sending House Bills to the Senate. And it's important that we know on both sides of the aisle, how this budget is going to be structured. So I would say that this is a budget that's only for a dollar, it's a vehicle, that we need to vote 'no' on this proposal until we can find out where these cuts are coming from, where this so-called money for schools is going to be coming from. So I urge a 'no' vote."

Speaker Daniels: "Representative Tenhouse now moves for the passage of House Bill 3695. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? This is final action. 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 64 'ayes', 52 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Daniels: "House Bill 3696, Representative Mulligan. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3696, a Bill for an Act making appropriations. Third Reading of this House Bill."

Speaker Daniels: "Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. House Bill 3696 appropriates one dollar to the Department of Public Aid."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, will the sponsor yield?"

Speaker Daniels: "She indicates she will."

Hannig: "Representative, I have a six page printout from our staff talking about how the proposed cuts from your side of the aisle could impact this budget. On one of them talks

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about, for example that in preschool education, that between 5-6 thousand. Five or 6 thousand fewer people, children. Between 5-6 thousand fewer children could be served in FY97 versus our FY96 totals. And my question is, can you tell us where the budget is for the State Board of Education and how this is going to impact these preschool students?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative Hannig, this Bill only appropriates one dollar to the Department of Public Aid, as we move forward in the process, we'll deal with those issues individually."

Speaker Daniels: "Representative Hannig."

Hannig: "What about the issue of spending down the state's bankbook balance, the end of the year balance? Is that being addressed in this proposal?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative, this one dollar to the Department of Public Aid certainly doesn't address that."

Speaker Daniels: "Representative Hannig."

Hannig: "What about the issue of somehow changing the payment cycle? We've heard on the one hand that somehow this will generate 100 million of available money and on the other hand that it's not going to affect the payment cycle. And I guess I'm unclear how you can have it both ways. Could you tell us if this Bill addresses that and clarifies that issue for us?"

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative Hannig, I would once again tell you that, no, it doesn't currently do that. It just directs one dollar to the Department of Public Aid."

Speaker Daniels: "Representative Hannig."

Hannig: "Well, I guess to the Bill, Mr. Speaker. We've seen

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budget by press release. We've seen the releases on how the money was going to be found to fund our education, here in Illinois. But we haven't found anyone who's been able to put that down into a piece of legislation that we could debate. All that we have before is on the education funding issue are press releases. All we have are press releases. We have no Bills that can determine how this \$500 million will be found. We already know how we're going to direct it to the suburbs, to the wealthy school districts, but we can't find it. So I urge all Members of the House to vote 'no', until we can find the money that we already spent last, earlier this week. I urge a 'no' vote."

Speaker Daniels: "Representative Mulligan."

Mulligan: "To close?"

Speaker Daniels: "To close."

Mulligan: "Thank you Mr. Speaker. Although, I certainly understand Representative Hannig's concerns, this is a process of the budget that was established long before I got here and before we were in the majority. So, I would urge an 'aye' vote. Thank you."

Speaker Daniels: "The Lady moves for the passage of House Bill 3696. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. 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 62 'aye', 51 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 3698. Representative Biggins. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3698. A Bill for an Act making appropriations. Third Reading of this House Bill."

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Speaker Daniels: "Representative Biggins."

Biggins: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3698 appropriates one dollar for the office of the Secretary of State. I urge your support."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Daniels: "Indicates he will."

Hannig: "Representative, from time to time we have had to increase the road cap for the Secretary of State's budget. Can you tell me if this budget will do that? Or if it's the intention of the Secretary to make that request to us this year, do you know that?"

Speaker Daniels: "Representative Biggins."

Biggins: "Representative, I'm sorry, I did not hear the question part of your question. I heard all the rest. I couldn't hear it."

Speaker Daniels: "Representative Hannig."

Hannig: "Yes, let me repeat the question. The Secretary of State, from time to time in the past, has requested authority from this Body and the Senate to spend over and above the cap that is allowed him under State law. I think it's been about 9 million, is his request over the last five years. And I'm curious, as to whether or not the Secretary has indicated to us either in committee or in this Bill whether or not he will ask for an exemption from the road fund cap this year?"

Speaker Daniels: "Representative Biggins."

Biggins: "Representative, as you know this is an incomplete Bill. It's an incomplete budget at this time. But I know in speaking with the Secretary that he's going to do everything he can to live within his cap and the means that he has. That we will give him."

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Speaker Daniels: "Representative Hannig."

Hannig: "Well, Representative I guess that's kind of my question.

We're sending House Bills over to the Senate. And it was my understanding of the process and how it has worked, at least in the past, that we would try to send Bills to the Senate that reflected the view of this Body. That we would try to amend those Bills if we thought it was appropriate to amend them up or down. At the very least we would send the Bill to the Senate, indicating our support for the agency or the Constitutional Officer. But it seems to me that sending one dollar on behalf of the Secretary of State, is hardly an endorsement of the plan and of the office of the Secretary of State. I certainly think George Ryan needs more than a dollar to operate and I know you do to. So, why can't we simply pass the budget over to the Senate? It may not be a complete budget but it would at least be a budget that would reflect where this Body feels the Secretary of State funding ought to be."

Speaker Daniels: "Representative Biggins."

Biggins: "Representative, as you know, the Senate has also sent us over some Bills and Budgets that were incomplete. And I'd like to ask you, as you've done in the past to work together, to help formulate budgets for those Bills, as I'm sure the Senate will work together bipartisanly to arrive at a final budget. Not just the Secretary of State but all the necessary State agencies and projects."

Speaker Daniels: "Representative Hannig."

Hannig: "Well, I would just point out that this is a departure from how we have done the things in the past regardless of who had been in control in the years that I have been down here. We've always at least given the Members of this Body an opportunity to offer Amendments in committee. To offer

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Amendments on the Floor. And ultimately to pass a Bill over to the Senate that reflected the views and priorities of this chamber and this body. I would say that the Secretary of State, in my mind, is doing a very good job of managing his office and certainly deserves more than one dollar. And I think that we should be voting 'no' on this proposal to fund the Secretary of State's Office that one dollar."

Speaker Daniels: "Representative Black. Representative Cross."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Biggins now moves for the passage of House Bill 3698. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. 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 65 'aye'; 50 'no'; 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 3380. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3380. A Bill for an Act in Relation to State Government. Third Reading of this House Bill."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you Mr. Speaker. In the same spirit as the previous Vehicle Bills on the appropriation process. This is the Shell Bill for the Implementation Act. I'd be happy to answer any questions."

Speaker Daniels: "Representative Hannig."

Hannig: "Well yes. Thank you Mr. Speaker and Members of the House. Now this is the Bill that's probably the most dangerous of the whole bunch. And I'll tell you why. Many

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of you were here last year when we saw a number of tax increases come out in the Budget Implementation Act that was approved. In years prior to that we've seen last minute deals get put together and put in a Bill like this. So it would seem to me that for those of us who want to have a say up front in what goes into these Bills, that we ought to insist that we have some say on what goes into these Bills before they're voted on. Simply voting 'no' on Third Reading sometimes is your only recourse. But it seems to me that if we can hold these Bills up today, force the Sponsors to give us an opportunity to pick and choose what we want to put into that Bill, through the Amendment process, that ultimately we can have a much better product. So I would urge all Members of the Assembly on both sides of the aisle to vote 'no' on this proposal, to reserve for yourself, the opportunity to pick and choose which parts of that proposal you ultimately feel comfortable with. And work together as an entire Body to help craft a Bill that may or may not be necessary for us to implement at the end of the Session. So, it seems to me that this is the wrong way to do it. To simply let a Bill be drafted in a Conference Committee Report by a small select number of Legislators, and then be thrown out into the entire Body, where your only choice is 'yes' or 'no'. It seems to me that we ought to have more than a 'yes' or 'no' choice. And the only way we could get it is to defeat this Bill today and I'd ask for a 'no' vote."

Speaker Daniels: "Representative Ryder now moves for the passage of House Bill 3380. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take

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the record. On this question there are '64' aye; 52 'nay'. This Bill having received a Constitutional Majority is hereby declared passed. Representative Black."

Black: "Thank you very much Mr. Speaker. I rise on the point of personal privilege. Some 30 minutes ago my seatmate made some intemperate remarks. About those of us that might be engaged in Agribusiness today. Those intemperate remarks cost him his lunch. He had ordered a ham sandwich. I intercepted it Sir and I ate it. And I would ask everybody on this Floor to join with me. If you see my seatmate consuming bacon, sausage or a ham sandwich, at any time in the future, I want you to call the Illinois Agriculture Police. I will not tolerate it. I'm tired of his intemperate remarks and he can just go hungry. By the way, by the way where is the desert from your side of the aisle? Isn't there not a birthday to be celebrating on your side of the aisle? Where's the cake? You don't even know it's the House Democrat Leader's birthday. Shame on you. Shame on you."

Speaker Daniels: "And ice cream. Happy birthday to Representative Michael Madigan. Representative Currie."

Currie: "I'm sure he appreciates our good feelings and our enthusiasm and our congratulations on this natal day. But I think his response on the cake question would be just a simple one. Let them eat cake."

Speaker Daniels: "Representative Schakowsky, for what purpose do you rise?"

Schakowsky: "Thank you Mr. Speaker. I'm joined by a requisite number of my colleagues in asking that we move to motions in writing so that we can consider my motion to discharge from rules the minimum wage increase. House Bill 1183. A Bill which we have not been able to get any debate on."

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Speaker Daniels: "Thank you. You weren't recognized for that purpose. House Bill 3655. Order of Second Reading. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill #3655. The Bill has been read a second time previously. Committee Amendment #1 was referred to Rules. Floor Amendment #2 was referred to Committee. Floor Amendment #3, offered by Representative Black has been approved for consideration."

Speaker Daniels: "Representative Black, Amendment #3."

Black: "Thank you very much...excuse me...thank you very much Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment #3 to House Bill 3655 simply does one thing. I stood before you a year ago, I presented the same concept. I stand before you now, I present the same concept. The Amendment abolishes the Legislative Scholarship Program effective 1997. I would ask your favorable consideration of Floor Amendment #3."

Speaker Daniels: "Discussion, Representative Lang."

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

Speaker Daniels: "He indicates he will."

Lang: "Representative, is Amendment 2 on this Bill?"

Speaker Daniels: "Mr. Clerk, is Amendment #2 on the Bill?"

Clerk McLennand: "No. Floor Amendment #2 has been referred to Committee."

Speaker Daniels: "Representative Lang."

Lang: "And so, Representative, if this Amendment goes on the Bill, will this be the whole Bill?"

Speaker Daniels: "Representative Black."

Black: "That is my intent at this time. I cannot speak for my hardworking, conscientious colleagues on the other side of the rotunda."

Speaker Daniels: "Representative Lang."

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Lang: "And so, would it be fair to say then that after all this discussion for the last two years about ethics and lobbyist reform, and campaign finance reform, and reform, reform, reform, that this is going to be the sum total of what you are going to do with this Bill?"

Speaker Daniels: "Representative Black."

Black: "I can't say that will be the sum total, Representative. I can say this. After 40 years of rhetoric out of Washington D.C., who always exempted themselves from everything, I think the place to start with ethics, is in the House of Representatives, and in the Senate. Let's make us give up a perquisite that is not well understood. Let us be the first ones to make the effort towards ethics and open and honesty in government, and get rid of a 98 year old perk. We'll start with us, and then will advance from there."

Speaker Daniels: "Representative Lang."

Lang: "Well, I didn't say anything about the guts of your Amendment, Sir. I'm prepared to vote for that. I just wondered if you had any other intentions, if any other Member of your side of the aisle, since we've heard so much about reform of all these kinds of issues, why this would be the only issue you'd care to advance as we approach the deadline for passing House Bills."

Speaker Daniels: "Representative Black."

Black: "Again, I'm glad I heard you say you support the Amendment, with a degree of seriousness it is time to address the issue. We did last year, the Senate did not. I think we need to send this Amendment to the Senate. I think this program needs to be stopped and stopped now. It's not because of any newspaper article. I said this long before the newspapers made this an issue. It's

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something we need to do. Now, you passed it out of here last year with more than 90 votes, as I recall. It's time to send it to the Senate and say, 'Let's clean up a couple of little details that we're involved with. Then, perhaps, hopefully with bipartisan work we can begin to take some steps on the other concerns that were in the original Bill.'

Speaker Daniels: "Representative Lang."

Lang: "Is the language of your Amendment the same language we passed last year?"

Speaker Daniels: "Representative Black."

Black: "I can't answer you that. I have not read this Amendment verbatim. I assume that it is very similar to what we passed last year. That's certainly my intent."

Speaker Daniels: "Representative Lang."

Lang: "That's all."

Speaker Daniels: "Representative Black now moves for the adoption of Amendment #3. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. Further Amendments. Amendment #3 is adopted. Further Amendments."

Clerk McLennand: "No further Amendments are approved for consideration."

Speaker Daniels: "Any motions?"

Clerk McLennand: "A Fiscal Note and State Mandates Note have been requested on the Bill and have been filed."

Speaker Daniels: "Third Reading. On the order of Third Reading, now appears House Bill 3655. Representative Kubik. Will you read the Bill, Mr. Clerk?"

Clerk McLennand: "House Bill #3655. A Bill for an Act that Amends the Illinois Governmental Ethics Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Kubik."

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Kubik: "Thank you, Mr. Speaker. I think we all know what is in this legislation. I would defer to Representative Black if people have questions about the Bill. I would appreciate your consideration in support of 3655."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I have no question of Representative Kubik or Representative Black. To the Bill, itself, Sir."

Speaker Daniels: "To the Bill."

Granberg: "Ladies and Gentlemen, I'm just going to explain how I'm going to vote on this. I intend to vote 'no'. And the reason for that is, I am not ashamed of any scholarship I have ever given during my brief tenure in this Body. I have worked with my committee, and we have done an excellent job of rewarding students who are in financial need, or received great academic awards. I am not ashamed of any of these scholarships. I'm not going to be ashamed of any of these scholarships in the future. And I believe that if we vote to abolish these things, then you are saying you've made a mistake. I have not. I think the vast majority of the people in this Body have served with integrity and they do the best they can, working for their Members, working for their constituents, and working for the people. This scholarship is often used for people who fall beneath the cracks or in between the cracks on financial aid. They're not poor enough to receive assistance. They can't receive the highest academic awards or receive other state assistance. These are for working men and women, and I think that's an excellent program. Once again, I think this program does work. I think the vast, vast majority of these scholarships have been well used, well received and they are good for those students."

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I intend to vote 'no', and I respect the Members for their individual votes."

Speaker Daniels: "Representative Moore. Representative Moore."

Moore: "Excuse me, I didn't hear you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I am grateful to have this Bill separated from the total ethics package because it certainly is one that there are varying opinions on. As a new Legislator, it was an issue that I had no idea about, but was very glad, when informed of this privilege to give scholarships in my district. Certainly, the amount of state aid that comes to my district from the state to my high schools, as an example, is minimal compared to some of the other areas of the state. These legislative scholarships are a way for state aid to work in my district in a way that's very positive. Tomorrow, I have five outstanding community leaders who have been working to review the scholarship applications. My office spends a lot of time trying to prepare these. We've always sent press releases out on them. I think people in the community really appreciate these. And though there have been some errors in judgement at times through the years, I would say that most of these scholarships in the end have done what they were set out to do, and that was to educate young people. I think we should continue to keep these scholarships in place and I would urge an 'aye' vote."

Speaker Daniels: "Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I too, rise to oppose House Bill 3655, and I do it because, just because some of our colleagues might have abused this privilege, shouldn't mean that we should all be painted with the same brush. I think most of you who have given this award to young folks in your district, have done

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it in a positive way, a fair way. I have two young Gentlemen from the Inglewood area, one of the most blighted areas in the City of Chicago in their fourth year of medical school. One of the Gentlemen was a Gulf War veteran. And for me to tell him that I would not be able to fulfill his lifelong dream to become a doctor, because of a few of my colleagues not being fair in doing the right thing, I think is wrong. I think we should not deny, because on one hand we say, 'Get an education.' Now, we're taking from them, many of them their only way to get an education. We should have red votes on House Bill 3655."

Speaker Daniels: "Representative Boland."

Boland: "Thank you, Mr. Speaker. I rise in opposition to this Bill. I believe that there is actually not enough aid for our students out there, particularly middle income students. And this is a type of scholarship that can help those families in particular. I grant, as some other speakers have, that there have been some problems in the past and there have been some abuses. But those can very easily be corrected by either Legislator's voluntarily making their recipients public, and putting an income ceiling on those recipients, a family income ceiling as I have done. Or, we could do it by legislation requiring it to clear up the problems. But, just to take away a program that I think has helped an awful lot of students. And I have found in my second year in office here that the number of applicants have more than doubled. As people have found out when I made my first recipients known public, an awful lot of people did not know that this program existed, and have contacted my office, and we have had them fill out a questionnaire and a financial aid statement and so forth. I think this is a clear example of 'Throwing the baby out

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with the bath.' And that I would hope that we preserve this program, vote 'no' on this legislation, and then either ourselves, voluntarily and individually, clear up what problems have existed in the past, or that we do it through legislation. Thank you very much."

Speaker Daniels: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I too, rise in opposition to this piece of legislation. I was one of those and I'm sure that there were many others who opposed it the last time we had the opportunity to vote. You know, I think that there have been politics involved in this thing. And the politics that has been involved in my area, that I'm most familiar with, is the fact that there weren't enough to go around, that there was more than the number that we had available to provide educations or opportunities for kids that were in need than we could handle. I'm here to tell you that many of us, in fact I believe that most of the people in this Body have done to the best of their ability, a real good job of presenting these in a fair and equitable fashion. I'm here to tell you that the politics that took place in my area were those people who were unsuccessful, being upset with me and others. I'm here to tell you that I believe that if we do it right then I think we have every justification to improve the system and make it right. If it has been wrong in the past, that this is something that we have available to those kids that are in need, that we should continue to provide. I'm going to vote 'no' and would encourage others to join."

Speaker Daniels: "Representative Deering."

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

Speaker Daniels: "Representative Black indicates he will."

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Deering: "Representative, does this Amendment now just abolish legislative scholarships?"

Speaker Daniels: "Representative Black."

Black: "Yes, Representative. That's what it does."

Speaker Daniels: "Representative Deering."

Deering: "Thank you, Mr. Speaker. To the Bill. I've traditionally in the past supported this concept. However, if we're going to take away this perceived 'perk' to the Legislators and the process that many of us do legitimately, let's take away these scholarships from the college coaches, the college presidents, all those people that never get involved or mentioned in the editorials. All those people that dole out these things more on a highly political aspect than a lot of us do. They're looking at getting big time dollars and revenues for their respective college and institutions that they represent. So, I think if we're going to do it for one, let's do it for all. They don't get mentioned in the editorials. And I might say to those people who write the editorials, or those people who own the newspapers, while they editorialize and criticize us here in this Body, they should remember those same words when their employees and they and their family members themselves may have the opportunity to come to our office and ask us, 'Hey, even though we don't like this, would you please consider us?' If we can't do it for everybody, let's don't do it for nobody."

Speaker Daniels: "Further discussion. No further discussion. Representative Black to close."

Black: "Thank you very much Mr. Speaker and Ladies and Gentlemen of the House. It's very unfortunate that someone had to get up and imply that there's some shame or that somebody

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should be ashamed of the program. That's not my intent. You know that. You know me better than that. You all run your program, and I would imagine you all run it to the very best of your ability. Many of us publish our names. Many of us have committees. Many of us have a release right in our application that says, 'If you don't sign the release to make your name public, you won't be considered by the committee.' At no time have I ever gone after this program based on anything I've done or that anybody else has done. I'm not ashamed of whatever goes on in this chamber. I have the utmost respect for everybody I serve with in this chamber, and I will always have that respect. Let's not try to cloak it in something that it isn't. Somebody talked about financial aid. You and I don't have access to family financial statements. That is not available to us. So, please don't tell me you base it on financial aid, because if you're doing that, I'd like to know how you have access to family financial statements. It is not available to us. Then I heard someone say, 'Let's abolish athletic scholarships.' Now, we get to the crux of the issue. Those scholarships are funded. They raise money through the Illini Scholarship Fund, or the Grant in Aid Program. Those scholarships to football and basketball and cross-country and track and baseball players, the money is there. The money is deposited in that university's account. This is the crux of the issue. Now, you can put any spin you want on it. The crux of the issue my friends, and the basic flaw and fault with the Legislative Scholarship Program, is that we don't appropriate one cent. It would be different if we had the guts to appropriate the money so that when our recipients show up at the state schools, the money would follow them

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to pay the university for the tuition waiver. We don't appropriate one penny. What we do is to tell the state universities and colleges in this state to swallow \$4 million a year in unpaid tuition. That's wrong, because you and I know what then happens. That unpaid tuition is passed on to those parents who are paying the freight in the form of higher tuition to make up for the fact that the General Assembly sends \$4 million of tuition waivers that we don't pay one cent for, not one cent. Appropriate the money, I'll change my attitude on this program. Lastly, this state ranks second in all 50 states in the amount of public money we appropriate for college financial aid through the Illinois Student Assistance Commission. Our taxpayers do more than any state in the country except New York, to enable students, no matter where they live, to be able to get scholarships, grants, or direct student loans in order to attend college. I respect all of your opinions. I respect the way you run the program. The basic flaw in this and it's time I've heard some fiscal arguments in the last 30 minutes. 'Oh, it isn't fiscally sound. It isn't fiscally prudent. Oh my goodness, what are we going to do on the budget?' It's time for this Assembly to take the lead. You cannot send kids to college with a free blank check. It's free. We don't appropriate one dollar for it. That's not fair to the universities. It's not fair to those parents and those students who scrape and scrimp and save and do everything possible to pay their tuition. But, we can send somebody to college for free. That's not right. I don't think it was right 98 years ago. It is not right in 1996. You voted to do away with this program last year. Nothing has changed. I ask for an 'aye' vote."

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Speaker Daniels: "Representatives Kubik and Black move for the passage of House Bill 3655. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Once more, have all voted who wish? The Clerk will take the record. On this question there are 85 'ayes', 30 'noes', 0 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Page three of the Calender appears House Bill 3414. Representative Lyons. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 3414. The Bill has been read a second time previously. Committee Amendments #1 and 2 were adopted. Committee Amendment #3 was referred to Rules. Floor Amendment #4 was referred to Rules. Floor Amendment #5, offered by Representative Lyons is approved for consideration."

Speaker Daniels: "Representative Lyons, Amendment #5."

Lyons: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3414 amends the Illinois Municipal Code. And provides that municipalities that regulate adult entertainment advertising that is located within one thousand feet of schools, day care centers, cemeteries, parks and places of religious worship. Amendment #5 was a technical change that was used to merely make parks, public parks."

Speaker Daniels: "Any discussion? Representative Lang."

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

Speaker Daniels: "She indicates she will."

Lang: "Representative, first I noticed that Amendment 3 is not on the Bill. Did you resist that Amendment in committee?"

Speaker Daniels: "Representative Lyons."

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Lyons: "No, I did not."

Speaker Daniels: "Representative Lang."

Lang: "So, do you support that buy Illinois? Buy U.S.A.?"

Speaker Daniels: "Representative Lang. To the Amendments that are being presented right now. Remember this is on Amendment #5, Representative Lang."

Lang: "Thank you Mr. Speaker. I am entitled to find out what posture the Sponsor of the Bill wants her Bill in. And if there is a previous Amendment I am entitled to know if she was for it or not for it."

Speaker Daniels: "Representative Lang."

Lang: "But we'll proceed. Can you once again explain what this Amendment does Representative?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes, this amends the Illinois Municipal Code. It provides that municipalities they regulate adult entertainment advertising that is located within 1000 feet of schools, day care centers, cemeteries, public parks and places of religious worship."

Speaker Daniels: "Representative Lang."

Lang: "What does Amendment #5 do to change the Bill?"

Speaker Daniels: "Representative Lyons."

Lyons: "It's technical cleanup. It makes parks, public parks."

Speaker Daniels: "Representative Lang."

Lang: "What is the definition of public parks?"

Speaker Daniels: "Representative Lyons."

Lyons: "I don't have the legal definition before me. But public park is what we all consider a public park."

Speaker Daniels: "Representative Lang."

Lang: "Well Representative, with all do respect, that's not really an answer to my question. What you may consider a public park, may not be what I consider a public park."

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What is relevant is what the statute says is a public park.

So, I would ask you again to tell me what you mean by a public park."

Speaker Daniels: "Representative Lyons."

Lyons: "Is open to the public. Excuse me. Land that is open to the public either owned by the State or Federal government."

Speaker Daniels: "Representative Lang."

Lang: "Not local government?"

Speaker Daniels: "Representative Lyons."

Lyons: "Including local government."

Speaker Daniels: "Representative Lang."

Lang: "So that would include land owned by the Skokie Park District, where I live or the Chicago Park District. Would it also include forest preserves?"

Speaker Daniels: "Representative Lyons."

Lyons: "Yes, it would."

Speaker Daniels: "Representative Lang."

Lang: "As you know Cook County, where you and I both live, has a substantial number of forest preserves. Have you discussed the affect on those forest preserves with anyone on the Cook County Board of Commissioners?"

Speaker Daniels: "Representative Lyons."

Lyons: "I have not."

Speaker Daniels: "Representative Lang."

Lang: "So, do we have any way of knowing if the Cook County Board approves your Amendment or even your Bill?"

Speaker Daniels: "Representative Lyons."

Lyons: "As far as I know, no one has expressed opposition to this Bill."

Speaker Daniels: "Representative Lang."

Lang: "Well, as you know, Representative, there is a great

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difference between those who don't oppose a Bill and those who favor a Bill. Who's for this Bill?"

Speaker Daniels: "Representative Lyons."

Lyons: "We'll find out when it's voted on."

Speaker Daniels: "Representative Lang."

Lang: "Pretty good answer. You even got the Speaker smiling, at that one. Who came to committee to testify in favor of your Bill, Representative?"

Speaker Daniels: "Representative Lyons."

Lyons: "We can discuss that when we debate the Bill itself. This is just the Amendment. Changing it from park to public park."

Speaker Daniels: "Representative Lang."

Lang: "Did anybody testify on behalf of the Amendment?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, they did not."

Speaker Daniels: "Representative Lang."

Lang: "Did anyone testify in opposition to the Amendment?"

Speaker Daniels: "Representative Lyons."

Lyons: "No, they did not."

Speaker Daniels: "Representative Lang."

Lang: "Well, I'm concerned, Representative, about the definition of public park. In this Amendment you simply say public park without any definition. Do you believe it's appropriate that we pass legislation that has a language in it that's so vague that the general public or even lawyers that might read the statute might not even know what it means?"

Speaker Daniels: "Representative Lyons."

Lyons: "Representative Lang, I think you're the only one that's having the problem with the definition of public park."

Speaker Daniels: "Representative Lang."

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Lang: "Well, touche, Representative. I'm going to vote for your Amendment."

Speaker Daniels: "Representative Lyons moves for the adoption of Amendment #5. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Amendment adopted. Further Amendments?"

Clerk Rossi: "Floor Amendment #6 offered by Representative Lyons."

Speaker a Daniels: "Representative Lyons. Amendment #6."

Lyons: "Thank you Mr. Speaker. Amendment #6 replaces entity in this legislation with adult bookstores, strip tease clubs or pornographic movie theater. It also replaces primary stock in trade with business."

Speaker Daniels: "Representative Lang."

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

Speaker Daniels: "She indicates that she will."

Lang: "Representative, again we have a situation here where I think I'm prepared to support what you are trying to do but I have some concern about the language of your Amendment. I don't believe there is a statutory definition of the term pornographic in your Bill. And yet you want to refer to pornographic movie theaters. By what standard are we going to determine what's pornographic?"

Speaker Daniels: "Representative Lyons."

Lyons: "We used the definition in the Municipal Code."

Speaker Daniels: "Representative Lang."

Lang: "Well, perhaps you could tell me what that definition is. And perhaps you could also tell me what definition the Municipal Code has for term strip tease club or the term adult bookstore?"

Speaker Daniels: "Representative Lyons."

Lyons: "With out looking it up, I could not define it. But I

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would recognize it when I see it."

Speaker Daniels: "Representative Lang."

Lang: "Well, Representative, you want to put in the statute language that forbids these signs about these kinds of entities being in certain places. But how will we know, how will law enforcement officials know whether the statute is being violated if you don't at least take the time to define the terms? Why don't you define the terms within your Bill or within your Amendment? So that law enforcement officials will know what it's all about?"

Speaker Daniels: "Representative Lyons."

Lyons: "I have used the term adult entertainment, meaning commercial production, presentation, sale, dissemination or distribution of material that when considered as a whole, appeals predominately to interest in nudity or sex."

Speaker Daniels: "Representative Lang."

Lang: "And that definition is from where, Representative? Besides the piece of paper you're reading it from?"

Speaker Daniels: "Representative Lyons."

Lyons: "From State statute."

Speaker Daniels: "Representative Lang."

Lang: "Very good. So, there is a definition of that term. What about the term strip tease club? Is there a definition of that in State statute?"

Speaker Daniels: "Representative Lyons."

Lyons: "I do not have a definition of strip tease club. No."

Speaker Daniels: "Representative Lang."

Lang: "Well, (A) how are we suppose to know what that is then? And (B) maybe more to the point, would you like to include that in the hearings that we're going to have on the mega-pig farm Bills, as they go around the State, this summer?"

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Speaker Daniels: "Representative Lyons."

Lyons: "No, there's no relationship."

Speaker Daniels: "Representative Lang."

Lang: "Well, I think it's, I think it's vague. What definition should we use for the word pornographic? When you refer to pornographic movie theaters?"

Speaker Daniels: "Representative Lyons."

Lyons: "That's already been covered in the Municipal Code, as well."

Speaker Daniels: "Representative Lang."

Lang: "You know, we don't all know the Municipal Code as well as you do, Representative. So, perhaps you can tell us what that definition is."

Speaker Daniels: "Representative Lyons."

Lyons: "No, I'm not as familiar with it as you think I am. But I do know that it's contained in the Municipal Code and I'm confident that it's there."

Speaker Daniels: "Representative Lang."

Lang: "Well, Representative, it's in your Bill and that bevy of staff around you, someone must know what it is. You've got a minute and twenty three seconds left of my time, maybe we can find it during that minute and twenty three seconds."

Speaker Daniels: "Representative Lyons."

Lyons: "I'd be happy to take that time to look it up. We'll take your time to look it up."

Speaker Daniels: "Representative Lang."

Lang: "Sure, if you have a definition, we'd like to know what it is. I think we'd all like to know what you consider to be pornographic."

Speaker Daniels: "Representative Lyons."

Lyons: "Again, I'll wait for the legal definition."

Speaker Daniels: "Representative Lyons what is it that you're

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doing now?"

Lyons: "We're waiting. We're waiting for a definition to be researched. For Representative Lang."

Speaker Daniels: "Do you have that now Representative Lyons? Representative Lyons?"

Lyons: "The time is up and we don't have a clear definition, except for the one that's in statute. Again, I think Representative Lang would recognize it as well."

Clerk Rossi: "Representative Lyons moves for the adoption of Amendment #6. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. The Amendment is adopted. Further Amendments?"

Speaker Daniels: "No further Amendments have been 'approved for consideration', and the Notes that have been requested on the Bill have been filed."

Speaker Daniels: "Third Reading. On the Order of Third Reading appears House Bill 3414. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3414. A Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Lyons."

Lyons: "Thank you Mr. Speaker. Again, House Bill 3414 amends the Illinois Municipal Code and provides that municipalities may regulate adult entertainment advertising that is located within 1000 feet of schools, day care centers, cemeteries, public parks..."

Speaker Daniels: "Representative Lyons now moves for the passage of House Bill 3414. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action on the Bill. 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

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'ayes'; none voting 'no'; 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 24 on the Order of Second Reading. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 24. This Bill has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Daniels: "Third Reading. On the Order of Third Reading appears House Bill 24. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 24. A Bill for an Act amending the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Krause."

Krause: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. I ask for support of House Bill 24. This is a Vehicle Bill and it would relate to the Public Aid Code."

Speaker Daniels: "Representative Lang."

Lang: "Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Lang: "Representative, are the deadlines for Third Reading in the House a big surprise? Haven't we known them since January?"

Speaker Daniels: "Representative Krause."

Krause: "I appreciate what you are raising, Representative, but nevertheless, I think there's a benefit at this point to still have a Vehicle Bill for this matter."

Speaker Daniels: "Representative Lang."

Lang: "So, as this Bill reads now, Representative, you figure there's enough in here for the Department of Public Aid to run themselves for the next Fiscal Year. Think there's enough in this Bill for them?"

Speaker Daniels: "Representative Krause."

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Krause: "No, this is not, would not deal to an appropriation."

Speaker Daniels: "Representative Lang."

Lang: "Well, thank you for that. What plans do you have for this over in the Senate? You must know, it's your Bill."

Speaker Daniels: "Representative Krause."

Krause: "At this point, I do not have anything specific. However, because there was always the chance there might be something coming out of Washington with some of the changes in legislation, I thought it might be of a benefit to have this Vehicle available."

Speaker Daniels: "Representative Lang."

Lang: "To the Bill Mr. Speaker. I would ask all Members on our side of the aisle to oppose this. There's nothing in this Bill at all and there is certainly room for mischief here. I would suggest a 'no' vote."

Speaker Daniels: "Representative Moffitt."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Krause now moves for the passage House Bill 24. All those in favor signify by voting 'aye'; opposed by voting '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 record Mr. Clerk. There are 68 voting 'aye'; 39 voting 'no' and 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 2562. Representative Black. House Bill 2562. On the Order of Second Reading. Any Amendments Mr. Clerk?"

Clerk Rossi: "House Bill 2562 has been read a second time previously. Floor Amendment #2 has been adopted to the Bill. No Motions have been filed. Floor Amendment #3,

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offered by Representative Black has been approved for consideration."

Speaker Daniels: "Representative Black."

Black: "Thank you very much Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #3 represents the product of almost three months of negotiations with the City of Chicago, and I might add many Legislatures, whether you be downstate or suburban or in a case or two, even in the city. We think, this language was basically prepared and agreed to by the City of Chicago and all I think it does, I'd be glad to answer any questions you have, but what it does is to set up a procedure of constructive notice. I would prefer to call it a notice of Bill of Rights, telling the recipient of this ticket what he or she can do if they feel the ticket is issued in error. So that we can clear these errors in a more timely fashion, than we've been able to do in the past. I appreciate the fact that Director Ernest Wish has negotiated in good faith. I appreciate the fact and I think it was a breath of fresh air that Mr. Wish came down and said, 'We do have a problem. There is a problem with Chicago parking tickets and I intend,' that's Ernie Wish saying, that he intends to get it straightened out. That's all we ever wanted. I think this Amendment represents good faith bargaining and also as a tremendous step forward in helping your constituents, whether they live in the city or outside the city. In understanding how they can contest a ticket and get the ticket cleared if it is, in fact, issued in error. I'd be glad to answer any questions you have about the Amendment."

Speaker Daniels: "Representative Moffitt."

Moffitt: "Mr. Speaker, thank you. I move the previous question."

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Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Black moves for the adoption of Floor Amendment #3. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. Number three is adopted. Further Amendments?"

Clerk Rossi: "No further Amendments have been approved for consideration. And Notes that have been requested on the Bill have been filed."

Speaker Daniels: "Third Reading. Representative Wennlund."

Wennlund: "Thank you Mr. Speaker. I rise at a point of personal privilege. Although Representative Black did not use my name, it was obvious to this entire House who he was talking about. First of all, I wasn't eating a ham sandwich, it is roast beef. And I waited until I finished the first half of the roast beef sandwich because I know what time it is. And Representative Black, I'm telling you why I know what time it is, because I look at my Friend of Agriculture Activator Award for having voted with the Farm Bureau 86% of the time. Now take that, Representative Black. Secondly, I talked to the farmer in my district, the farmer, he farms a little over an acre and he said that pig bill was not a good Bill. So, I voted against it. And justifiably so. But I know what time it is, cause I can always look at my 'Friend of agriculture clock.' Take that Representative Black. Thank you Mr. Speaker."

Speaker Daniels: "On the Order of Second Reading, page four of the Calender appears House Bill 3658. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3658. A Bill for an Act Amending the Civil Administrative Code of Illinois. Second Reading of this House Bill. No Committee Amendments. No Floor

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Amendments."

Speaker Daniels: "Third Reading. On the Order of Third Reading appears House Bill 3658. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3658. A Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Daniels: "Representative Churchill."

Churchill: "Thank you Mr. Speaker, Ladies and Gentlemen of the House. This is solely a Vehicle to send over to the Senate."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you Mr. Speaker. I would ask our Members on this side of the aisle to vote 'no'. We don't know what this is going to be used for. There is no plan. Until that's detailed I think all Members should vote 'no'. We don't know what may come out of this Bill."

Speaker Daniels: "Representative Churchill now moves for the passage of House Bill 3658. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. 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 61 'aye'; 50 'no'; 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Third Reading, page four of the Calender appears House Bill 322. Representative Brady. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 322. A Bill for an Act amending the Illinois Pension Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Brady."

Brady: "Speaker and Ladies and Gentlemen of the House. This is simply a cleanup Bill. We're trying to eliminate some

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unnecessary language from the statutes. I ask for your favorable vote."

Speaker Daniels: "Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Brady is this a clean up Bill or is this a Shell Bill that you intend to use for some other purpose when it goes to the Senate?"

Speaker Daniels: "Representative Brady."

Brady: "At this point, Representative, it is a Cleanup Bill. We're just cleaning up the obsolete language."

Speaker Daniels: "Representative Granberg."

Granberg: "Are there any Amendments to the Bill, Representative?"

Speaker Daniels: "Representative Brady."

Brady: "No."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I don't have the Bill itself. What does the Bill actually say?"

Speaker Daniels: "Representative Brady."

Brady: "It deals with a section on transfer of creditable service to the General Assembly Retirement System and it eliminates some language based of an ineffective date any longer."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Is it your intent to amend this Bill to include the downstate teachers with the Bill that Representative Poe passed yesterday?"

Speaker Daniels: "Representative Brady."

Brady: "No, it's my intent to pass this over to the Senate today."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Thank you Representative Brady. I rise in opposition. This is a Shell Bill. We had the opportunity

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to include the downstate teachers yesterday. There are not going to be any Pension Bills coming out of the Senate. We all know that nothing is going to happen. So I would ask for Members on this side of the aisle to vote 'no'."

Speaker Daniels: "Representative Skinner."

Skinner: "I wonder if the Gentleman would tell us if this is going to end up coming back as a five plus five pension early retirement Bill."

Speaker Daniels: "Representative Brady."

Brady: "The Bill, as you read it, Representative, simply put."

Speaker Daniels: "Representative Skinner."

Skinner: "Well fortunately, I wasn't here when the five plus five plan passed and cost taxpayers of the State of Illinois an unfunded liability of \$421 million and rising every year. If you can't tell us that's not what it's going to be, I hope you have enough other votes."

Speaker Daniels: "Representative Brady now moves for the passage of House Bill 322. All those in favor will signify by voting 'aye'; opposed by voting '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 record Mr. Clerk. On this question there are 60 'aye; 52 'nay'; 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. On the Order of Senate Bills appears Senate Bill 26. On the Order of Second Reading. Read the Bill Mr. Clerk."

Clerk Rossi: "Senate Bill 26. A Bill for an Act amending Humane Care for Animals Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Daniels: "Third Reading. On the Order of Third Reading appears House Bill 3305. Read the Bill Mr. Clerk."

Clerk Rossi: "House Bill 3305. A Bill for an Act amending the

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Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Daniels: "Representative Smith. Take that Bill out of the record. We'll get back to it. If somebody could notify Representative Smith that call the Bill when... On the Order of Second Reading appears House Bill 3204. Representative Murphy. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill #3204. The Bill's been read a second time previously. Committee Amendment #1 is referred to Rules. Floor Amendment #2 has been referred to Rules. A State Mandates Note has been requested on the Bill and has been filed."

Speaker Daniels: "Third Reading. On the Order of Third Reading appears House Bill 3204. Read the Bill Mr. Clerk."

Clerk McLennand: " House Bill 3204. A Bill for an Act concerning tax officials. Third Reading of this House Bill."

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Thank you Mr. Speaker, Ladies and Gentlemen. I bring before you House Bill #3204, which is a Shell Bill. Which is a companion Bill, if you will, for follow-up to Public Act #89-126. It is a Revenue Bill. We are working with Members of the Senate, Property Tax Appeals Board, assessors' office to implement provisions that were created under a Public Act 89.126."

Speaker Daniels: "Representative Granberg."

Granberg: "Oh, I see. Representative, I thought you indicated it was Shell Bill. Then I heard you explain some other language. Is this a Shell Bill or does that include the language dealing with the assessors office?"

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Yes, knowing that you'd want to know something beyond Shell Bill, I was giving you a bifurcated answer,

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telling that there was some intent relative to Public Act 89.126."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you Representative Murphy. Mr. Speaker, I rise in opposition to the Bill. This deals with property tax, as we may not know what happens with the Bill in the Senate. It might be used to increase property taxes for the suburbs or downstate's. I'd be very cautious of this. I'd ask the Members certainly on this side to vote 'no'. And Mr. Speaker I request a verification if the Bill receives the requisite number of votes."

Speaker Daniels: "Representative Lang. Further discussion? Representative Murphy moves for the passage of House Bill 3204. All those in favor will 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? Take the record Mr. Clerk. On this question there are 62 'aye'; 52 'nay'. And there has been a request for a verification. Representative Granberg. Mr. Clerk read the Affirmative Roll."

Clerk McLennand: "Those Members voting in the Affirmative are Representatives Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Doody. Durkin. Goslin. Hassert. Hoeft. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Saviano. Skinner. Spangler. Stephens. Tenhouse. Turner, John. Wait. Wennlund. Winkel. Winters. Wirsing. Wojcik.

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Zickus and Mr. Speaker.

Speaker Daniels: "Question of the Affirmative Roll.
Representative Granberg."

Granberg: "Thank you Mr. Speaker. Representative Klingler?"

Speaker Daniels: "Always at her chair. Always paying attention."

Granberg: "I thought she was still with those state employees.
Representative Wennlund?"

Speaker Daniels: "Wennlund's in the back."

Granberg: "Rep. I'm sorry. Representative Winkle?"

Speaker Daniels: "Representative Winkle is right in front of his
chair."

Granberg: "Is Representative Biggins present?"

Speaker Daniels: "Representative Biggins is right, center aisle."

Grandberg: "Representative Goslin?" Speaker

Daniels: "He's in his chair. Further questions?"

Granberg: "No further Mr. Speaker."

Speaker Daniels: "Is that it? There are 62 voting 'aye'; 52
voting 'no'. And this Bill having received a
Constitutional Majority, is hereby declared passed. On the
Order of Postponed Consideration appears House Bill 2555.
Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill #2555. The Bill has been read a
third time previously and is on the Order of Postponed
Consideration."

Speaker Daniels: "Representative Woolard."

Woolard: "Thank you Mr. Speaker. I don't think we need a lot of
rhetoric on this Bill. I think that everyone understands
that we're trying to accomplish something specific. This
would be the fencing of swimming pools. There were several
things that were raised in the previous debate. We tried
to address those with an Amendment. I believe that
effectively done that. We completely eliminated jacuzzies

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from the system. We also eliminated above ground pools that had 42 inches of height, which would be just the same as a fence would impact. So, I would encourage each and every one of you to give us strong consideration for this much needed piece of legislation."

Speaker Daniels: "Is there any discussion? Representative Lindner."

Lindner: "Will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Lindner: "Thank you Mr. Speaker. I know you are trying to address something that was really tragic that happened in your area. But I think it's the state's job to stay out of private property rights, as much as possible. And can I ask you why you haven't addressed this on a county or a local level, which I feel is the level that's more proper to do this?"

Speaker Daniels: "Representative Woolard."

Woolard: "First off, I'd like to say that I don't think that there's any of us that believe that we can always accomplish all things at the local level. I do understand your concern. I think that that's one of the reasons that there has been some movement, as far as tax issues by this Body. Maybe imposing some caps and limitations in various areas. Many times we have been responsible in our approach and as far as the local people are concerned. There are various local government entities who have failed to address this issue. And I think if we have the ability to make a difference for children, we should do it."

Speaker Daniels: "Representative Lindner."

Lindner: "In asking in your area, did you try and address this locally?"

Speaker Daniels: "Representative Woolard."

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Woolard: "We could talk about just in my area. Yes, we have. In the community that I live in, I have encouraged the local city council to pass legislation or to pass ordinances to accommodate this. They have failed to do so. In the neighboring community, where also one of my best friend's granddaughters died the same day that a young man did in my community. We also addressed that area. Local county governments. We don't even have zoning in any of the counties that I represent. I'm not saying that we shouldn't and I'm not saying that we shouldn't continue to encourage them to do something in those regards. But we have been unsuccessful in many parts of this State, not just where I live."

Speaker Daniels: "Representative Lindner."

Lindner: "Thank you."

Speaker Daniels: "Representative Balthis."

Balthis: "Thank you Mr. Speaker. Point of Order. I'd like to ask the Chair how many votes?"

Speaker Daniels: "As provided in Section 20, House Bill 2555, as amended limits the powers of Home Rule Units of Government pursuant to Article 7; Section 6, Subsection (i) of the Illinois Constitution. The court only has a limitation of the concurrent exercise of powers, exercised by the state and requires 60 votes for passage. Further questions? Representative Balthis."

Balthis: "Mr. Speaker, where else in the State Statute do we regulate fence size at swimming pools?"

Speaker Daniels: "You can address your question to the Sponsor of the Bill, Sir."

Balthis: "I'm addressing it to the Chair in reference to the preemption of home rule."

Speaker Daniels: "And that is the ruling of the Chair, Sir."

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Further discussion? Representative Tenhouse."

Tenhouse: "Thank you Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Daniels: "Indicates he will."

Tenhouse: "Representative Woolard, I'm just trying to read through this Amendment here. And put it into conjunction with everything. What are we talking about here when it says it does not include them above 42 inches? Could you explain that a little bit, as far as what the Amendment does?"

Speaker Daniels: "Representative Woolard."

Woolard: "What we're talking about, what we are talking about is aboveground pools that would have an extension of height 42 inches out of the ground, which would, in fact, do the same thing as the side walls of the pool would be in effect the same as that of a fence. If it was to come up 36 inches then we've only have to have some kind of a confinement area that would take it on up to 42 inches on those aboveground facilities."

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "I guess, just reading it and not being able to wonder through here, it's obvious that I wanted to get moving on this. But what we are talking about here, it's 42 inches or more. Is that saying that we're including those of 42 inches or more under the legislation or are we exempting those that are 42 inches or more from the legislation? Because just reading it, based on the Amendment and not knowing in context where it's inserted, it looks like it should say '42 inches or less.' Are we exempting them or including them with the Amendment language?"

Speaker Daniels: "Representative Woolard."

Woolard: "I can positively give you the legislative intent. I'm

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not an attorney and there may be a drafting error. And if there is we'll correct it. The intent is to eliminate from the Bill or the necessity of an additional fence, any pool that stands 42 inches or more out of the ground."

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "What about pools, aboveground pools that are 42 inches or less? Because earlier in the Bill it talks about 200 gallon of water and 24 inches. I guess, it comes back to, I understand the interest in the legislation but we have concerns. I guess, I want to make sure that someone that goes down to the local K-Mart or the local hardware store, whatever you'd have your particular town, that some of these small pools that are only 36 inches tall. They certainly would hold more than 200 gallon of water, but they are just the ones that you set up in the afternoon and fill with the garden hose and they've got a little cheap sand filter. Now obviously, to start talking about building a 42 inch fence around them would certainly be pretty cost prohibitive. Would they be exempted? They'd be 36 inches of height and they would hold more than 200 gallon. Would they be included or excluded under this legislation?"

Speaker Daniels: "Representative Woolard."

Woolard: "If they're 36 inches in height they would be included in the legislation. We are very specific in the criteria that would require that they would participate in the legislation. Twenty four inches side walls. Twenty five square feet. Two hundred gallons. So, 36 inches, in excess of 200 gallons, yes, it would be included in the legislation."

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "They would be exempted or they would be included,

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Representative? It's hard to hear."

Speaker Daniels: "Representative Woolard."

Woolard: "With the legislation."

Speaker Daniels: "Rep..."

Woolard: "It would have to comply with the legislation. They would be included, yes."

Speaker Daniels: "Representative Tenhouse."

Tenhouse: "Mr. Speaker, Ladies and Gentlemen of the House. With that in mind, I reluctantly rise in opposition to this Bill because ironically, you're exempting those above 42 inches. If someone goes with their kids and buy a local pool that you can buy any of your local businesses. It's very small and ironically you are going to spend more on the fence than this temporary structure you going end up in..."

Speaker Daniels: "Representative Woolard."

Woolard: "Let me just remind you and everyone else, Representative Tenhouse, exactly what we're trying to accomplish. What we're doing is not trying to take away from the opportunities of kids to have a good time. But what we are doing is trying to protect those individuals who don't have the wherewithal or knowledge or ability to recognize danger. And we believe that that 36 inch pool in your neighbors yard, where your kids or your grandkids might stumble into it, not knowing that there was a danger there and no one there to supervise, is exactly what causes these young people to drown. And yes, it may include some pools you may think is an opportunity for a good time for the kids. But I'm here to tell you that under newly constructed pools, newly constructed pools, if we pass this Bill, they would have to comply."

Speaker Daniels: "Representative Tenhouse can you conclude your remarks Sir?"

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Tenhouse: "Thank you Mr. Speaker and all I would say is that I just have serious concerns. And certainly for those of us who live on the farm we were just talking about here. Often times, we'll take a stock tank and end up making a quick conversion to a little swimming pool and that certainly they are more than 24 inches tall, they certainly hold more than 200 gallon of water. And as a result, I think not only the issue in terms of the local Municipal League questions, as far as who has jurisdiction, and I certainly appreciate the intent of the Sponsor, but I have concerns that I'm going to oppose the Bill. Thank you."

Speaker Daniels: "Further discussion? Representative Black."

Black: "Thank you very much Mr. Speaker and Ladies and Gentlemen of the House. I rise in support of the Bill. In a perfect world, I don't think Representative Woolard nor I would be sponsoring this Bill. I don't think either of us are known as Legislators, who come down here and just can't wait to impose regulations on municipalities or counties or private individuals. I don't think either of us have that reputation at all. And in a perfect world this Bill wouldn't be necessary. My brother has a beautiful in ground swimming pool in his backyard and he's from the side of the family that has all the money. But he has a huge fence around this pool. As I recall, the fence went up before the pool was done. That's not always the case. Even attractive nuisance law suits, somehow do not get people to take responsibility for what they do. And in a perfect society, everyone would accept responsibility for what they do and take that last ounce of caution, and precaution to prevent an accident from happening. Unfortunately, sometimes the excitement of putting up a new pool, an aboveground pool, you forget the fact that it's

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also exciting and enticing to a toddler, who might want to see what's in there. Or who doesn't fully understand yet the dangers of water but he knows it's something that he or she can play in and have a good time. We don't ask you lightly to pass this Bill. But if you've read the material that Representative Woolard has sent to you, if you've seen the newspaper articles that appear statewide, every summer about a young child accidentally wandering into their own pool or a neighbor's pool. For the lack of just fifteen minutes or a few dollars of preparation that accident could have been avoided. That's all we're asking you to do. In my life, I've taken three people who have drowned out of the water. I would hope never ever do I have to do that again. I did it once when I was a teenager and a lifeguard. And those two people drowned in a river in my home town. And had been in there more than 36 hours. If you've ever done that, you'll know that drowning is not a very pleasant thing to deal with, especially when you are the one that drags them out of the water. And when I was the concession manager for a park on Lake Vermilion in Danville, many summers ago, I had to help take a seven year old girl out of Lake Vermilion, who had drowned. I don't ever want to go through that again. My children are grown and thank God they are. And they're on their own. But I hope to have grandchildren someday. And if you want to criticize Representative Woolard and I for what we are doing, as to intruding in somebody's business, then so be it. I think both of us would stand here on this Floor and say, 'say about this Bill what you want.' He and I are not going to sit here a year from now or in July or August and say, 'God if we had pushed a little harder, tried a little harder, maybe that child down the street wouldn't have

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fallen into a swimming pool and drowned.' That's what the issue is. That's why we ask for your 'aye' vote."

Speaker Daniels: "Representative Woolard to close."

Woolard: "Thank you Mr. Speaker. I don't think I can say it any better than Representative Black just did. Let me just throw out a couple of other things. If you live in a City of Chicago, you already have in place restrictions greater than what we're implying in this Bill. If you live in the City of Springfield you already have in place, restrictions greater than what we're implying in this Bill. If you live in the City of Carbondale, down close to me, they already have taken a responsible approach that is in excess of what this Bill does. Someone asked in committee, 'how many kids do you expect to save by passing this Bill?' I don't know. Hopefully we'll never have to know. One's all it takes. If there's one successful saving of life that we will never ever realize or know because of your action, I think that's a positive thing for each and everyone of us. I encourage you to support those of us who have a concern for those kids that don't have the ability to recognize when they are in danger. I encourage you to vote 'yes'."

Speaker Daniels: "Representative Woolard has moved for the passage of House Bill 2555. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 83 'aye'; 27 'no'; 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 2612. Representative Woolard. Representative Woolard. House Bill 2612."

Woolard: "Mr. Speaker, I think it's high time that we have some

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real testimony on this great much needed piece of legislation. I am one who believes that we should access and give everyone the opportunity to be heard on any issue. And I, for one, believe that Representative Black, Representative Hughes and Representative Brunsvold should have their chance to speak on the issue, in a true and effective fashion for all of the deer hunters of this great State. Whether they be for or against. I know that Representative Hughes, who is the second Sponsor of this piece of legislation, wanted to correct things and make things right for the conservation interested people of this great state, for the hunters of this state. But I also realize that she has been contacted by many of her constituents. She's encouraged me. She's encouraged me very diligently. As well as has Mr. Black to give 'due consideration' to asking that this Bill be referred to Rules to rest until another time."

Speaker Daniels: "Representative Black."

Black: "Mr. Speaker. Mr. Speaker my name was used in debate. This Bill on a serious side, over 14 thousand car-deer accidents were recorded in Illinois last year. Four of those motorists died. This Bill does need to be considered. I'm glad the Sponsor is willing to let all of us debate it. So therefor, Mr. Speaker my inquiry of the Chair. Pursuant to Rule 126-6, subsection 5, paragraph 3 of Chapter C. I Rule this Bill exempt from rules and that it be on the Calender everyday from now until we adjourn. Sine die."

Speaker Daniels: "You've heard the Gentleman's Motion to exempt this Bill from the Rules of the House. All those in favor say 'aye'; opposed 'no'. 'Noes' have it. Motion fails. House Bill 2412. Representative Kubik. Read the Bill Mr.

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Clerk."

Clerk McLennand: "House Bill #2412. The Bill has been read a second time previously."

Speaker Daniels: "Any Amendments?"

Clerk McLennand: "No Floor. No Committee Amendments. No Floor Amendments. No Motions."

Speaker Daniels: "Third Reading. On the Order of Third Reading appears House Bill 2412. Representative Kubik. Read the Bill Mr. Clerk."

Clerk McLennand: "A Bill for an Act that Amends the Regional Transportation Authority Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you Mr. Speaker and Ladies and Gentlemen of the House. This Bill Amends the Regional Transportation Authority Act. It is basically a Vehicle Bill which we would like to send over to the Senate, for possible use later on in the Session for transportation related issues. I appreciate your support."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. To the Bill. I would simply ask the Member's on this side of the aisle to vote 'no'. This is a Shell Bill. We don't know what it will be used for. It might be used for increased taxes, for the RTA or airports. We don't know. So, I'd simply ask for a 'no' vote."

Speaker Daniels: "Representative Kubik has moved for the passage of 2412. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? 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

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this question there are 59 'ayes'; 53 'noes'. And the Gentleman moves to put it on Postponed Consideration. Mr. Clerk on the Order of Postponed Consideration appears House Bill 2412. Representative Kubik."

Kubik: "This is a Transportation Vehicle. I think we ought to roll it at a gun and see what happens."

Speaker Daniels: "Representative Kubik moves for the passage of House Bill 2412. 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? Take the record Mr. Clerk. On this question there are 60 'aye'; 51 'no'; 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Adjournment Resolution. Senate Joint Resolution 91."

Clerk McLennand: "Senate Joint Resolution #91, offered by Representative Churchill. Resolved by the Senate of the 89th General Assembly of the State of Illinois. The House of Representatives concurring herein, that when the Senate adjourns on Thursday, April 18th, 1996 and stands adjourned until Friday April 19th, 1996. And when it adjourns on that day it stands adjourned til Monday April 22nd, 1996 and when it adjourns on that day it stands adjourned until Tuesday April 23rd, 1996 at 10 o'clock a.m.. When the House of Representatives adjourns on Friday April 19th, 1996 it stands adjourned until Monday April 22nd, 1996 in Perfunctory Session. And when it adjourns on that date it stands adjourned until Tuesday April 23rd, 1996 at 12 o'clock noon."

Speaker Daniels: "Representative Churchill moves for the adoption of the Adjournment Resolution, Senate Joint Resolution #91. All in favor say 'aye'; opposed 'no'. The 'ayes' have it.

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Mr. Clerk, and the Adjournment Resolution is Adopted. Mr. Clerk Senate Joint Resolution 89. This is a Death Resolution for Ron Brown. Senate Joint Resolution 89. Read the Resolution Mr. Clerk."

Clerk McLennand: "Senate Joint Resolution #89, offered by Representative Madigan and Speaker Daniels. WHEREAS it was with deepest sorrow that the Illinois General Assembly learned of the tragic accident, which took the lives of 35 individuals. Including that of most gifted and respected American, Secretary of Commerce Ronald Brown. AND WHEREAS Ron Brown was nominated by President-elect Clinton on December 12th, 1992. Confirmed by the United States Senate on January 21st, 1993 and sworn in as the 30th U.S. Secretary of Commerce on January 22nd, 1993. AND WHEREAS Secretary Brown served on President Clinton's National Economic Council, Domestic Policy Council, Task Force on National Health Care Reform and Council and Sustainable Development. AND WHEREAS he Chaired the 19 agency trade promotion Coordinating Committee. In the National Infrastructure Task Force. He also Co-Chaired the U.S.-China Joint Commission on Commerce and Trade, the U.S.-Russia Business Development Committee and the U.S.-Israeli and Technology Commission. AND WHEREAS Ron Brown was born in Washington D.C. and grew up in New York City. He graduated from Middleberry College in Vermont and after serving in the Army in both Germany and Korea, he earned a law degree from St. John's University by attending night classes while working as a welfare caseworker for the City of New York. AND WHEREAS, Ron Brown was a Member of the New York Bar. The District of Columbia Bar and the United States Supreme Court Bar. He served as Chief Council for the Senate Judiciary Committee under the

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Chairmanship of the Senator Edward M. Kennedy. AND WHEREAS, before his appointment to President Clinton's Cabinet. Ron Brown served with loyalty and dedication, as the Chairman of the National Democratic Committee. AND WHEREAS, as untiring man of boundless energies, Ronald Brown contributed his time and talent to organizations, which span the vast range of his interests. For 12 years he served as Deputy Executive Director of General Council and Vice-President for Washington Operations of the National Urban League. He was the first Chairman of the Board for the University of the District of Columbia. And Legislative Chairman of the Leadership Conference of Civil Rights. AND WHEREAS Secretary Ron Brown served on the Board of Trustees for Middleberry College and was Chairman of the Senior Advisory Committee at Harvard's John F. Kennedy's Institute of Politics. He was an elected Member of the Council on Foreign Relations. AND WHEREAS, Secretary Brown's enthusiastic nature and warm humor embodied the positive philosophy by which he chartered his course. And he radiated the strength and happiness he derived from a loving family life. Loving family life he shared with his wife Elma and their children Michael and Tracy. THEREFOR BE IT RESOLVED by the Senate of the 89th General Assembly the State of Illinois, the House of Representatives concurring herein. That we mark with profound sadness to death, that Secretary Ronald H. Brown a humanitarian who's personification of public service shall long remain a legacy to the citizens of the United States. AND BE IT FURTHER RESOLVED, that we extend our most heartfelt condolences to his grieving family and friends. AND BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be presented to his widow, Mrs. Elma Brown."

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Speaker Daniels: "Representative Turner."

Turner, A.: "Thank you, Mr. Speaker and Ladies and Gentlemen of the Assembly. I had the pleasure of meeting Ron Brown prior to his appointment as the Chair of the National Democratic Committee and he, at that time came to Springfield and visited with the Member's here in the Assembly at that time. In fact, we had a picture taken, as we often do with photos with Members and dignitaries and people, as they visit us here in Springfield. We didn't communicate a lot because, just because of my involvement here and back at home. But Ron Brown was a symbol for me and I know for many young African-Americans, in terms of what's possible and what you can do, in terms of hard work and dedication. The Resolution speaks of his educational background and various achievements in terms of government. He was truly a public servant. You don't hear often about non-elected public servants because usually we're the ones that are always campaigning every two years. But Ron was a guy, who I can't say he came from very modest means. You know it's not that he was born in the inner city. He came from an average working family, one who achieved the academic requirements that we so often are told as young people that you should go to school and receive the degrees. As was stated in the Resolution, he received his law degree going to night school. And he played the system or worked within the system the way we tell people you should do it. And he did it through dedication and hard work. As a minority and one who certainly can speak of the pain and the joy of trying to achieve in this great country of ours, it's a tough fight. And there's time when you feel the burden that other people don't necessarily feel. But Ron always wore a smile. And I think every picture

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you'll see, whether he was being photographed or not, Ron felt that he was doing the best that he could do and that regardless of the trials and tribulations that they were only minor. And that the accomplishments that he was able to achieve was worth those smiles. He understood the world. He knew that there's an America and yet, all of the other parts of this great world all tie in together. Part of this mission, where he and the other members that were on that plane that went down was trying to talk about rebuilding, doing some work in Bosnia. Talking about rebuilding, in fact, a country where there's been strife and war. And he knew that there was a correlation. That America, as we all know is a major part of the world economy. But just recently when he was in Chicago, I had the opportunity to spend some time with him again. And we talked in great depth about first, of his accomplishments as a Chair of the Party and certainly the election of President Bill Clinton. But his current role, in terms of the Commerce Secretary. We talked about what was going on in South Africa. And he spoke in great details about the missions that he'd taken earlier and the people that had taken over in terms of trying to create the new South Africa. Tying the new South Africa with the Eastern and West Africa. And bringing all of that, in terms of seeing what it could do to even help to even help African Americans in this country. And so I felt very proud to have met this man. Certainly I think his head was in the right place. He realized that America is America. And that America is a major part of the world economy and he did all he could possibly do. And it's unfortunate that the accident came when it came. But you know we never know when or where, be at air, land or sea. But certainly he's

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at peace with himself. And I know that the Ron Brown smile that we've all seen, via television, the Ron Brown smile that I will remember, in terms of my meetings with him that he's watching from the heavens looking at the real America praying that someday this place, this world will be the place that it should be. And I would ask that all Members be added to this Resolution, at the proper time Mr. Speaker."

Speaker Daniels: "Representative Churchill."

Churchill: "Thank you Mr. Speaker, Ladies and Gentleman of the House. Today we honor a great man. It is when we stop to remember individuals in this manner that we appreciate just how precious and brief human life is. It is also a time to remember that politics and partisanship are comprised only of fleeting moments. But the contributions of a truly special person can last on for centuries. Ron Brown was such a person. A man who always gave the most of himself to everything that he did. His contributions to America will be recounted for decades to come and his presence and energy, will leave a lasting mark on the American landscape. The purpose of his visit was to go to a war torn area of the world and to give them a concept, which is so simple and yet so profound. And as the concept that economic development, that jobs, that work, can help to build and rebuild communities. And for that we will always remember him. While his death was tragic it reminds us of the triumph of the human spirit. In life Ron Brown was far more than an American success story. He was an inspiration to all who knew him and in his death his spirit will live on to inspire and touch the hearts of many, for as long as history tells his story. Thank you."

Speaker Daniels: "Representative Currie."

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Currie: "Thank you Speaker and Members of the House. Ron Brown was a man of many gifts, of much exuberance, of very high hopes and his character was a traditionally American character. What Ron had was a 'can do', pragmatic, practical, 'let's work it out, let's do the job', kind of spirit. In his life, cut far too short, he was a man of many firsts. The first African-American to lead a major political party in these United States. The first African-American to head the United State's Department of Commerce. In the latter job he got high marks from everyone who worked with him. From business groups, from the working groups, he led the charge to rebuild Eastern Europe. For the Eastern Europeans, yes. But also to help make our whole world a closer more unified place. He did that work to help American working families, American businesses compete and be successful and he did it. With the 'can do, know how' practical spirit. In his role as head of a major United States Political Party he did the same. He had high hopes for peace in the world and for peace between and among the races, right here at home. He gave much to his country. He gave much to all of us individually. We will miss him as people. We will miss him as a Nation. And I am happy to add my name and my voice to those who would honor his memory with this Resolution for his family."

Speaker Daniels: "Representative Davis."

Davis, M.: "Thank you Mr. Speaker. Ron Brown was the kind of American that any mother would be proud to have as her son. Any brother would be proud to have as his brother. A sister to have him as her brother. A child to have as his parent. I believe that Ron Brown coming from New York City, an urban area, a ghetto, if you will, to rise to the

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heights of choosing the President of the United States. President Clinton has given him the credit for finding President Clinton, giving him the ultimate support and seeing to it that a man of Clinton's character became the President of the United States. And for this I honor, I appreciate and I thank Ron Brown. His memory should live with us forever. Thank you."

Speaker Daniels: "Representative Turner moves that all Members of the House be added as Co-Sponsors. And now moves for the adoption of Senate Joint Resolution 89. All those in favor will signify by saying 'aye'; opposed 'nay'. The 'ayes' have it. And Senate Joint Resolution 89 is adopted. Representative Churchill now moves that the House stand adjourned until Tuesday April 23rd, 1996 at the hour of 12 o'clock noon. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair the 'ayes' have it. And allowing Perfunctory time for the Clerk, the House now stands adjourned until Tuesday April 23, 1996 at the hour of 12 noon."

Clerk McLennand: "House Perfunctory Session will be in Order. Introduction of Resolutions. House Resolution #98, offered by Representative Granberg is referred to the Rules Committee. Introduction of First Reading of Senate Bills. Senate Bill #1260, offered by Speaker Daniels, a Bill for an Act making appropriations to the Department of Corrections. Senate Bill #1261, offered by Speaker Daniels, a Bill for an Act making appropriations to the Department of Natural Resources. Senate Bill #1262, offered by Speaker Daniels, a Bill for an Act making appropriations to the Department of Mental Health and Developmental Disabilities. Senate Bill #1263, offered by Speaker Daniels, a Bill for an Act making appropriations to the Department of State

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Police. Senate Bill #1575, offered by Representative Hannig, a Bill for an Act making appropriations to the Department of Commerce and Community Affairs. Senate Bill #1576, offered by Representative Hannig, a Bill for an Act making appropriations to the Department of Public Aid. Senate Bill #1922, offered by Speaker Daniels, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Office of the Governor. Introduction. First Reading of these Senate Bills."

Clerk McLennand: "Being no further business the House Perfunctory Session stands adjourned. The House will reconvene in Perfunctory Session on Monday. The House Perfunctory Session will reconvene on Monday, April 22nd, at the hour of 12 noon."

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