

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
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44th Legislative Day

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Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is Pastor Doug Runnels of the Glenview Community Church in Glenview. Pastor Runnels is the guest of Representative Kevin Hanrahan. Will the guests in the Gallery please rise to join us for the invocation? Pastor Runnels."

Pastor Runnels: "Ladies and Gentlemen, would you join me for a moment? Call You by different names, we see You in different places, but truly yesterday we saw You in the tearstained and bloody faces of children, the frightened and broken spirits of men and women. We bring to this place and to this time our compassion, our love, and our prayers for those persons in of all places, a place called Oklahoma City. Use our love on their behalf, that they might be healed, strengthened, and encouraged and be with us that we might here in this place find rededication to the rule of law and peace and hope. Amen and Amen."

Speaker Churchill: "We'll be led in the pledge this morning by Representative Lyons."

Lyons - et al: "I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Speaker Churchill: "Roll Call for Attendance. Representative Currie is recognized to report any excused absences on the Democratic side of the aisle."

Currie: "Thank you, Speaker. Please let the record show that Representative Ben Martinez is excused because of illness."

Speaker Churchill: "The Journal will so reflect. Representative Cross, are there any absences on the Republican side?"

Cross: "Thank you for recognizing me, Mr. Speaker, and no, there

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aren't any absences on the Republican side. We're all here. Thank you for asking."

Speaker Churchill: "You're welcome. Mr. Clerk, take the record. There are 116 Members answering the Roll and a quorum is present. The House will come to order. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Biggins, Chairman from the Committee on Appropriations for General Services, to which the following Bills were referred, action taken on April 19th, 1995, reported the same back with the following recommendations: 'do pass' House Bills 2495, 2490, 2489, 2488, 2479, 2478, 808, 70. House Bills 809, 2492, and 2484; 'do pass as amended' House Bill 2491. Committee Report from Representative Tenhouse, Chairman from the Committee on Appropriations for Public Safety, to which the following Bills were referred, action taken on April 19th, 1995, reported the same back with the following recommendations: 'do pass' House Bills 75, 802, 803, 1512, 1513. Committee Report from Representative Maureen Murphy, Chairman from the Committee on Revenue, to which the following Bills and Resolutions and Amendments were referred, action taken on April 19th, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment #1 to House Bill 1523. Floor Amendment #2 to House Bill 2141. Floor Amendment #2 to House Bill 1172. Floor Amendment #1 to House Bill 1055. Floor Amendment #2 to House Bill 1787. Floor Amendment #4 to House Bill 194. Floor Amendment #4 to House Bill 679 and Floor Amendment #2 to House Bill 1893. Committee Report from Representative Ackerman, Chairman from the Committee on Public Utilities, to which the following Bills and Resolutions and Amendments

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were referred, action taken on April 19th, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment #2 to House Bill 238. Committee Report from Representative Hughes, Chairman from the Committee on Counties and Townships, to which the following Bills, Resolutions and Amendments were referred, action taken on April 19th, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment #2 to House Bill 438. Committee Report from Representative Tom Johnson, Chairman from the Committee on Judiciary for Criminal Law, to which the following Bills, Resolutions, and Amendments were referred, action taken on April 19th, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment #5 to House Bill 1384 and Floor Amendments #6 and 7 to House Bill 2317."

Speaker Churchill: "First Readings."

Clerk McLennand: "Introduction - First Reading of House Bills. House Bill 2501, offered by Representative Santiago, a Bill for an Act making an appropriation to the Department of Commerce and Community Affairs. Introduction - First Reading of Senate Bills. Senate Bill 50, offered by Representative Hoeft, a Bill for an Act to amend the School Code. Senate Bill 147, offered by Representative Mulligan, a Bill for an Act concerning judges. Senate Bill 263, offered by Representative Balthis, a Bill for an Act relating to partial tuition waivers for children of employees of public colleges and universities. Senate Bill 284, offered by Representative Zickus, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Senate Bill 457, offered by Representative Rutherford, a Bill for an Act that amends the Personnel Code. Senate Bill

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574, offered by Representative Wennlund, a Bill for an Act that amends the Environmental Protection Act. Senate Bill 606, offered by Representative Wait, a Bill for an Act that amends the Illinois Health Facilities Authority Act. Senate Bill 629, offered by Representative Hughes, a Bill for an Act that amends the Environmental Protection Act. Senate Bill 645, offered by Representative Skinner, a Bill for an Act to permit retired peace officers to carry concealed firearms. Senate Bill 703, offered by Representative McGuire, a Bill for an Act in relation to the recapture of tax benefits. Senate Bill 704, offered by Representative Hoffman, a Bill for an Act concerning the safety of community mental health centers. Senate Bill 746, offered by Representative Zickus, a Bill for an Act that amends the Department of Public Health Act. First Reading and Introduction of these Senate Bills."

Speaker Churchill: "We will now proceed to the Order of House Bills Third Reading. Mr. Clerk, please read House Bill 252."

Clerk McLennand: "House Bill 252, a Bill for an Act concerning state provided housing and state employees. Third Reading of this House Bill."

Speaker Churchill: "The Gentleman from DuPage, Representative Biggins."

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 252 is recommended by the Legislative Audit Commission, cosponsored by Representative Hannig, and it creates the State Employee Housing Act. It directs the Department of Conservation, the Department of Corrections, the Historic Preservation Agency, and the University of Illinois to develop a formal policy on state housing for state employees. Before this Act, agencies had no common

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basis for housing state employees and this creates a uniform policy, a consistent process for our state employees and I urge it's adoption."

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

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

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

Granberg: "Representative, you talked about a uniform policy. Could you please explain what is entailed in the Auditor General's recommendations and what exactly is entailed in your legislation when you talk about a uniform policy, please?"

Speaker Churchill: "Representative Biggins."

Biggins: "The Act addresses the following issues: first of all, the purpose of providing housing, the procedures for applying for gaining the use of housing, the eligibility, the tenant selection criteria, the accounting for housing in employee compensation, the employee responsibilities that necessitate state owned housing for employees in the first place and procedures for setting and adjusting rent, security deposits, and utility payments. And I want to emphasize the procedures for setting and adjusting rent because that is where the state may come out ahead because in prior, some of the policies were so lax that the employees were paying very, very low rents for the state subsidized housing and this policy will make it uniform. They will pay closer to market rents for housing and the state would be better off financially for that and also, it provides for documented justification for any state ownership of any house or any such property."

Speaker Churchill: "Representative Granberg."

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Granberg: "Representative, what departments would this apply to? How many agencies actually provide housing for their employees and this I assume it would be Corrections for wardens and agencies such as that?"

Speaker Churchill: "Representative Biggins."

Biggins: "Yes, the Department of Conservation, Corrections, you're correct, Representative, the Historic Preservation Agency and the University of Illinois."

Speaker Churchill: "Representative Granberg."

Granberg: "The agencies actually impact, Representative. I only heard part of your response, I apologize. So it would be Corrections, Conservation, who else?"

Speaker Churchill: "Representative Biggins."

Biggins: "The Historic Preservation Agency, the University of Illinois, also, the Department of Transportation providing 73 units."

Speaker Churchill: "Representative Granberg."

Granberg: "At the University of Illinois, Representative Biggins, do you know off hand who would be impacted there? Is it the Chancellor, the Vice President, is mostly administrative people who are provided this type of housing?"

Speaker Churchill: "Representative Biggins."

Biggins: "Representative, I don't know all of the individual occupants of the state owned housing. However, you're correct in supposing that the administrators are some of those people."

Speaker Churchill: "Representative Granberg."

Granberg: "And you indicated, Representative, that something closer to a fair market value for rent would be determined. Who would make that determination once your recommendations are put into law?"

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Speaker Churchill: "Representative Biggins."

Biggins: "Well, this legislation directs those departments to get and work together to develop a policy, a formal policy on housing for state employees. I don't know what that rent would be because it has to be based upon the economic conditions of each individual housing unit, which is of course located throughout our state and I think that we would leave that up to those agencies. We just want to have a consistent policy so that the state is not losing money in providing this housing."

Speaker Churchill: "Representative Granberg."

Granberg: "So if I understand this correctly, your legislation directs each state agency to formulate a policy for how they deal with housing for their employees. Is that correct?"

Speaker Churchill: "Representative Biggins."

Biggins: "Yes, that's correct."

Speaker Churchill: "Representative Granberg."

Granberg: "So in your Bill, Representative Biggins, it states that, for instance, the Department of Corrections shall ascertain the costs, the fair market value, the economic conditions of say, Vandalia prison and the housing availability and what should be a fair market value of rent for the warden of Vandalia?"

Speaker Churchill: "Representative Biggins."

Biggins: "Yes, Representative, it requires to these departments to evaluate on a three year basis, rents charged by themselves upon employees for state owned housing and when they're done with this process, the Legislative Audit Commission, which again initiated this proposal, would be viewing and analyzing the results of their efforts."

Speaker Churchill: "Representative Granberg with 19 seconds."

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Granberg: "So each state agency then has to undertake the evaluation of what is the fair market value, what economic conditions would be factored into the fair market value for housing, what type of employee, what type of housing is available in that market or in that ..."

Speaker Churchill: "Representative Granberg, please bring your question to a conclusion."

Granberg: "What types of housing would be available in that region and then I assume, Representative, that they have a certain amount of time to make this evaluation, looking back over the prior three years and then could you just tell me how this action would work, then the agency would make the evaluation over what period of time, three years? When do they have to come back with their recommendation on how they would do the housing? Do they then submit that to the Legislative Audit Commission and then what happens at that point and when would these requirements or standards or the uniform standard, as you indicated, when would all this go into effect? So would how this actually work, step by step?"

Speaker Churchill: "Representative Biggins."

Biggins: "The process is a three year evaluation process. The agency would be responsible for telling us, the Legislature, through the Audit Commission that the process for housing each employee that they house and the basis for the rent they charge the employee, keeping in mind that we want to, the only reason we would subsidize housing is to save the taxpayer's money. We don't want to charge them market rent, per se, if their salaries are below market level. So we want to enhance the taxpayers' monies and utilize them as best as possible so that the employees are housed in properties owned by the state or rented by the

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state and we are getting the best dollar use of state funds available."

Speaker Churchill: "If there be no further discussion, Representative Biggins to close. There were no lights on at the time I called that, ... Representative Biggins to close."

Biggins: "Well, I would just like to recommend a 'aye' vote on this Bill, House Bill 252. Again, it's created by the Legislative Audit Commission and as a result of an audit, we found some inconsistencies in the way that employees of the state were being housed and that were being charged for such housing. Where this Bill also involves the Internal Revenue Service to become involved in any taxation problems or issues that maybe come up as a result of this legislation and I urge its adoption along with my cosponsor, Representative Hannig."

Speaker Churchill: "The question is, 'Shall House Bill 252 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. For what purpose does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Thank you, Mr. Speaker, for acknowledging me. Should this receive the requisite number, we would request a verification."

Speaker Churchill: "Your request is acknowledged. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. There are 64 voting 'aye', none voting 'no', 51 voting 'present'. Representative Lang, do you persist in your request for a verification?"

Lang: "Yes, Sir."

Speaker Churchill: "Mr. Clerk, please read those voting in the affirmative."

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Clerk McLennand: "Those voting in the affirmative."

Speaker Churchill: "Excuse me, Mr. Clerk. Representative Lang, Representative Myers is asking for leave to be verified, would you? Okay, so Representative Myers has leave to be verified. I'm sorry, Mr. Clerk, please proceed."

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

Speaker Churchill: "Representative Lang, Representative Deuchler is asking if she might have leave to be verified and you've granted that. For what purpose does the Gentleman from Vermilion, Representative Black, rise?"

Black: "Yes, thank you very much, Mr. Speaker. I just broke my glasses. I can't see the board and I can't even see my list here. How am I recorded? I know I can't remember. I'm color blind and without my glasses, I can't see the board."

Speaker Churchill: "Well, unfortunately, Representative Black, as I looked through the lower portion of my new bifocals, I was having a hard time seeing your name, but if I look through the upper portion, it looks like you're voting in the affirmative. I would see you as a green vote."

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Black: "I'm voting 'yes'?"

Speaker Churchill: "You're voting 'yes'."

Black: "And what is the question before us?"

Speaker Churchill: "We're doing a verification of the vote."

Black: "The question before us is what? What is the question? I don't know what the question is before us. I've been busy."

Speaker Churchill: "Representative Black, we're in the middle of a verification."

Black: "In the middle of what?"

Speaker Churchill: "Do you need your glasses to hear, too?"

Black: "Yeah, it's got a built in thing in the ear piece. I thank you for calling that to everyone's attention. I've tried to hide it these many years. We're in the middle of, I'm sorry, what did you say?"

Speaker Churchill: "Yes."

Black: "Verification? Oh, verification. We're in the middle of a verification. I'm sorry, I really can't hear you. I'm sorry. Verification, I understand that, therefore my inquiry is that, could I be, what is it? I'd like to leave. Can I be verified?"

Speaker Churchill: "Representative Lang, apparently Representative Black needs to leave the Floor. From his recent performance, I think it might be in your best interest to let him go. Would you give him leave to be verified? Representative Lang."

Lang: "I don't know who the last Speaker was, Mr. Speaker. Is Mr. Black here?"

Speaker Churchill: "Representative Lang, I now know why Representative Black can't see. I think you have his glasses. Does he have leave to be verified? Can we please get Representative Black off the Floor? Representative

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Black, in your hands, in your hands, if you'll just look down and lift your hands up to your face, your glasses are in your hands. They're not on top of your head as you thought. Representative Lang, Representative Leitch asked if he may have leave to be verified."

Lang: "Sure."

Speaker Churchill: "Representative Black, you have leave to be verified. You may leave, please."

Lang: "May I proceed now, Sir?"

Speaker Churchill: "Representative Lang, please proceed."

Lang: "Thank you. Representative Saviano?"

Speaker Churchill: "I'm sorry, Representative Lang, I didn't hear the ..."

Lang: "Representative Saviano."

Speaker Churchill: "Representative Saviano. Is Representative Saviano in the Chamber? The Chair does not see Representative Saviano. Please remove him."

Lang: "Representative Wojcik?"

Speaker Churchill: "Representative Wojcik? Is Representative Wojcik in the Chamber? She's often on your side of the aisle, Representative Lang, I just have to look over there. I do not see Representative Wojcik. Please remove Representative Wojcik."

Lang: "Representative Brady?"

Speaker Churchill: "Representative Brady is sitting in his chair. He's holding both of his hands up. Representative Brady, would you please stand up and wave to Representative Lang so he has a good idea of where you are?"

Lang: "Thank you, Representative McAuliffe? Mr. Speaker?"

Speaker Churchill: "For what reason does the Gentleman from Madison, Representative Stephens, rise?"

Stephens: "Are we doing a verification?"

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Speaker Churchill: "Yes, we are in the middle of a verification, Sir."

Stephens: "May I have leave to be verified, please?"

Speaker Churchill: "Representative Lang, Representative Stephens asked for leave to be verified."

Lang: "We'd be happy to have Mr. Stephens off the Floor as long as he wants to be, Sir."

Speaker Churchill: "Representative Stephens, they have granted you a permanent leave to be verified for the day."

Lang: "Representative, can I proceed, Sir? Representative McAuliffe?"

Speaker Churchill: "Representative McAuliffe? Representative, the Gentleman from Will, Representative Wennlund, for what reason do you seek recognition?"

Wennlund: "Thank you, Mr. Speaker. I wonder if Representative Lang would give me leave to be verified. I've got to check on our next pay raise."

Speaker Churchill: "Representative Lang, Representative Wennlund believes that he's doing something in your best interest. Would you give him leave to be verified?"

Lang: "If he wants to do something in my best interest, he can also leave the Floor for the day. I'm still asking about Representative McAuliffe."

Speaker Churchill: "Representative Wennlund, you have permanent leave to be verified for the whole day, so. I'm sorry, before I was interrupted, what was the name we're looking for now?"

Lang: "McAuliffe, Sir."

Speaker Churchill: "Representative McAuliffe? Is Representative Roger McAuliffe in the Chamber? I do not see Representative Roger McAuliffe. He also spends most of his time... Representative Capparelli, what did you do with

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Representative McAuliffe this morning? And if Cap doesn't know where Roger is, then no one knows where Roger is. Please remove him."

Lang: "Representative Maureen Murphy? Oh, her chair was turned. Her back was to me."

Speaker Churchill: "Representative Maureen Murphy? Is Representative Maureen Murphy in the Chamber? Representative Maureen Murphy is almost always in her chair and I find her to be there this morning."

Lang: "Mr. Speaker?"

Speaker Churchill: "Yes, Representative Lang?"

Lang: "This was an exercise. I'm just trying to make sure that the Majority Party came to the Floor and now that we see that they're all here, we're finished. Thank you."

Speaker Churchill: "Representative Lang, there's one thing that you never have to worry about. The Republicans are always here, ready to do business and I think every time you verified us this year, you've always had to stop before you got below 60 so you might as well just forget even doing that because we're always here, ready to do business. On this question, there are 61 voting 'aye', 0 voting 'no', and 51 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 999."

Clerk Rossi: "House Bill 999, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, please read House Bill 1000."

Clerk Rossi: "House Bill 1000, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Churchill: "Return it to second. Mr. Clerk, please read House Bill 1089."

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Clerk Rossi: "House Bill 1089, a Bill for an Act concerning the Radioactive Waste Storage Act. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from DuPage County, Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. House Bill 1089 is the Committee Bill for Energy and Environment. It is a Bill that we debated quite extensively yesterday when we put Floor Amendment #4 on it. I would like to take this opportunity to commend Representative Novak for all the help and input that he put into House Bill 1089 to get it in its final form. There were some concerns with the original draft from some of the Members and other people and we've answered all these concerns. I know of no opposition to this Bill and I ask for an 'affirmative' vote."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentlemen from Kankakee, Representative Novak."

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

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

Novak: "Thank you, Mr. Speaker. Representative Persico, yesterday we were discussing some of the provisions of the Bill 'cause it contains a lot of other Bills that are, of course, wrapped into this Committee Bill. So we talked about the Geographic Information Council, which is one part. We talked about the asbestos abatement provisions, which is another part. We also talked about the Department of Nuclear Safety's language and their concern regarding radiation and human health. There was a question I had about that provision, before we proceed onto the other provisions and is there any idea what the cost to the Department will be

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for additional authority for regulating radiation sources? Will they be using the existing personnel? Will they be charging any fees or anything like that?"

Speaker Churchill: "Representative Persico."

Persico: "Thank you, Representative. This is a very difficult answer or....difficult question to answer. This is done on a cost-by-cost basis, but it is my understanding that they can do this work with their existing personnel and there are no fees involved in this."

Speaker Churchill: "Representative Novak."

Novak: "Well, thank you, Representative Persico. So for the record here, there are no fees concerning this provision. Correct? Okay. Let's get on to the waste transfer station, the section 22.14. I know you talked about it a little bit yesterday and I wanted to ask you some questions, but who does this legislation apply to? Does it apply to material recovery facilities? Does it apply to existing businesses that have transfer stations or can you elaborate a little bit on that, Vince?"

Speaker Churchill: "Representative Persico."

Persico: "Thank you, Representative. This applies only to existing garbage transfer stations that for any facility that was in existence prior to January 1st, 1988 and/or expanded before January 1st, 1990."

Speaker Churchill: "Representative Novak."

Novak: "Okay, thank you, Representative. Will the owner or the operators of these garbage transfer stations have to apply to the State EPA for new operating permits?"

Speaker Churchill: "Representative Persico."

Persico: "Could you repeat that question, Representative?"

Speaker Churchill: "Representative Novak."

Novak: "Yes, Representative Persico. Will the owner or operators

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of these waste transfer stations have to apply to the State EPA for new operating permits?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, first of all, this only applies to one transfer station and right now, their permits are already in place."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative. Let's get on to the alternative fuels and the coal fired power plant section. You know when this Bill was in Committee, there was a very controversial initiative set forth by an industry that wanted to burn certain types of items in their coal fired utility furnaces in different parts of the state and we did allow the Bill to get out of Committee and I know you did a very good job in convincing the industry to extricate itself from these provisions. Just for the record again, there won't be any type of hazardous wastes burned in these facilities, such as creosote soaked telephone poles or railroad ties for that matter. Correct?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, as I mentioned in my opening remarks, there were some concerns in the original draft of this House Bill 1089 and with your help, we were able to get it out of Committee and hold it on Second Reading to answer some of those concerns, which was the burning of made possibly a toxic substances to produce electricity. So the answer to your question is no, they will not be able to do this."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Representative Persico. Last question on this part, will this legislation reduce the use of Illinois coal? Is that one of the reasons why Illinois Power wants

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this allowance to incinerate these alternative, not alternative fuels, but other items, we should say?"

Speaker Churchill: "Representative Persico."

Persico: "No, it will not."

Speaker Churchill: "Representative Novak."

Novak: "The part on the closure, post closure from municipal solid waste, what is the current law regarding the closure and post closure insurance for municipal landfills in Illinois?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, this language will reflect the current federal subtitled D legislation and the current languages that they had to have a company that was located in the State of Illinois."

Speaker Churchill: "Representative Novak."

Novak: "Yes, thank you, Representative. Another last part of the section, I know yesterday was mentioned in debate about the AM Best Company that provides insurance ratings. Are there enough insurance companies in the state to provide this kinds of insurance besides always relying on AM Best? Does AM Best have the reputation as the best in the market?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, are you talking about the asbestos part of House Bill 1089?"

Speaker Churchill: "Representative Granberg. Representative Granberg, I know you were just starting a question, please ask your question and then your time will be up. I'm sorry, not Representative Granberg, Representative Novak. Representative Novak, please go ahead and ask the question."

Novak: "You mentioned Representative Granberg, Mr. Speaker."

Speaker Churchill: "He was the next guy after you and so you're

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cutting into his time, so ask your question."

Novak: "I got a little confused. I would never want to confuse Representative Granberg. I mean, it's easy enough to confuse him, but I would never want to..."

Speaker Churchill: "I'm going to let you dig yourself out of this hole."

Novak: "Representative Persico, no, I was referring to, excuse me, I stand corrected, but on the closure, post closure provisions there, are there enough insurance companies in the state to provide this type of insurance under these changes with this subtitle D?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, as far as we know, the answer would be yes, but this also allows them the flexibility to get this kind of coverage at a later time."

Speaker Churchill: "Further discussion? The Gentleman from Clinton to defend himself against those scurrilous remarks of the Gentleman from Kankakee. Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Please don't confuse me with Representative Novak. That is an insult. Would the Gentleman yield?"

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

Granberg: "Representative Persico, I apologize if you discussed this last night, but I was out of the Chamber when you were discussing the asbestos abatement section. What exactly does your legislation do with the asbestos abatement? Does it change any standards or who may certify or conduct these types of removal activities?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, no, this doesn't change the standards, whatsoever. The only thing it allows is for they have to be licensed to go into commercial buildings. Right now,

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it's just public buildings, like schools and so on."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, why the change, why the necessity for that type of Amendment?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, right now the Department of Public Health can only regulate public buildings and with this Legislation, they'll be allowed to also do it with commercial buildings."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, who would currently have the jurisdiction in the regulation of commercial buildings?"

Speaker Churchill: "Representative Persico."

Persico: "Currently, in the commercial buildings you're talking about? No one."

Speaker Churchill: "Representative Granberg."

Granberg: "So with the present law, Representative, no one has the authority or the jurisdiction to regulate the removal of asbestos in commercial buildings. Is that correct?"

Speaker Churchill: "Representative Granberg."

Persico: "No, Representative Persico. That is correct."

Speaker Churchill: "Representative Granberg."

Granberg: "One out of three is not bad, Mr. Speaker, thank you."

Speaker Churchill: "We'll get there."

Granberg: "So when you have a, Vince, when you have a building, hypothetically, that has an asbestos problem and does the law now call for its removal in any type of a manner or with any type of applicable standard?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, are you talking about like in public buildings, in schools or commercial buildings? No, right now, there's no regulation and it's up to that individual

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contractor."

Speaker Churchill: "Representative Granberg."

Granberg: "So, Representative, if you had a commercial building and it was an old building or one that was built in the 1950's with a great deal of asbestos and it was vacant, there's no compelling interest for the owner of that property to remove the asbestos if they knew the fair market value was lower than what the cost would be for the removal of the asbestos. So there's nothing that would compel them to actually do the removal. The building would stand vacant, which could possibly increase the hazards to the public."

Speaker Churchill: "Representative Persico."

Persico: "Not that we're aware of, Representative."

Speaker Churchill: "Representative Granberg."

Granberg: "So this would give the Department of Public Health, authority or jurisdiction to, not to actually regulate, to regulate the removal to say it has to be done in a certain fashion? Is that what the intent is?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, this sets up the licensing procedure for contractors to go into commercial buildings."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Representative. That's why I was curious, but I didn't know how this works. So if you have a commercial building, have a commercial lender and they want to remove the asbestos, then the contractor would now pay a fee to the Department of Public Health? Just walk through an instance on how this would actually work, if you don't mind."

Speaker Churchill: "Representative Persico."

Persico: "Right now, Representative, under the law, this Bill,

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they would apply for, they would get a rating from AM Best and then they would be under the Department of Public Health list in order to, you know, for an application and from this they can then apply to remove the asbestos from the commercial building."

Speaker Churchill: "Representative Granberg with 14 seconds."

Granberg: "Thank you, Representative, I appreciate the time you've taken this matter because, obviously, you know the asbestos issue is one that's very important, not only to public buildings, but to commercial ..."

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

Granberg: "So, Representative, I appreciate the time you've taken because it is important that we all understand what can happen and one last question when I close. It's my understanding you said earlier that there was no opposition. I thought the Environmental Council and Waste Management had some concerns or some issues with this legislation. Could you please explain if those issues have been corrected or dealt with and if they have removed all opposition to your Bill as amended? Thank you."

Speaker Churchill: "Representative Persico for the answer."

Persico: "Yeah, Representative, Amendment #4, which we placed on the Bill yesterday on the House Floor answered those concerns and from what I understand, there's no opposition to this Bill in its current form."

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

Spangler: "Mr. Speaker, I move the previous question."

Speaker Churchill: "The motion is for the previous question. All in favor will vote 'aye', say 'aye'; all opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it."

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The previous question is moved. Representative Persico to close."

Persico: "Thank you, Mr. Speaker and Members of the House. Again, this Bill was debated very thoroughly yesterday and today. I commend Representative Novak for all his help on House Bill 1089 and I ask for an 'affirmative' vote."

Speaker Churchill: "The question is, 'Shall House Bill 1089 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye', 1 voting 'no', and 7 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1093."

Clerk Rossi: "House Bill 1093, a Bill for an Act amending the Wildlife Code. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this Bill does is, it's a initiative of the Department of Conservation and what it does is it provides for participation by the State of Illinois in a U.S. Fish and Wildlife Services' new program called the National Migratory Bird Harvest Information Program and what it's purpose is to improve the management of the whole nation's migratory bird populations and to preserve hunting opportunities in the future. It will require hunters of migratory waterfowl, such as geese and ducks and dove and coot and those type of migratory waterfowl, so that participants hunting that type of fowl will register with the Department and will be sampled with respect to their

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successes and it'll help the Department of Conservation to determine where the bird populations are and they'll be able to set their quotas for the various zones throughout the state. Second part of the Bill which was amended into it yesterday provides for the extension of some hunting seasons with respect to the harvest of badgers from November 1 to February 15th and it expands the framework for the Spring turkey season from March 1 to May 31, instead of April 1 to May 15th. So it extends it another month and a half. It also expands the season for squirrel harvesting to May 1 through February 28th. Currently, it's June 1 to December 31 and that gets the way of upland game season, so it makes good sense to change that. It also expands the framework for hunting small game by changing the legal hunting hours each day, a half hour before and half hour after sunset. Currently, it's sunrise to sunset and that's what it does. The main part of the Bill was required by the Federal Government and the State of Illinois will stand to lose funds to Department of Conservation, which are federal funds, unless we indeed participate in the program, which is expected to kick in in 1996 and that's the nature."

Speaker Churchill: "Is there any discussion? The Chair recognizes the great hunter from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. I would like to ask the Gentleman a question, but before I do..."

Speaker Churchill: "He indicates he will yield."

Brunsvold: "I would like to ask the Chair if it recalls whether Representative McGuire's Bill that had to do with printing with just black ink would affect the Rockford flyer here that looks awful colorful to me. It looks very expensive,

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in fact, very nice, but does McGuire's Bill would affect local government in the City of Rockford?"

Speaker Churchill: "Well, you know those hunters have a lot of money to spend on those kinds of things, Representative Brunsvold. The Gentleman says that he will yield to your questions, if you have one."

Brunsvold: "Thank you, Mr. Speaker. I'm a cosponsor of this Bill and just to make sure that we have everything right here on the hunting seasons. Larry, as you have said, this just gives the Department of Conservation the authority to expand or not expand. Is that correct?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "It gives the Department the authority to expand the hunting seasons to the dates I suggested. It does not mandate it or put it into state law. It allows the Department the ability to manage the harvest in accordance with what it feels is adequate and appropriate. For instance, if by expanding the squirrel season, they'll be able to adjust it so that it doesn't run into the upland game season in the fall."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Was this a request of Brent Manning, the Director, and the Department of Conservation? Excuse me. Let me repeat that. Was this a request of the Department of Conservation?"

Speaker Churchill: "Representative Wennlund's having a hard time hearing because there's all sorts of gaming noises coming from right around him. So would the turkeys in Representative Black's chair, please remove themselves? Representative Wennlund."

Wennlund: "Thank you very much, Mr. Speaker. Representative Brunsvold, yes, this is entirely an initiative of the

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Department of Conservation. One part of it indeed was prompted by the U.S. Fish and Wildlife Service to make sure that migratory waterfowl, particularly geese in Representative Woolard's district are well managed and so that the flocks will. Speaking of, this is not turkey season we're talking about, but the turkey over here to my left impedes my hearing, but, yes, it's entirely an initiative of the Department of Conservation, part of which was done at the request of the U.S. Fish and Wildlife Service."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "It appears, Representative, that all the turkeys are not in the woods this morning."

Speaker Churchill: "Was that a question, Representative Brunsvold, or a statement?"

Brunsvold: "That was kind of a statement. I'm going to my next question. Representative Wennlund, I talked a little bit this morning with Roger Frazier, who's a CPO and he had a little concern about the early and the late part of the hunting provisions, a half hour before sunrise and a half hour after sunrise. Can you kind of explain that so everybody on the Floor would know what the Department of Conservation has maybe intended to do here or not do here?"

Speaker Churchill: "Representative Wennlund."

Wennlund: "Thank you very much. The small game hunting hours in many states, such as Nebraska, Kansas, North Dakota, and I know you're familiar with North Dakota, Wisconsin, Texas, Tennessee, Michigan, Louisiana are more liberal than Illinois and the Department feels that by allowing the hunting of squirrels, doves, snipe, crow, rail, woodcock, and woodchuck, during the time of the day when these species are more active will provide more hunting

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opportunities without being detrimental to the wildlife populations or compromise safety. So it appears that the Department feels and it's biologists feel that a half an hour before sunrise and even a half an hour after sunrise are those periods of the day when these particular game are more active and it will give hunters in Illinois more opportunities."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Thank you, Representative Wennlund. It sounds like a good Bill to me."

Speaker Churchill: "Representative Wennlund?"

Wennlund: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. For fear that the migratory fowl that is to my left will continue, I believe we've accurately debated the Bill and further debate will only exacerbate the situation here in the third row."

Speaker Churchill: "I understand that, but we do have other folks who wish to ask questions. I'm sorry, this Bill was on short debate, so Representative Wennlund, it is your turn to close."

Wennlund: "Thank you, Mr. Speaker. In closing, the wildlife in the third row here is getting increasingly more wild and further debate will only exacerbate the situation, so I ask for your positive vote."

Speaker Churchill: "The question is, 'Shall House Bill 1093 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this Bill, there are 106 voting 'aye, 0 voting 'nay', and 6 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. I

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note, also, that the turkey sitting to the left of Representative Wennlund, flew the coop as soon as the Bill passed. Mr. Clerk, please read House Bill 1200."

Clerk Rossi: "House Bill 1200, a Bill for an Act concerning Public Aid. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1200 is a very simple Bill. What it does is it prohibits the cashing of a Public Aid check at a race track, an OTB parlor, or a riverboat gambling operation. We together with Amendment #2, which Representative Lang suggested, which makes sure that the Bill deals with only the issue of the check, I think that this is a good Bill. The genesis of this Bill, essentially is, that I found out that there is no prohibition against this practice at race tracks. There is a prohibition against the practice at riverboats, but not at race tracks and I think quite honestly that if one is receiving a public assistance check, that check is better used for food and clothing and rent, et cetera, rather than being cashed at a race track facility. Now, let me say I'm under no allusion that if somebody wants to cash a check elsewhere and they want to spend that money at a race track or a gambling facility, we cannot stop them, but I don't think that a state sanctioned facility should accept these sorts of checks and that's essentially what the Bill does. I'd be happy to respond to any questions and would appreciate your support."

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

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

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privilege. House Bill 1089, I inadvertently voted 'no' and I would like the record to reflect that I vote 'present'."

Speaker Churchill: "The record will so reflect. Thank you, Representative Kenner."

Kenner: "Thank you."

Speaker Churchill: "There being no discussion, Representative Kubik to close. I'm sorry, there was not. Okay, that was an accident. I'm sorry, Representative Kubik, I looked down, there were no lights flashing on the board. It was an accident and we're going to correct that by going to the Gentleman from Cook, Representative Dart."

Dart: "Thank you very much, Mr. Speaker. Would the Sponsor yield?"

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

Dart: "Representative, has the Racing Board been contacted in regards to this? If so, what has been their position on this?"

Speaker Churchill: "Representative Kubik."

Kubik: "Their position is that they support, they have no objection to the Bill. I've had conversations, both with the Gaming Board and the Racing Board. The Gaming Board acknowledges that they have a regulation which prohibits this practice. The Racing Board does not and so I thought, there should be no question in anybody's mind. The Racing Board has no objection and they say this will have no fiscal impact on them either."

Speaker Churchill: "Representative Dart."

Dart: "Thank you. Is there a reason why they can't do this by regulation as they've done for riverboats?"

Speaker Churchill: "Representative Kubik."

Kubik: "I would think that they probably could do this by regulation, but I, you know, with the constant expansion

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gambling, I felt that it was important that we be on record and that the law be very clear for all sorts of gambling facilities."

Speaker Churchill: "Representative Dart."

Dart: "What is the enforcement mechanism for this? What are they going to be able to do at the different tracks and the like to ensure this occurs and I guess, if you have that information, I'd appreciate it, but what do they do in regards to at the riverboats right now, as well, to enforce this? I'd be interested."

Speaker Churchill: "Representative Kubik."

Kubik: "In my discussions with the Racing Board and the Gaming Board, it's my understanding if a licensee is in violation of either a regulation or a law that we pass, the potential for the loss of their license is there, so the enforcement is that they potentially can lose their license."

Speaker Churchill: "Representative Dart."

Dart: "Do they actively have people, though, that are out there trying to enforce this or this just something where if they stumble across it, they'll enforce it?"

Speaker Churchill: "Representative Kubik."

Kubik: "I don't think that we would have people actually, you know, out there looking at it. I think that it's my understanding, Representative, that there's, there are audits that take place and there are investigations by the state police on an ongoing basis and I think if they see some irregularities, that's when this sort of infraction would be noticed."

Speaker Churchill: "Representative Dart."

Dart: "How long has this ban been in effect for the riverboats?"

Speaker Churchill: "Representative Kubik."

Kubik: "I don't know. I just know that it's there, but I don't

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know how long."

Speaker Churchill: "Representative Dart."

Dart: "The reason I was asking that was I was trying to get an idea of how many instances they've had where this law has been violated on riverboats. If you know the answer to that or more importantly, what is the, how often does this occur presently right now? I mean, we usually try to remedy a problem that exists right now and I understand it and I agree with you what you're trying to do here, but I'm trying to understand the magnitude, if there is a great problem we're trying to address here. So, if you could inform me of whether or not they have had a great deal of enforcement on the riverboats and if not, what is the problem that they're having at the race tracks now?"

Speaker Churchill: "Representative Kubik."

Kubik: "I am not aware of the magnitude of the problem, Representative, in terms of numbers and what not. I will say that I have had conversations with individuals who worked at race tracks who handle money and they've indicated to me that, you know, from time to time, somebody will come in with a public assistance check and they will cash it. How widespread that practice is, I do not know."

Speaker Churchill: "Representative Dart."

Dart: "Do they get this information by checking the endorsement on the checks and the like? Is that how they're attempting to enforce this?"

Speaker Churchill: "Representative Kubik."

Kubik: "I don't know. I mean, I know that the checks are cashed, but I don't know the manner in which they're cashed."

Speaker Churchill: "Representative Dart."

Dart: "Is there going to be any, this Bill does not affect obviously, but is there a potential dealing with social

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security checks that we're gonna attempt to address those being cashed at riverboats and the like?"

Speaker Churchill: "Representative Kubik."

Kubik: "It does not impact social security checks. It just impacts those checks which are, as the language reads, representing financial aid paid under the Illinois Public Aid Code."

Speaker Churchill: "Representative Dart."

Dart: "Thank you very much."

Speaker Churchill: "There being no further discussion, Representative Kubik to close."

Kubik: "I would just urge adoption of the Bill. Thank you, Mr. Speaker."

Speaker Churchill: "The question is, 'Shall House Bill 1200 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'aye', 1 voting 'no', and 6 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1320."

Clerk Rossi: "House Bill 1320, a Bill for an Act amending the Hospice Program Licensing Act. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1320 is a Bill which I'm very, very happy to bring before this Assembly. This Bill is an Amendment to the Hospice Licensing Act and it would allow the licensing of hospice residences. These residences, of

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course, would be for terminally ill persons who cannot remain at home or do not have a home and who would like to receive hospice services in a home like environment. Now, what the Bill does is it defines a hospice residence. It limits the number of people living in a hospice to 16. It would require the Department of Public Health to establish the standards for hospice residences and it requires that a license for hospice must own or operate the residence and provide hospice services. We have added an Amendment to the Bill, at the Committee's request, limiting this program to 12 licenses over the next two years. The feeling was that it was necessary to look at this program and see what the success or perhaps the problems are before we expand it beyond 12. This is a Bill. I don't know how many of you have had family members or friends who have taken advantage of hospice, hospice services, but I've had two members of my family who have gone through this program. It is a very dignified and a very good program for those who are terminally ill. So I would be happy to respond to any questions and would appreciate your support of House Bill 1320."

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

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

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

Schakowsky: "Representative, I do want to congratulate you on this legislation. I think this does fill a gap that has been needed and a need that's been felt by many families in the state, but I would like to ask you a few questions about it. First of all, what was the genesis of the Amendment that limited the number of hospices that may be licensed in Illinois?"

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Speaker Churchill: "Representative Kubik."

Kubik: "Representative, when I was in Committee, there was some discussion about, there was some concerns raised about this program in terms of opening it up too widely. There was a feeling that perhaps maybe we ought to have a limited program to see how these hospice residences proceed. As you well know, a hospice program provides a different environment than you would in a nursing home or a hospital, so there were some concerns raised. Some advocacy groups and the Department of Public Health came up with an Amendment which limited it to six residences next year and six the following and then it would, as I recall, it has a sunset that will look at the program the following year to see whether we should proceed with more, opening it up to more licenses."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "My understanding is that the concerns were raised by the nursing home industry and perhaps it would be helpful to describe the important ways in which or some of them anyway, that hospice services are different from nursing home services."

Speaker Churchill: "Representative Kubik."

Kubik: "Representative, why don't I, probably, let me read a paragraph to you. Maybe this will help. Hospice programs currently, strike that. Hospice programs currently have no place to serve people who want to remain in a home like environment, but cannot. For example, a terminally ill senior citizen whose spouse is too ill to care for him, people who live alone, a parent who lives with an adult child who works, persons who are homeless, this Bill would fill that gap. Now, as you know, in a hospice program, people are terminally ill. There are no efforts to try to

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prolong life. It is a dignified way to make someone comfortable, surround them in their final days with care and a limited amount of medical attention. So, it's more on the comfort, whereas a nursing home is an attempt to try to make people well."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Are the licensure standards any different from those for nursing homes or, I guess a question, how are they different from nursing home standards?"

Speaker Churchill: "Representative Kubik."

Kubik: "Well, Representative, the Department of Public Health is going to have to for these residences is going to have to promulgate some of those rules, but let me give you one instance that's different. In a hospice residence, a family member would be able to stay with that person who is dying, on a full time basis. You can't do that in a nursing home. A family member would be able to take the terminally ill person out to the store or to shopping or for lunch or something like that. You can't do that in a nursing home. So there is some, it's a different philosophy underlying the program."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "To the Bill. I would certainly urge all of those, those people who have had loved ones who have had terminal illnesses and those who have not to vote favorably for this Bill that creates new hospice residences in Illinois and provides for their inspection."

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

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

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

Granberg: "First of all, Representative Kubik, I want to thank

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you for I know you've been dealing with this issue for a long time and I have had a family member. We've utilized hospice and in fact, I used to be on the Hospice Board in my area. So, I know how valuable they are and a very much needed function, but I really wasn't aware, Jack, until you mentioned it, about the need for hospice residences themselves. So, it's my understanding that you have a provision for 16 such facilities or six facilities that would be through licensed by the Department of Public Health throughout the state. If the need, if they would feel the need would increase, will they have the flexibility to increase the number of those facilities?"

Speaker Churchill: "Representative Kubik."

Kubik: "First of all, Representative Granberg, next year we will allow for six licenses. The following year, another six. So, there would be 12 altogether. They would be limited. If there was a great need, more than six, for example, next year, we would have to change the law, but I think the reason we're doing this is because we wanted to make sure that as my comment with Representative Schakowsky, this is a different philosophy, as you know, and I think it's important that, that be understood in the licensing process and everything else. So, I think we wanted to make it a more gradual program because of that."

Speaker Churchill: "Representative Granberg."

Granberg: "Jack, I assume that all the different hospice organizations, we have Southern Illinois Hospice, we have all these different ones, are all in agreement with your licensing proposal?"

Speaker Churchill: "Representative Kubik."

Kubik: "Yes, they are."

Speaker Churchill: "Representative Granberg."

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Granberg: "And there is certainly no opposition to this and they're very satisfied dealing with the Department of Public Health?"

Speaker Churchill: "Representative Kubik."

Kubik: "Representative, it's my understanding that there are some individuals in the nursing home industry that are opposed. So, it is not an opposition free Bill, but there are some who are in the nursing home industry who are opposed."

Speaker Churchill: "Representative Granberg."

Granberg: "Jack, I think I can speculate on why that would be the case. Are there individual nursing homes that are in opposition or is it one of the nursing home representatives or groups that are in Springfield, a different type of nursing home, or just individuals?"

Speaker Churchill: "Representative Kubik."

Kubik: "What we have is ... who are opponents are the Illinois Health Care Association, the Illinois Citizens for Better Care. However, I would like to say that the Illinois Citizens for Better Care support the Amendment which we have placed on the Bill. So, while it may not eliminate all of their opposition, I think that this makes it a better Bill for them and the Life Services Network of Illinois, but there aren't individual nursing homes that are opposed, just some associations."

Speaker Churchill: "Representative Granberg."

Granberg: "Jack, as you know, there are different types of nursing homes and they're represented by different groups in Springfield. So, I just wanted to make sure that opposition wasn't the industry as a whole or their concerns were being addressed. So, Representative Kubik, I appreciate the time in answering these questions and to the Bill, Mr. Speaker."

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Speaker Churchill: "To the Bill."

Granberg: "I, too, rise in support of House Bill 1320.

Representative Kubik has done an outstanding job working on this issue. It's been before us in some form the last few years and I know that Representative Kubik has tried to deal with all the impacted groups. He's worked very hard with the hospice licensing organizations and he's tried to ameliorate all their concerns and I believe this legislation is the best that can be done at this point in time and if it does not address the long term problems of the hospice organizations, I believe that Representative Kubik will come back to this Body and seek to address those problems in the future. So, with that, I intend to vote 'aye' and I encourage all Members to do so as well."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Grundy, Representative Spangler."

Spangler: "Mr. Speaker, I move the previous question."

Speaker Kubik: "The question is, 'Shall the previous question be moved?' All those in favor say 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Kubik to close."

Kubik: "Well, thank you, Mr. Speaker and in closing, I guess I'm getting a lot of credit for this Bill. I want to tell you that Representative Currie has worked extremely hard on this issue over the years and we owe a debt of gratitude to her as well. She has been in the forefront on this issue as well. So, there have been a lot, Representative Currie, Representative Ronen, and many others, so I want to thank all of them for their help. In closing, all I can say is that this Bill fits a need or fills a need that is very important in our state. As I indicated, I've had two

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family members who've gone through this program and in a very difficult time in one's life, this is the best program that I've seen in terms of allowing someone to die with dignity and with some compassion. So, I appreciate your support and your favorable consideration of House Bill 1320."

Speaker Churchill: "The question is, 'Shall House Bill 1320 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 'ayes', 0 'noes', and 3 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Gentleman from DuPage, Speaker Daniels."

Daniels: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. I'm very pleased today to welcome social studies teacher, Naomi Poltrac and a group from Bryan Junior High School in Elmhurst to the House Chamber today. I'm proud to announce that Naomi is this year's recipient of the Daughters of the American Revolution State Teacher of the Year award for history instructors. Based on recommendations from administrators, other teachers, and former students, Naomi was chosen for this prestigious honor. Through hard work and excellence in teaching method, daily, monthly, and yearly, students taught by Naomi Poltrac advanced to high school, more prepared for that experience and more prepared for the world. For her dedication, we are proud and fortunate to have a teacher of her caliber, working in Illinois' public school system. I applaud the efforts of Naomi Poltrac and ask the Members of this Body to acknowledge her academic achievements and

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accomplishments with the young people of our state. Naomi lives in Elmhurst. She teaches at Bryan Junior High School and that area is represented by Representative Jim Durkin, Representative Bob Biggins, and myself, and Naomi Poltrac and students from Bryan Junior High School, thank you for coming to Springfield and congratulations to Naomi."

Speaker Churchill: "The House will continue on Third Readings. Representative Wojcik in the Chair."

Speaker Wojcik: "Mr. Clerk, read House Bill 1644."

Clerk Rossi: "House Bill 1644, a Bill for an Act amending the Counties Code. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Jones."

Jones, J: "Thank you, Madam Chairman and Members of the General Assembly. I rise before you to introduce House Bill 1644. This amends the County Codes, prohibits the Department of Revenue from collecting a Home Rule County Retailers Occupational Tax and a Home Rule County Service Occupational Tax. This Bill deletes the provisions in the Counties Codes that requires the Department of Revenue to collect the Home Rule County Sales Tax, stipulates that the Department shall make a final distribution of all Home Rule County Sales Tax receipts, collected by the department as soon as possible after the effective date of this Bill. I ask for a favorable vote on this...in this Bill and I would ascertain in answering questions."

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

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

Speaker Wojcik: "He indicates he will."

Dart: "What counties does this affect?"

Speaker Wojcik: "Representative Jones."

Jones, J: "Cook County."

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Speaker Wojcik: "Representative Dart."

Dart: "What...what other counties have...are there other counties that are...have this done?"

Speaker Wojcik: "Representative Jones."

Jones, J: "This is the only county in the state, Cook County, is that we do this service for."

Speaker Wojcik: "Representative Dart."

Dart: "Do you know...were you...aren't there about 66 some taxes collected by the Department of Revenue right now?"

Speaker Wojcik: "Representative Jones."

Jones, J: "Approximately."

Speaker Wojcik: "Representative Dart."

Dart: "No, let's try exactly, Representative. There are quite a few other counties that have their taxes collected by, but you have taken upon yourself to pick on Cook County. Why is it that you have decided that you're going after Cook County?"

Speaker Wojcik: "Representative Jones."

Jones, J: "It's the only county, Representative, that has a Home Rule Sales Tax."

Speaker Wojcik: "Representative Dart."

Dart: "Are...are you aware that there had been some deal back in 1988 that this was part of the deal that this would be collected in this manner?"

Speaker Wojcik: "Representative Jones."

Jones, J: "Yes, it has been collected by the state since that time."

Speaker Wojcik: "Representative Dart."

Dart: "Well, this is something that is...unfortunately something I'm not getting surprised on in this Chamber anymore. This was a commitment that had been made back in 1988 but few people's words are good around this place anymore anyway,

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so why should I not be surprised? To the Bill. This is another slap at Cook County in Chicago area. We...here we have Representative who isn't within a cannon shot of Cook County going after Cook County for no reason. This is outrageous. This is yet another broken promise, broken commitment. Why am I not surprised, Representative? Why am I not surprised at all? You should be ashamed of yourself. This is outrageous, going right after a deal that was struck, a commitment that was made and you're going ahead and breaking that. Representative, congratulations, another person here breaking commitments. Good Job."

Speaker Wojcik: "Representative Jones."

Jones, J: "Thank you."

Speaker Wojcik: "Any further debate? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I too, rise in opposition to this Bill. There was an agreement when we did sales tax reform that the state, which is in the business of collecting these kinds of taxes would collect the Home Rule Tax imposed by the County of Cook. The Members may be interested to know that this is not a costly proposition for the Department of Revenue. The Department of Revenue gets to keep a collection fee so that, in fact, it's costing the state taxpayers nothing for the department to collect this money for the County of Cook. What it does do is make sure because the departments in that business, and the County of Cook is not. What does happen is that...that the tax is collected fairly and efficiently and were the county to go into the business at this kind of tax collection. I think there are serious questions about whether it could do so in an efficient, in

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an even handed and in a fair fashion. This Bill solves a problem that doesn't exist. There is no problem that this Bill is meant to respond to. This is a punitive hostile action. I suppose the...the reason for it's introduction is that people can pretend to the folks back home that they're saving the Department of Revenue money that isn't accurate. This looks as if it's a great press release Bill, but it sure does represent lousy public policy. Those who care about good public policy should vote 'no'."

Speaker Wojcik: "The Lady from Cook, Representative Murphy."

Murphy, M: "Yes. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Murphy, M: "For...for the record, I'm not sure how many people were paying attention but, Representative, this is a local government control idea, is it not?"

Speaker Wojcik: "Representative Jones."

Jones, J: "Yes, it is, Representative."

Speaker Wojcik: "Representative Murphy."

Murphy, M: "Representative, do we collect as you stated, I believe people should understand, we collect the State of Illinois no other taxes for 101 other counties?"

Speaker Wojcik: "Representative Jones."

Jones, J: "That is correct."

Speaker Wojcik: "Representative Murphy."

Murphy, M: "Does...is there an estimate once again of how much we are...are taking on the administrative costs for the City of Chicago and the County of Cook in a combination? The state is...is administering that which other counties must pay for. So, all the citizens of Illinois are paying an administrative cost. Is there any kind of estimate on that at this time?"

Speaker Wojcik: "Representative Jones."

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Jones, J: "Representative, could you repeat it again? I couldn't hear you."

Speaker Wojcik: "Representative Murphy."

Murphy, M: "To the Bill. With regard to local control of home rule and peoples words being what they were. I wasn't here in 1988, Representative Jones was not here in 1988, and every time we have a new General Assembly, a new city council we go to the negotiating table. When other local units of government, some small villages lost their share of the surtax dollars, the Mayor of the City of Chicago was there fighting for...with them saying...fighting for them saying we deserve to have this. Fighting against the Governor saying, why should the state take over the surtax? But you know what happened? When the City of Chicago left the bargaining table that year, they walked away with a better bargain than some small villages or towns within Cook County. So, once again, the whole State of Illinois in downstate suburban Cook. Downstate whether you're a Democrat or Republican, your counties have to pay their own administrative fees to collect their taxes, but once again we had a different set of rules for Cook County and the City of Chicago. I commend Representative Jones for making Cook County responsible for the collection of their own taxes, and I urge a 'yes' vote on this. Thank you."

Speaker Wojcik: "Any further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Madam Speaker. Would the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hartke: "Representative Jones, now I'm going to ask you some questions that you did not answer to Representative Murphy. What does this cost the Department of Revenue to collect

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this tax for the City of Chicago?"

Speaker Wojcik: "Representative Jones."

Jones, J: "Representative Hartke, we don't have an exact figure but there is some...some administrative costs to collecting it and...and paying it back to the City of Chicago."

Speaker Wojcik: "Representative Hartke."

Hartke: "Well, I don't have any problem with that answer that you just gave. What does the Department of Revenue receive for collecting those taxes for the City of Chicago? What do they receive?"

Speaker Wojcik: "Representative Jones."

Jones, J: "Representative, there may be some reimbursement, we're not sure the exact..."

Speaker Wojcik: "Representative Hartke."

Hartke: "Well, Representative Jones, I think when you studied this situation out to...to figure out what it's costing the State of Illinois, what you really can't put your finger on and you really don't know what kind of money the State of Illinois is receiving for collecting the revenues from the local imposed sales tax in Cook County. I haven't studied your legislation, and I didn't introduce the legislation, but I do know that the Department of Revenue receives 2% of the revenues that they collect. Now, if we eliminate that possibility, of the 2% the Department of Revenue that they collect we would eliminate some of the cost to the State of Illinois. But, I think the revenues outweigh the administrative cost. However, what you're doing is now requiring the Department of Revenue in the City of Chicago in the County of Cook, to now reduplicate all those forms and you're causing a problem for small business who must now report this on a separate form with a separate mailing to the City of Chicago, they would have to have their own

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agents to make sure that everyone is correct. You're being very punitive to the City of Chicago for no reason at all. Representative Murphy complains about we doing this for the City of Chicago in the County of Cook. I want to ask you, will you also now introduce companion legislation that says we are not going to collect the gas tax revenues for a locally imposed gas tax revenues for DuPage County? We also in the State of Illinois and the Department of Revenue collect those taxes. I think if you're going to be fair and you're going to go after someone, we ought to go after everybody. Now, just think about this a minute. Mt. Vernon, Illinois your home town is a home rule unit, correct?"

Speaker Wojcik: "Representative..."

Hartke: "He's shaking his head yes, I'll take that. Now, if at some point in time you imposed a local gas tax, which you can do. If you imposed a local sales tax, which you can do, would you then set up the Department of Revenue for the City of Mt. Vernon and then be required to hire all kinds of additional people to collect that sales tax or that gas tax in your city? You would have to do that, but it would be very simple...very simple for the Illinois Department of Revenue to do that, because those funds are now put in there and their...just an X can be put in the box, and those revenues can be sent back to Mt. Vernon. It would probably cost you more to set up that locally than you're going to collect because I know that you would impose a very small tax. I think what you're doing is being outlandish just...just plain punitive to the City of Chicago. You're being rationary and it's a very good news release. John O. Jones goes against Chicago, but let me tell you something, John. I think it's phony. I think

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it's as phony as can be. You're really not helping anybody, what you're doing is hurting the City of Chicago."

Speaker Wojcik: "Any further discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Jones, I thought I heard this correctly, but I just want to make sure. The Department of Revenue collects taxes for 66 different units currently. Is that correct?"

Speaker Wojcik: "Representative Jones."

Jones, J: "Representative Granberg, I'm going to take this Bill out of the record for the time being."

Speaker Wojcik: "Representative Leitch in the Chair."

Speaker Leitch: "Representative Leitch in the Chair. About three weeks ago, we were fortunate to have with us the members of the Manual High School Basketball Team which won the back to back state championships. Today, we're very fortunate to have with us from Peoria, the Peoria Richwood's Scholastic Bowl Champions, who in the final round defeated Newtrier High School and I'd like to welcome them to the Chamber. They're champions in every way. Their basketball team wasn't bad either. It was 26 and 4, but certainly couldn't get past Manual. Members of the team are Ashcock Babu, Lindsay Glaser, Michael Su, Gregory Johnson, Ram Kishenmorte, who couldn't be with us today, Mike Schwabacher, Bob Shimmon, Askash Suricka, and Sara Finsen. With them are their coaches, Cathy Brooksmiller and Sara Drew, Richwood's principal, Jeanie Miller and District 150 Peoria School Board President, Linda Daley. Please join me in welcoming the team to the Chamber and for their outstanding academic achievement. Representative Wojcik in

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the Chair."

Speaker Wojcik: "Mr. Clerk, read House Bill 865."

Clerk McLennand: "House Bill 865, a Bill for an Act that amends the Code of Criminal Procedure of 1963. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative John Turner."

Turner, J.: "Thank you, Mr. Speaker. House Bill 865 amends the Code of Criminal Procedure. The Bill requires the Supreme Court to establish unified rules of procedure to be followed by the trial courts and the appellate courts in death penalty cases. I'll be glad to answer any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from St. Clair, Representative Hoffman is recognized."

Hoffman: "Yes, I'm joined by the requisite number of individuals. I would like to take this off of Short Debate. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hoffman: "It's my understanding that Tom Johnson or Representative Johnson, the Chairman of the Judiciary Committee, used to be a Sponsor of this. Is the Board correct or has this been changed or why are you now sponsoring it, Representative? Or was this given to you as a gift or did you take this over protest from Representative Johnson?"

Speaker Wojcik: "Representative Turner."

Turner, J: "Thank you, Mr. Speaker. I'm not sure exactly what you're driving at, Representative Hoffman, but as you know, Representative Johnson is a very beneficent person and he indeed did give me this Bill and I'm honored to have the opportunity to present it this morning."

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Speaker Wojcik: "Representative Hoffman."

Hoffman: "With regard to, this is regarding death penalty proceedings and would direct the Supreme Court to establish by rules a series of check lists to be used by a trial court and lawyers and all death penalty cases. The idea of this legislation to move forward death penalty cases so that the cases are then carried out in a swift and timely fashion as opposed to the years and years of endless appeals?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Yes, Representative Hoffman, that is exactly what this Bill is intended to do."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Would this checklist then be provided to defense attorneys as well as prosecutors?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Yes, Representative Hoffman, the trial court would provide the check list, which would be, of course, prepared by the Supreme Court and it would be given to trial counsel at the trial level, both for the prosecution and defense."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Now, really, Representative, couldn't the supreme court already do this without Legislation? I would be an advocate of them. I think they should have done it years ago, but they by rule have the ability to pass rules that govern the court system and govern the criminal procedure in this state. They already could do this, couldn't they?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Yes, the Supreme Court does have that power."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Have you discussed anything with the Supreme Court as to why they have not done this?"

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Speaker Wojcik: "Representative Turner."

Turner, J.: "I, personally, have not. There was a judicial note filed on this particular matter, though."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, I guess the question is if they can do it, although the legislation is well intended and I support it, if they can do it, why do we need a Bill? Why don't we just talk to them about doing it already, have them do it and then we wouldn't have to have this legislation? Has Representative Johnson talked with them?"

Speaker Wojcik: "Representative Turner."

Turner: "Representative Johnson, I don't believe has talked with them. Although the judicial note I see was written to him so he certainly has communicated with him in writing."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "The checklist that would be provided here, wouldn't this really just give heads up to the defense or could this potentially give heads up to defense attorneys and say, hey, as a disincentive to comply with this, you have no incentive to comply with this check list. Obviously, you have to zealously represent your client. If you're defending him, you would rather see him not go to death. Wouldn't this just really set out a road map of how the prosecution is going to proceed in these cases and therefore, give the defense attorney an advantage to attempt to circumvent the check list in order to ensure that the death penalty is not carried out?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "I don't believe that, that would occur, Representative Hoffman. I think that for the most part, attorneys do zealously represent their clients, whether their client happens to be the people of the State of

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Illinois or a particular defendant and I believe that actually the check list will assist both the prosecution, defense counsel, and the trial court so it should not have the adverse affect that you just described."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, I would just like to commend Chairman Johnson for putting this forward. It's, I guess, kind of fortunate he didn't have the opportunity to put it forward today, but I do commend."

Speaker Wojcik: "Representative, bring your remarks to a close, please."

Hoffman: "Madam Speaker, I knew you'd let me do that since I'm trying to be nice and complimentary here."

Speaker Wojcik: "You're always nice."

Hoffman: "Thank you very much. But I would like to commend Representative Johnson, as well as Representative Turner, on this. I think that it is something that needs to be done. I wish the Supreme Court could do this on its own. I think they could do it on its own. They have that ability. Still, I guess if we can help them in any way, we should do that. With that, I would urge anybody on this side of the aisle, who like me, believes that we need to do something in order to move forward the prosecution and the carrying out of these sentences to ensure that the death penalty is truly a deterrent, to vote in favor of this Legislation."

Speaker Wojcik: "Any further discussion? The Gentleman from DuPage, Representative Johnson is recognized."

Johnson, Tom: "I rise in strong support of this Bill, as Representative Hoffman used my name in debate here and I appreciate the comments that he made. They shut me off. This Bill is one of a couple Republican initiatives that,

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in fact, will hopefully expedite the now interminable processes of appeals, especially as it relates to death sentences. Now, Representative on the other side using my name in debate wondered why I was not Sponsor of this anymore. I want it made very plain to this Chamber that this Bill is a Republican initiative. Since I was Chairman of the Committee, the Bill was put in my name. The Republican side of this aisle, Representative Turner and everybody else worked very hard on this piece of legislation, as well as another one that hopefully will be presented later and I refuse to take total credit for this, but this was a group process and I believe our side of the aisle is to be commended for moving this type of legislation forward because it's long overdue, but I do appreciate the comments of my colleague on the other side of the aisle."

Speaker Wojcik: "Any further discussion? The Gentleman from Washington, Representative Deering is recognized."

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

Speaker Wojcik: "He indicates he will."

Deering: "Representative, just in a ball park sense, how long would a normal appeal process take today if an individual was convicted on a murder and received a death penalty?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative, I believe from conviction to the carrying out of the sentence, it runs approximately 12 years and that includes, of course, all the habeas corpus proceedings and appeals of those as well."

Speaker Wojcik: "Representative Deering."

Deering: "Is there any guidelines in your legislation that will direct the Supreme Court that they must issue guidelines that will shorten the appeal process or are we going to

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leave it up to their discretion?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative, we have not spelled out specific guidelines to the Supreme Court that they must develop rules which will necessarily shorten the procedure. Hopefully though, they will be aware of the legislative history in as much as we're discussing it right now on the House floor that our idea is to shorten the appeals process. I believe that the supreme court is concerned about that as we are. However, I don't think it would be proper for the Legislature to put into this piece of legislation, the specific rules which will, in effect, make the period shorter. I think that we would be overstepping our bounds. So the idea is for the Supreme Court to develop their own rules with our request through this Legislation. We have not given them, however, the substance of what those rules would be."

Speaker Wojcik: "Representative Deering."

Deering: "Well, Representative, I commend you on this piece of legislation. As the previous speaker had said, I think this is long overdue. It should have been done decades ago. It's also my understanding that, you know, this is gonna take some time and even with the supreme court working on it by the time it goes through the legislative process. It's my understanding that we could also quicken or expedite the appeals process, if we would put more money in the appellate defenders line items, so we can run these appeals quicker, maybe get some of these people off of death row or whatever that's sitting working the appeal process. You think it's possible that Members on your side of the aisle in the appropriations process would put more money or attempt to put more money in the appellate

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defender's line item in the budget, so while the Supreme Court is working on these guidelines, we can already start to expedite this process?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well, Representative, I don't want to speak for my colleagues over here, but I know that, that is a very legitimate concern and it's one that we'll be addressing and looking at very closely."

Speaker Wojcik: "Representative Deering."

Deering: "To the Bill, Madam Speaker. As I said, I commend this Sponsor's work and all the Sponsors that worked on this piece of legislation. I believe, as do many citizens in the State of Illinois, that the judicial system does need some cleaning up and we as taxpayers are getting tired of supporting these people in country club settings and it's time to move on and get along with business."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Wojcik: "He indicates he will."

Dart: "Representative, are there other states that are using this?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Yes, the peach state, Georgia."

Speaker Wojcik: "Representative Dart."

Dart: "You are quite a peach, too, Representative. What has been their experience with this? Has this hurried things up? Has it made a dramatic impact, one way or the other? What's been the results of their use of it? How long have they been using it?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "It's my understanding, Representative, that is a

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very good question, that it was instituted in 1989, but we do not have data at this point where it has been studied, which I could relate to you to answer your question specifically. I apologize."

Speaker Wojcik: "Representative Dart."

Dart: "More importantly, I guess then, has there been any challenges both either constitutionally or for procedural reasons based on this in that state?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "I'm advised, Representative, that the silver state, Nevada, also has this piece of legislation and that it was challenged there and the challenge to it was unsuccessful. It was deemed to be Constitutional, but I don't believe Georgia has had a similar challenge."

Speaker Wojcik: "Representative Dart."

Dart: "As far as you're aware of for the Nevada case, have the appeals in regards to that issue, has that been exhausted so that it's a done deal or is it in intermediary appeals stage? I'm just trying to figure out if whether this has risen up to the level where the U.S. Supreme Court or Nevada Supreme Court have put their ... around there saying, this clears all Constitutional muster, whether it's gone through an intermedial appeal and we're still sort of feeling our way through on this one."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative, again I'm unable to answer your question specifically. To my knowledge, the U.S. Supreme Court has not addressed this question."

Speaker Wojcik: "Representative Dart."

Dart: "And I guess maybe, my concern, maybe this ... was brought up in their Supreme Court, is whether or not you can force a defense attorney to try a case in a certain way or go

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through certain methods of trying their case. Will there not be arguments that you cannot legislate how a defendant will try their case and what they're mandated to do?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "I think clearly, Representative Dart, that we cannot mandate to defense council or for that matter to the prosecutor, how to try their cases, but I don't believe presenting a check list to them by the trial court and going down it, just to ascertain whether procedurally they have followed the check list to protect the defendant's rights, would in any way violate the attorney's right to proceed on a case on behalf of his or her client as they so choose. Your question is a good one, however I don't think we're on serious or on dangerous ground on that particular issue, however."

Speaker Wojcik: "Representative Dart."

Dart: "I've experienced in my days, some pretty obstructionist-minded defense attorneys and I'm sure you have as well. Could they not if they were given the check list, could they just say, I'm not filling this thing out and I refuse to have any part of this, you're getting involved with my strategy in trying the case. If they were to do that, which I'm sure they could ..., what is the remedy? Is there contempt proceedings or is there some other mechanism where they are forced to comply with this?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "There are no provisions in this Bill itself which addresses that question, but, of course, the reason for that is all this does is instruct the Supreme Court to develop the rules. Now the Supreme Court may indeed in its development of this check list, put some type of provision for enforcement within and I suppose that the remedies that

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are always available when council does not do his or her job, being dismissal from the case or contempt powers of the court, would be applicable."

Speaker Wojcik: "Representative Dart."

Dart: "Just a quick question, in the section b at the bottom of it, it requires that they put all of their, it says so the purpose being that all the pretrial view and the trial, post trial view, everything will be complete for review by the sentencing court for all possible challenges. Don't they do that in death penalty cases now, except for post conviction and if not, and if that is the case, are you saying that we should push the post conviction in with it as well?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative Dart, I'm sure that some courts do have a procedure. Indeed, from my former days as a prosecutor, we had a learned trial court who had a procedure that he followed. However, we don't have any uniform procedure throughout the state and that's what we're trying to mandate the Supreme Court to develop here and with regard to the latter part of your question, does it cover post conviction proceedings, the answer is yes."

Speaker Wojcik: "Representative Dart, bring your questions to a close."

Dart: "Yeah, I, too, just wanted to commend the Sponsor, not so much for the Bill, but your very lucid answers and precise answers, which showed just how sharp you are this morning. It must have after a night of a lot of rest, relaxation and I'm sure that has helped a great deal, though I would suggest you watch some of the company you keep in the future if you're gonna present major Bills like this. Thank you."

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Speaker Wojcik: "Any further discussion? The Gentleman from Grundy, Representative Spangler is recognized."

Spangler: "Madam Speaker, I move the previous question."

Speaker Wojcik: "The previous question has been put. All in favor signify by saying 'aye'; opposed 'nay'. The previous question has been put, Motion carried. Representative Turner to close."

Turner, J.: "Thank you, Mr. Speaker. I request a favorable vote from the Members of this Chamber."

Speaker Wojcik: "The question is, 'Shall House Bill 865 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 99 'ayes', 13 'nays', 4 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. For the purpose of an announcement, this is to announce that Members of the House are invited to have lunch in the Speaker's Gallery, compliments of our many visitors today from Rockford, Illinois' Second City. We have a junior high class in the Gallery. Tom Fletcher, 20 years with the high school from Kendall County. Let's recognize the group. Mr. Clerk, call House Bill 1587."

Clerk Rossi: "House Bill 1587, a Bill for an Act amending the New Vehicle Buyer Protection Act. Third Reading of this House Bill."

Speaker Wojcik: "The Lady from DuPage, Representative Biggert, is recognized."

Biggert: "Thank you, Madam Speaker. House Bill 1587 amends the New Vehicle Buyer Protection Act and it extends coverage under the Act to new vehicles leased for a period of at

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least one year. The New Vehicle Buyer Protection Act is in simple terms, is the lemon law and currently, the lemon law applies only to the purchase of new vehicles and consumers under the lemon law are entitled to the full purchase price, including collateral charges, less a reasonable allowance for consumer use. If the seller is unable to conform the new vehicle to any of its applicable expressed warranties and does not provide a new vehicle of like model or otherwise comparable vehicles. Because of the increase in the lease car business, consumers have been encountering problems with new vehicles that are leased as well as purchased and they have had to absorb the expenses since the lemon law does not apply to them. I have a constituent in my district who had this problem and for that reason, I'm bringing this Bill for your consideration. I'd be happy to answer any questions."

Speaker Wojcik: "Is there any discussion? The Representative from Cook, Representative Lang, is recognized."

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

Speaker Wojcik: "She indicates she will."

Lang: "Thank you. Hi, Representative. Good morning. I understand why you want to cover leased vehicles, but given the fact that vehicles are usually leased for just two years or three years, aren't they already covered by the expressed written warranties that come with the vehicles?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Well, I think we would have thought so. The problem is that and just to take the case that arose in my district of the leased vehicle where they had leased the car. I think it's usually 18 months or 2 years, rather than 1 year is the amount of time. The use of the car was denied for the entire year of the first year of the lease and that tolls

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the statute. They did not have the use of it and had it repaired at least four times within the first month and then had so much trouble with it that they couldn't use it at all hardly or were afraid to drive it and yet, could get no redress from the seller of the car."

Speaker Wojcik: "Representative Lang."

Lang: "Well, let me ask you sort of a technical question. We're both attorneys. Isn't the current law regarding implied warranties even stronger than the lemon law?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Probably, but they tried to find redress under that and under the contract and went to arbitration, which took four years."

Speaker Wojcik: "Representative Lang."

Lang: "What happens in the situation that the, well, let me start with this. I didn't hear your explanation of how long this protection lasts. What was that period?"

Speaker Wojcik: "Representative Biggert."

Biggert: "I'm sorry, now I can't hear your question."

Speaker Wojcik: "Please repeat your question, Representative."

Lang: "Yes, how long does the period of protection you're applying to these vehicles last?"

Speaker Wojcik: "Representative Biggert."

Biggert: "The period lasts the same as for the purchase of a new car."

Speaker Wojcik: "Representative Lang."

Lang: "Which is how long?"

Speaker Wojcik: "Representative Biggert."

Biggert: "It depends on the warranty."

Speaker Wojcik: "Representative Lang."

Lang: "Well, let me give you a fact situation. Let's suppose that someone leases a vehicle. Now they lease it from a

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company that owns the vehicle. Let's assume either a: they return the vehicle to the leasing company and get another vehicle, or b: they buy the vehicle from the leasing company who owns it. Does that end the protection under your proposal?"

Speaker Wojcik: "Representative Biggert."

Biggert: "I think that the lemon law does not apply in that situation. Their warranty doesn't end."

Speaker Wojcik: "Representative Lang."

Lang: "Well, when you purchase a vehicle, sometimes the warranty ends if the vehicle is transferred. Sometimes the warranty only extends to the original owner and sometimes, it doesn't, but here's a situation where the actual owner of the vehicle is the ABC leasing company and Mrs. Smith has leased a vehicle from them. Does the protection you're providing here only apply to Mrs. Smith or would it apply back to the leasing company if Mrs. Smith returns that vehicle to the leasing company that actually owns it?"

Speaker Wojcik: "Representative Biggert."

Biggert: "Under the Amendment that was offered in Committee, that the person that has the warranty as far as the lease, still refers back to the manufacturer, the manufacturer's agent or distributor or that manufacturer's dealer. I think under the lemon law, it still is the manufacturer that is obligated."

Speaker Wojcik: "Representative Lang."

Lang: "I'm gonna support your Bill, but I think you should take it back for another Amendment and then we can fly it out of here 'cause I think it's a good proposal. A lot of people lease cars now, but there's a gap here. There's a hole. If the car is returned to the owner who is the leasing company, not the manufacturer, what happens to the

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remainder of the protection you're trying to provide under the lemon law? If they release that vehicle to another person, do they get that protection? If the owner of the leasing company decides to drive that car himself, does he have that protection? Do you understand the gap? There's a difference between purchasing the vehicle and what happens to the warranty under the lemon law and leasing the vehicle because it's going to go back to someone who is the owner. What happens when that owner releases that vehicle to someone else and I think your Bill does not cover that and I would just simply suggest covering that."

Speaker Wojcik: "Representative Biggert."

Biggert: "I don't see the difference in that whether somebody with a new car would sell that to somebody else or somebody who leases the car and then returns the car to the leasing agent."

Speaker Wojcik: "Representative, bring your questions to a close."

Lang: "I admit it's a thin line of distinction, but there is a distinction and I'll try to explain it this way. If I lease a vehicle from the ABC leasing company for three years and you intend to protect me under this Bill for those three years under the lemon law, I may decide to return that vehicle to the leasing company after one year and get a different vehicle. I may do that under an agreement with the leasing company. The question is, what happens if that leasing company then decides to lease that vehicle during that three year period to another person or they decide to use it themselves as a company car? What would happen to the protection you're trying to provide under this Bill under those circumstances?"

Speaker Wojcik: "Representative Biggert."

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Biggert: "Number one is that this applies to the lease of a new car and I'm not that familiar with, you know, what is termed a new vehicle, but this is for the lease of a new vehicle. If that car was returned, I don't think that it would still be qualified as a new car, but since it had been transferred back, would be a used car and I don't think that the statute applies to that and in fact, I think with the constituent, one of the things that they tried to do was to give them a used car, which she didn't think that the warranties were as good and would not accept that in lieu of something that she would have preferred to have the protection under the lemon law."

Speaker Wojcik: "Representative, your time is up. Representative Biggert to close."

Biggert: "Thank you, Madam Speaker. This Bill is to provide protection under the lemon law to leases of new vehicles and I would ask for a favorable vote."

Speaker Wojcik: "The question is, 'Shall House Bill 1587 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 'ayes', 0 'nays', 7 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1633."

Clerk Rossi: "House Bill 1633, a Bill for an Act to create the Ultra-light Vehicle Act. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Lachner."

Lachner: "Madam Speaker, Ladies and Gentlemen of the House, House Bill 1633 as amended amends the Illinois Aeronautics Act to

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make the first change in the definition of the word aircraft since 1945. The change in this definition does several things. First of all, aircraft, under the new definition would be limited to certain devices designed to carry humans in flight and would no longer include items like bottle rockets, fireworks, model airplanes, and weather balloons. If the FAA now requires a vehicle to be licensed as an aircraft, that vehicle will be defined as an aircraft under Illinois Aeronautics Act. The Department of Transportation may designate a regulation categories of aircraft that will not have to comply with certain portions of the Illinois Aeronautics Act. This Bill is supported by IDOT. The fiscal note that was filed indicates a potential slight cost savings to the Department of Transportation. This Bill represents a revolution in the way we look at aeronautics and I urge support of all my fellow House Members."

Speaker Wojcik: "Any discussion? The Lady, Shirley Jones, from Cook is recognized. Representative Jones."

Jones, S.: "I yield my time to Dart."

Speaker Wojcik: "Representative Dart."

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

Speaker Wojcik: "He indicates he will."

Dart: "Representative, the thrust of this Bill is a changing of the definition of aircraft. For starters, one of the things that I found to be curious when you mentioned earlier was dealing with bottle rockets. Were they presently defined as aircraft?"

Speaker Wojcik: "Representative Lachner."

Lachner: "Yes, Representative, back in the '40's and '30's, when the Aeronautics Code was written and revised, bottle rockets were considered to be aircraft."

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Speaker Wojcik: "Representative Dart."

Dart: "Would they have been required then to send the National Transportation Safety Board in whenever one of those went down?"

Speaker Wojcik: "Representative Lachner."

Lachner: "Technically, the Illinois Department of Aviation if there were an accident that occurred with such a vehicle, a contrivance that was designed for flight would be required upon complaint to make sure that no damage was done and investigated. That's one of the reasons we're trying to clean up this law. We're trying to eliminate the possibility of wasting taxpayer money investigating fallen bottle rockets."

Speaker Wojcik: "Representative Dart."

Dart: "Just out of curiosity, was there ever an investigation into them?"

Speaker Wojcik: "Representative Lachner."

Lachner: "I don't believe so, since 1945."

Speaker Wojcik: "Representative Dart."

Dart: "What other things are gonna be excluded from the definition now?"

Speaker Wojcik: "Representative Lachner."

Lachner: "This Bill is designed to bring state law in compliance with federal law. There are some other items, the original definition of aircraft included, let me read that to you. That might be helpful to understand the Bill."

Speaker Wojcik: "Representative Dart."

Dart: "He was going to answer the question."

Speaker Wojcik: "Representative Lachner."

Lachner: "The original definition of aircraft meant any contrivance now known hereafter or hereafter invented, used or designed for the navigation of or for the navigation in

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the air, which could have meant anything. Literally, if you jumped off a diving board, you could be considered an aircraft."

Speaker Wojcik: "Representative Dart."

Dart: "There's a suggestion about certain Members being wide bodies, but I won't mention any names. Now, but in your new definition that you're supplying here is gonna make this conform with the federal definition. Is that it?"

Speaker Wojcik: "Representative Lachner."

Lachner: "Yes, that's correct. The Illinois Aeronautics Code was written many years ago, long before current standards of aircraft and current devices that exist now and what we're trying to do is bring state law into compliance with federal law. The Federal Aviation Administration regulates this portion of our activity and we want to bring the state into compliance."

Speaker Wojcik: "Representative Dart."

Dart: "Would this now include things such as ultra-lights? Would they be?"

Speaker Wojcik: "Representative Lachner."

Lachner: "This Bill allows for ultra-lights to be classified in Illinois the same way they're currently classified under FAR's."

Speaker Wojcik: "Representative Dart."

Dart: "Would that require them to then get pilot licenses and the rest to fly ultra-lights?"

Speaker Wojcik: "Representative Lachner."

Lachner: "Currently, FAR does not require pilot licenses for ultra-lights."

Speaker Wojcik: "Representative Dart."

Dart: "And this would not change any of that, correct?"

Speaker Wojcik: "Representative Lachner."

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Lachner: "This would not change any existing operation of ultra-light vehicles or of general aviation aircraft. This simply brings Illinois law into compliance with federal law. I can give you an example of one of the problems that exists, if you're interested. Right now, allowed under federal law is two place training in ultra-light vehicles. It allows for people before they fly these things, otherwise you just get one flight. It allows people before they fly these things to get training and in Illinois, currently, that training cannot take place off a grass strip. With the change in this law, that would allow two place training off of restricted airfields and grass strips."

Speaker Wojcik: "Representative Dart, bring your remarks to a close, please."

Dart: "My final question was, do the different aviation authorities, they have all signed off on this as something that they're all in favor of?"

Speaker Wojcik: "Representative Lachner."

Lachner: "Yeah, that is correct. Illinois Department of Transportation, Aviation Division has signed off on this. They strongly support the Bill. It's gonna allow them the latitude to accurately interpret the law and they're in full support."

Speaker Wojcik: "Any further discussion? The Gentleman from Washington, Representative Deering, is recognized."

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

Speaker Wojcik: "He indicates he will."

Deering: "Representative, did you just answer a question that said that if this law passes, nothing will change in the way of operation of ultra-lights, the pilots? Currently, if I own and operate an ultra-light, do I have to be a

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licensed pilot?"

Speaker Wojcik: "Representative Lachner."

Lachner: "Under current federal law, you do not need to be a licensed pilot and when this law passes, it will not change that."

Speaker Wojcik: "Representative Deering."

Deering: "If this law passes, will there be a registration fee or currently, do I have to register an ultra-light or a glider with the Division of Aeronautics if I want to own it? Let me rephrase that so that you might understand it. Under the current law, if I purchase an ultra-light or own a glider, do I have to register it with the Division of Aeronautics and have the numbers on the side of the structure?"

Speaker Wojcik: "Representative Lachner."

Lachner: "Let me answer the second part of your question first. The numbers that would be placed upon any aircraft are assigned by FAA, so the state doesn't have any authority in that area. Currently, under state law, any aircraft as defined under state law, would have to be registered if they are flown and used state facilities."

Speaker Wojcik: "Representative Deering."

Deering: "Did you say if they are flown using state facilities, meaning airports, runways? I didn't hear that last section of the answer."

Speaker Wojcik: "Representative Lachner."

Lachner: "I think the best way to answer the question is when I said nothing would change under this, nothing would change from the standpoint of the operation of ultra-lights and other aircraft with respect to federal law. What would change is the Illinois Department of Transportation's definition of aircraft so that they have a better

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guidelines in which to enforce current state law and to make flights safer."

Speaker Wojcik: "Representative Deering."

Deering: "Is there any increased fees or anything in this Bill?"

Speaker Wojcik: "Representative Lachner."

Lachner: "No, no fees would be increased in this case. In fact, there aren't any fees now."

Speaker Wojcik: "Representative Deering."

Deering: "Nothing further, Madam Speaker."

Speaker Wojcik: "Any further discussion? The Gentleman from Grundy, Representative Spangler, is recognized."

Spangler: "Madam Speaker, I move the previous question."

Speaker Wojcik: "The Gentleman moves the previous question. The previous question has been put. All in favor signify by saying 'aye'; opposed 'nay'. The previous question, motion carried. Representative Lachner to close."

Lachner: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Bill does represent the first of a number of Bills that will offer clean-up language to the Aeronautics Code. The next Bill will also address this. It will allow Representative Deering and Spangler to obtain the opportunity of personal flight with the restructuring of how aircraft are made. In addition, I urge you to support this Bill, just as a simple clean up to the Aeronautics Code. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 1633 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 103 'ayes', 1 'nay', 9 voting 'present'. And this Bill, having received a Constitutional

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Majority, is hereby declared passed. The Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Madam Speaker. I'm just leaving my speak light on so I get a chance to speak on the next Bill. Thank you."

Speaker Wojcik: "The Lady from Cook, Representative Erwin is recognized."

Erwin: "Thank you, Speaker. I rise on a point of personal privilege today. I would be delighted if my colleagues in the House would take just a moment to welcome to our Chamber one of Illinois' favorite sons who is here to help us try and bring a little sanity into the legislative process, Jim Brady."

Speaker Wojcik: "Mr. Clerk, read House Bill 1662."

Clerk Rossi: "House Bill 1662, a Bill for an Act amending the Unified Code of Corrections. Third Reading of this House Bill."

Speaker Wojcik: "Representative Kenner."

Kenner: "Thank you, Madam Chairman. House Bill 1662 provides that by January 1st, 1998, the Department of Corrections should consider building and operating a correctional facility within 100 miles of a county of over 2 million inhabitants, especially a facility designed to house juveniles in a boot camp program. I would welcome any questions at this time."

Speaker Wojcik: "Is there any discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Wojcik: "He indicates he will."

Black: "Yes, Representative, can you define an ultra-light for me? That isn't your Bill. Well, that was the other Bill."

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Alright, well, let me ask you a question about this Bill. You said within a 100 mile radius of a city of more than 2 million people. Is that what you said? I couldn't hear."

Speaker Wojcik: "Representative Kenner."

Kenner: "Yes."

Speaker Wojcik: "Representative Black."

Black: "So, let me make sure that I'm clear on this. Now, I assume that this is aimed at the City of Chicago and an impact incarceration camp would have to be built within a 100 mile radius of that city. Now, does that mean it could be built in Gary, Indiana?"

Speaker Wojcik: "Representative Kenner."

Kenner: "Representative Black, the deal is very specific. It requires the facility to be built within a 100 mile radius of the County of Cook."

Speaker Wojcik: "Representative Black."

Black: "Okay, but you wouldn't want to build it in Gary, Indiana, would you?"

Speaker Wojcik: "Representative Kenner."

Kenner: "The facility must be placed within the State of Illinois."

Speaker Wojcik: "Representative Black."

Black: "Yes, thank you very much, Representative. Now that you've clarified that, I join with you. You know, I just happen to believe so strongly that public money should be spent in the State of Illinois. I just have a problem when that tax money starts to seep across that border. So, but you've crafted this legislation very, very narrowly and very shrewdly. I commend you. I tell you, you people from Chicago, I have great respect for your ability to craft this legislation and I stand foursquare with you to keep Illinois tax money in Illinois, absolutely."

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Speaker Wojcik: "Representative Kenner, that's a milestone when Representative Black concurs with your legislation. Any further discussion? Representative O'Connor?"

O'Connor: "Thank you, Madam Speaker. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

O'Connor: "Representative, this boot camp, if it ever does come about, what ages will the boot camp be designed to hold?"

Speaker Wojcik: "Representative Kenner."

Kenner: "Representative, the Bill doesn't specifically ask for a boot camp, it just asks for consideration for any correctional facility. However, it would like special consideration for a boot camp and that would be for participants between ages of 13 and 18 years of age."

Speaker Wojcik: "Reputable O'Connor."

O'Connor: "What type of person or type of criminal would be assigned to this type of boot camp?"

Speaker Wojcik: "Representative Kenner."

Kenner: "The boot camp, in particular, would be, youths that would be assigned, would be nonviolent."

Speaker Wojcik: "Representative O'Connor."

O'Connor: "I believe the Representative was answering a question, Madam Speaker."

Speaker Wojcik: "Any further discussion?"

O'Connor: "Could he define for me what an impact incarceration program is?"

Speaker Wojcik: "Representative Kenner."

Kenner: "A boot camp program is an intensive program that basically deals with discipline and education in a structured environment and this is a program that can be assigned by a judge for a nonviolent offender, first time offender, under special circumstances."

Speaker Wojcik: "Representative O'Connor."

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O'Connor: "Representative, if this was to come to a impasse and they went ahead and built the facility in the year 1998.

What would the cost of this be?"

Speaker Wojcik: "Representative Kenner."

Kenner: "I'm sorry, I didn't hear your question."

Speaker Wojcik: "Representative O'Connor."

O'Connor: "If we jumped ahead to the year 1998 and this facility was, in fact, built, what would the cost be?"

Speaker Wojcik: "Representative Kenner."

Kenner: "The approximate cost of a boot camp facility would be approximately \$11,000,000."

Speaker Wojcik: "Representative O'Connor."

O'Connor: "Representative, I think the Amendment you added to this Bill makes this a very good piece of legislation and I plan on supporting your piece of legislation."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Morrow."

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

Speaker Wojcik: "He indicates he will."

Morrow: "Representative Kenner, on House Bill 1662, I normally would not vote in favor of boot camps because I feel the concept of boot camps do not serve the purpose that it was intended to, but because this is your first Bill and I guess that's what I want to point out. Is this your first Bill? Representative Kenner?"

Speaker Wojcik: "Representative Kenner."

Kenner: "Yes, technically, yes."

Speaker Wojcik: "Representative Morrow."

Morrow: "Now, you have me really confused. You're saying technically, yes. What is meant by that? Either it's yes or no."

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Speaker Wojcik: "Representative Kenner."

Kenner: "Yes."

Speaker Wojcik: "Representative Morrow."

Morrow: "Thank you. I just want to remind some of the Members here that this is a colleague of ours, whose first Bill that he's trying to get passed. As Representative Black has always waited at the end to say, what happened to the little fun that we used to normally have with Representatives on their first Bill? I'm trying to remind the colleagues, let's have some fun with this guy and see if his Bill passes or not."

Speaker Wojcik: "Representative, are you indicating it's a bad Bill? Representative Morrow."

Morrow: "It's one of the worst Bills I've ever seen."

Speaker Wojcik: "I think the Chair will agree with you. Representative Kenner to close."

Kenner: "Thank you, Madam Chairman and Ladies and Gentlemen of the House. I think this is a very good Bill. It addresses a number of issues. Number one, it addresses the economic development which comes from these type of facilities. You have communities around Cook County and the surrounding areas that economically deprived right now. This would go a long way in providing jobs. It also addresses the specific problems for the Department of Corrections. They encountered a high amount, it takes a high number of resources for them to transport prisoners and inmates back and forth across the state. So it would reduce their cost and at the same time, we have a disproportionate number of minority guards and youth correctional officers in these facilities and by placing a facility closer to Cook County would address that problem, since you would have a higher pool of minority applicants to choose from. I think it's a

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good Bill and I would appreciate your support. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 1662 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 'ayes', 0 'nays', 0 voting 'present'. And the Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1693."

Clerk Rossi: "House Bill 1693, a Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Mitchell."

Mitchell: "Thank you, Madam Chairman. Ladies and Gentlemen, I bring you House Bill 1693, which amends the Civil Administrative Code of Illinois and will require the Department of Commerce and Community Affairs to develop and implement a small and medium business safety loan program to allow employers the opportunity to improve work place safety. Be happy to answer any questions on this Bill."

Speaker Wojcik: "Is there any discussion? The Gentleman from Clinton, Representative Granberg is recognized."

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Mitchell, first of all, I apologize. I missed the last part of your comment. Is this similar to the Legislation you had a few weeks ago that would increase the size of the amounts of grants by the Department of Commerce and Community Affairs?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "No, no it's not, Representative."

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Speaker Wojcik: "Representative Granberg."

Granberg: "I assume your answer is no, Representative Mitchell?"

I couldn't hear you. And again, I apologize. Could you just bear with me a moment. I assume that this is an initiative of the Department, is that correct?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "No, Representative, this was not an initiative of the Department."

Speaker Wojcik: "Representative Granberg."

Granberg: "Is the Department in favor of this legislation, Representative?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, the Department, themselves, has taken a neutral position on this Legislation."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative, could you explain for my edification, as well as the Members, what a safety loan guarantee is and how that differs from just a normal loan guarantee?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, I'm not sure that I can give you the difference, but I can tell you that we're talking about a guaranteed loan by an appropriation of funds that will guarantee the money to the small loan or the small industry that requests the money to do the work place safety project."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative, could you just give me an example, then, a hypothetical on how this would work? Would a business come to the Department of Commerce and Community Affairs for assistance and then this loan would issue? So if you could just walk through with me the process and how this would operate, I think that would be helpful."

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Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yes, Representative, let me, I'll try to walk you through the procedure. Basically, once the safety loan program is established and a small business or industry receives a citation or a mandate to repair, fix, change some part of their establishment on the order of work place safety, then they can then apply for a loan from the loan program in order to do the work place safety and have five years, if it's approved, have five years to then repay that loan at a lower interest rate."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative Mitchell, so in that case, you indicated if a citation would be issued. Who would issue the citation to the private sector business?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "That would be issued by the Illinois portion of OSHA, which is our on site Safety and Health Consultation. Only in those cases would they, could they then apply for this particular loan."

Speaker Wojcik: "Representative Granberg."

Granberg: "So, correct me if I misunderstood this, Representative. So our Department of Labor issues a citation that a private company is in violation of OSHA requirements and if they issue that citation, then that same private company comes back to a different department of state government, looking for a loan guarantee to fix a problem that the other department issued the citation for?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, we're talking about the Department of Industrial Service Division of OSHC, which is through DCCA, not through the Department of Labor."

Speaker Wojcik: "Representative Granberg."

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Granberg: "I just want to make sure I understand this. So DCCA, the Department of Commerce and Community Affairs, issues a citation against a business in Illinois. The business is given the citation. They're in violation of the law, so they go back to DCCA and say, you've given us a violation, so we want to come to you for a low interest loan below prime that we won't have to repay for five years because you issued us a citation. Is that correct?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, let me rephrase one part. It's a recommendation. I think a citation, if you think of a citation as I do, now that I rethink that word, that's like a ticket. It's not necessarily a ticket, but a recommendation that, that be done and usually those recommendations or those on site safety reviews are initiated at the request of someone who has either gotten hurt or sees a potential problem."

Speaker Wojcik: "Representative Granberg."

Granberg: "Would this be impacted by the repeal of the Structural Work Act?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, I really have no idea, whether or not I could answer that particular question, but one thing about the work place safety loan program, this is a program that is there to improve work place safety as various businesses have recommendations from OSHA."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative, when DCCA makes this on site visitation, this is normally at the request of the business itself?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "It very easily could be, but usually it's at the

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request of someone else and it could be an individual. We often get those kind of requests from parents in schools. Now, you know, I don't want to mix to schools are a public entity, but through OSHA laws, I know that they can initiate that kind of an inspection or review by OSHA at the initiative of any citizen."

Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you, Representative. Now, if the Department of Commerce and Community Affairs, do they have an estimate on?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, we did get a fiscal note on this particular project and basically, it's gonna take about \$900,000 a year of appropriation and that would cover a four to five year period before the loans would then become active enough to start replacing the money that has been loaned out at an interest rate. We calculate that in five years time, this would then be self-perpetuating and should be able to stand alone as long as we don't have a lot of defaults and then of course we don't have a lot of control over that, but we don't expect that. One of the built in safety factors is the fact that the loans can only cover 80% of the particular safety work. The small business or industry does have to put in a portion of that money so that they have a vested interest in the work place safety improvements."

Speaker Wojcik: "Representative, bring your remarks to a close, your questions."

Granberg: "So, I'm in closing, Representative, but I just want to make sure I understand this correctly and maybe you can answer this if I pose this in a form of a question. So someone suggested the Department of Commerce and Community

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Affairs, they come out to the work place of the private sector. It seems a little unusual to me that a business would actually solicit a state agency to come out and evaluate their work place safety 'cause I think that's always a mistake. So secondly, they do that. Then they issue a citation or a recommendation. Then they go back to the same state agency for a low interest loan and you indicated it costs \$93,000. How many loans are going to be given? The Department doesn't have enough money now for job training, for skill training, for anything else to help the small business in this state. So how are they gonna come up with this money? Have \$93,000 for the whole state of Illinois. I'm just somewhat dubious how this is gonna work. So if you could try to answer that, I'd really appreciate it. Thank you."

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Representative Granberg, and I'll sure try. Number one, as you'll recall, I did."

Speaker Wojcik: "Any further discussion? The Gentleman from Effingham, Representative Hartke is recognized."

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

Speaker Wojcik: "He indicates he will."

Hartke: "Representative Mitchell, in the earlier introduction of this legislation, I think I understood you to say that this would be a loan program for safety programs to enhance the safety net, the small and medium businesses in the State of Illinois?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yeah, it's basically targeted for small, medium size. They're usually the ones that have difficulty with it, but it's for business in general and if I could, I'd be happy

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to continue and finish my answer to Representative Granberg's, if I can borrow a little of your time, Sir? Representative Granberg, in reference to your earlier question, I had an earlier Bill to help with the training, the advertising, the set up to initiate business interest and through the corridors of opportunities Bill that I had, Representative Davis took strong exception to that Bill because it had \$45,000 in it that was already their money, and I agreed that it's tough to operate and DCCA will have a difficult time, but I also feel that our small businesses have a difficult time operating and in fact, these OSHA discoveries have been happening for a long, long time and sometimes, small businesses give up and close their doors, rather than try to make these improvements. I think if this small loan program, small as it is, can help some of those struggling businesses to make their work place safer for their employees, for their employers, and for citizens in general, then I think it's money well spent and I don't think we're asking for such a large appropriation and I'm not sure that I can even get the appropriation. I'm gonna have to go to my hands and knees on that one, but I certainly will do it. I think it's a good Bill and I think it's one that's going to help those businesses that are out there and really struggling to stay alive."

Speaker Wojcik: "Representative Hartke."

Hartke: "Well, I appreciate you trying to answer Representative Granberg's question. I've got another one. You said small and medium. Is there some definition of what determines what business is a small business and when they reach that threshold of a medium size business. Does the Department of Commerce and Community Affairs have that somewhere?"

Speaker Wojcik: "Representative Mitchell."

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Mitchell: "Representative Hartke, there really is no definition and I think I alluded to small and medium size because the size of the loans themselves are quite small and usually the larger industries may not pay much attention to that sum of money. However, any industry could apply to DCCA for the small loan program."

Speaker Wojcik: "Representative Hartke."

Hartke: "Why I think looking at the big picture of things that maybe we ought to look at some amount of capital assets or something which will determine what would be small business or which one would be medium size business or large business. I think we could designate that somehow or other the number of employees or gross assets of the business. I think there's a possibility of some abuse here in the program. Another question I have, where do you plan on finding the money for this program? I know that's always a bugaboo around here and where to come up with the necessary dollars and I know you look at this and say, well it's gonna be a minor amount of a \$100,000 or less or something like that. What revenue source are you gonna peg for this revenues or for this loan program?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative Hartke, that's a darn good question. I've given that a lot of thought and I'd sure wished you come with me when we started looking for this because I'm new at that particular part of it, but as far as I know, there's really only two sources that I can look at and that's new revenue growth or some kind of change in the budget appropriation that DCCA already has to move some money around and in order to do that, I would have to convince DCCA that this program is more important than some of their others. Since they're neutral on this program,

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that might take your expertise along with me to convince them."

Speaker Wojcik: "Representative Hartke."

Hartke: "I might suggest a couple of sources of revenue. Right now, we give the Department of Commerce and Community Affairs so many dollars to operate their program. Mainly, it feeds through from the federal government, but we also give cities and so forth, who are interested in keeping this small business in their community. We give them community block grants or ... grants and possibly, this legislation will allow those communities that receive these development small business development grants and community block grants that they can use part of this for those companies to retain that. I don't see anything wrong with providing a loan for workers' safety. We want the workers in the State of Illinois to be safe at their jobs, so they'll continue to be productive citizens so I might think that we ought to look internally into the Department of Commerce and Community Affairs for those dollars, rather than going after new dollars in the State of Illinois and letting that decision up to the communities or the Department to determine whether those, I guess, loans would ensure that we keep those businesses viable and active in Illinois. I think it's probably a pretty good idea and concept. The only problem is where do we come up with the money?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Representative, and as I said, with your expertise, that was a better answer than I gave and I appreciate that and I'll certainly look into that."

Speaker Wojcik: "The Chair would like to announce that the Chatham-Glenwood Jr. High School, the Eighth Grade AA State

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Champions are in the gallery. Let's welcome them. Any further discussion? The Lady from Cook, Representative Davis, is recognized."

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

Wojcik: "He indicates he will."

Davis, M.: "Representative, would it not have been more beneficial had the bankers been allowed to make these loans and be state guaranteed loans?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "I'm sorry, Representative Davis, I didn't hear the first part of your answer and by the way, I want to clarify that it was Representative Steve Davis, not Representative Monique Davis, that I was referring to on the other Bill."

Speaker Wojcik: "Representative Davis."

Davis, M.: "Thank you. I was asking, would it not be more beneficial to small businesses to be able to borrow this money from banks and have the state guarantee those loans, rather than have a small pool of money from DCCA?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, that could be done. However, that would take additional legislation and we're not prepared to do that at this time and the second part of that is, is that some of the farmers in my area were discussing one of the guaranteed loan programs that they have now for machinery and they are telling me that in some areas of the state that the interest rate that banks are attaching to the guaranteed interest rate so that they can get these low interest loans are now throwing those into a category that the interest rate is not really lower and so there are not really any savings there. If we can cut out the middle man, do it through DCCA on a small scale and right now, this is very small scale, I think that we can keep that

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interest rate lower than what they would have to apply to a bank. There won't be any handling fee put on it and I think that the loans themselves would probably stay lower in this regard than they would through a bank."

Speaker Wojcik: "Representative Davis."

Davis, M.: "If the interest rates are lower, will they pay any interest rate when they borrow from DCCA? Will they pay any interest rate at all?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yes, they're paying a smaller, a lower interest rate, but that's the way that we hope that we can keep this particular program self-perpetuating. Really, what we want to cover is the administrative costs for the program and to guarantee that we have the money in the program itself to keep it viable without additional appropriations, once we start recouping that money over the first five years."

Speaker Wojcik: "Representative Davis."

Davis, M.: "To the Bill, Madam Speaker. I would think that having banks offer low interest loans to businesses in order that they create safe environments would have served the state in a much better fashion because more people could partake and as those loans were repaid, new people could borrow money from these banks, where there's a larger pool of money. The banks could have offered low interest loans to business men to create much safer environments and my final question, Representative, is will these business men who borrowed DCCA money be able to buy stamps with those dollars?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Well, Representative Davis, your suggestion is a very good one and I agree with you. However, that would be additional legislation. I think that this program on a

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small scale may show us how much need is out there. You know we can't right now just simply tell banks, you've got to give a low interest loan for work place safety without legislation, but we can do this through DCCA and see if we're answering a need. If we're not, certainly the program will die of its own venture, but I don't think they'll be able to buy stamps with this money and if they do, I don't think they'll be able to give those stamps to anyone that you would suggest that they give them to. Thank you."

Speaker Wojcik: "Any further discussion? The Gentleman from Macoupin, Representative Hannig, is recognized."

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

Speaker Wojcik: "He indicates he will."

Hannig: "Yes, Representative, is there any limit on the amount of this loan that will be available if my company or your company comes in or a company from our district? Are they limited to a million dollars or five million dollars?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yes, there is. Basically, the loans are from \$10,000 to \$50,000 or 80% of the total project, but no less than \$10,000."

Speaker Wojcik: "Representative Hannig."

Hannig: "But you said no less than, how much, \$10,000?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "That's correct and of course and experimental, Representative Hannig. It was set at that figure because we felt that the number of loans, if we went smaller than that, would be so great that the administrative costs would continue. So basically, it's in that range from 10 to 50 or 80% of the project, whichever's the lesser."

Speaker Wojcik: "Representative Hannig."

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Hannig: "So, a small business couldn't come in and ask for 8 or 9,000. They'd have to at least ask for 10?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Upon the recommendation that we have, you're correct. It would have to hit at 10,000 and the feeling is, is that 8 to 9,000 would probably be something that they could handle."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, I think sometimes if you're dealing with small businesses and their needs obviously are not always that large, we may want to look at the, you may want to look at the possibility that there not be at least a bottom, but obviously just a top. But let me ask you, is there money in the DCCA budget to do this program this year for FY '96?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "No, Representative, there is not. But again, I've already stated that I will work to find the money through some changes and appropriation or an additional appropriation from revenue growth, if at all possible. I'm not at all sure and I realize how tight the money is. I'm not at all sure we can do this, but I really think this is something that's needed and something that's important and I hope that it can be funded. That's why we really kind of set it up where paper transaction, the guarantee is the amount of money we're looking for, but in no one year would we be looking for more than 900,000 to get the program underway and to be able to fund a certain number of projects."

Speaker Wojcik: "Representative Hannig."

Hannig: "Could you tell us what DCCA's position was on the Bill when it was heard in Committee?"

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Speaker Wojcik: "Representative Mitchell."

Mitchell: "DCCA's position was neutral and I've talked to them several times and they've assured me that they see a lot of merit to the program. However, because there is an additional appropriation, they felt that their position should be neutral."

Speaker Wojcik: "Representative Hannig."

Hannig: "So eventually we may find ourself in a position where we have to make a choice between whether or not we want to fund this program or fund schools or ... Bills or do something else? Is that what it's ultimately gonna boil down to?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yeah, I think we've got a question of magnitude in that comparison, but you're absolutely right and basically, it boils down to that in the long run for everything that we have to consider and I guess things are weighed on their merit and this will be weighed with other things. One thing that I failed to mention and I needed to mention was that we did amend this particular piece of legislation and DCCA did write that Amendment for me, so they have worked with me on this Bill."

Speaker Wojcik: "Representative Hannig."

Hannig: "Thank you and just lastly in the area of I think Representative Monique Davis touched on it a little bit. It seems like this is an expansion of government in what is generally a private enterprise part of our economy. Would not we be better served if we just allowed the free marketplace to determine these things and if a business needs a loan, particularly it looks like a small loan for these things, if they go down to their local banker and talk to him or her and do it through the normal course of

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business, rather than have the State of Illinois embark upon a new loan program?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Well, Representative, I certainly understand what you're saying. Number one, we already have some and I use the word, interference, although it's the kind of interference that we like to see and that's improvement in work place safety by the government themselves in the form of OSHA, which is a federal intervention. We have a state intervention arm of that, and it's already there. The problem that we have is that over the years, all businesses have had that opportunity to go to banks. What we're trying to offer and I think that was why the inference with small and medium size businesses. They sometimes can't handle those loans or can't get those loans and we would hope that though these lower interest loans, we can give them the help for them to keep their doors open in these smaller communities and keep these interests viable."

Speaker Wojcik: "The Gentleman from Vermillion, Representative Black."

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

Speaker Wojcik: "The previous question has been put. All those in favor signify by saying 'aye'; all those opposed 'nay'. The previous question has been carried. Motion passed. Representative Mitchell to close."

Mitchell: "Thank you, Madam Speaker. I think that this is, although it is small, there's not a large appropriation with it, but I think the intent of this legislation is one that is excellent and one that will help our small businesses throughout the State of Illinois, not only become safer, but in some cases, maybe keep their doors

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open and help their businesses grow and thrive, and I would hope that everyone would join me in passing this legislation. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 1693 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 'ayes', 0 'nays', 8 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1725."

Clerk Rossi: "House Bill 1725, a Bill for an Act amending the Counties Code. Third Reading of this House Bill."

Speaker Wojcik: "Representative Wait. Out of the record. Mr. Clerk, please read House Bill 1748."

Clerk Rossi: "House Bill 1748, a Bill for an Act concerning the Department of Labor. Third Reading of this House Bill."

Speaker Wojcik: "Representative Roskam."

Roskam: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1748 is a clean-up Bill initiated by the Department of Labor. We took care of this on Second Reading to take care of some of the objections that Representative Hoffman raised and I urge your favorable consideration and will be happy to respond to any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hoffman: "It's my understanding, Representative, that this would repeal several Acts that the Department of Labor has

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indicated no longer really are applicable. Is that correct?"

Speaker Wojcik: "Representative Roskam."

Roskam: "I didn't quite hear everything, Representative, but if your question was, these are obsolete or found unconstitutional or what not and initiated by the Department of Labor, then the answer is yes."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "I think that, that was my question, although you phrased my question much better than I phrased my question. The provisions with regard to the Illinois Farm Labor Contractor Certification Act, that has been taken out of this Bill. Is that correct?"

Speaker Wojcik: "Representative Roskam."

Roskam: "Yes."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Does the Amendment take out any other portion of the Act?"

Speaker Wojcik: "Representative Roskam."

Roskam: "No."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "So most of these Acts, it's my understanding, are obsolete as opposed to not just being enforced by the Department of Labor?"

Speaker Wojcik: "Representative Roskam."

Roskam: "The preponderance of them would be obsolete. Some have been held unconstitutional. Some have been superseded by other Acts and if you'll give me a minute, Representative, I can just give a cursory or beyond a cursory review to make sure that I'm not over representing what's in here. Hang on. Representative, under the Safety Inspection and Education Act, the Act requires the Department to assess

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penalties against local units of government. The Department feels that it gets adequate compliance through simple notification so the penalties aren't needed and this is just we're allowing permissive conduct."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "I apologize, Representative. I'd like to, first of all, I'd like to thank you for moving the provision of the Illinois Farm Labor Contractor Certification Act that was in this Bill. I think that, that was something that we should still have in place, but in looking over my analysis, I found one other that kind of concerns me and I hadn't seen it previously, I don't believe. The Public Works Preference Act and it's my understanding that this was repealed. The Public Works Preference Act and my analysis says that this Act restricted the number of nonresident which would mean out of state employees allowed to work on public works construction projects in the State of Illinois. The concern would be from being in a district that borders or is real close to Missouri that we would be using our state taxpayers' dollars to pay Missouri workers. I don't know that, that is something that we want to do. Could you just address that concern and whether this has any effect on that problem?"

Speaker Wojcik: "Representative Roskam."

Roskam: "I agree with you, Representative. That's not something that we want to do. The Act, the Public Works Preference Act was ruled unconstitutional in 1984 and it was superseded by the Employment of Illinois Workers On Public Works Act, 30ILCS570, so you and I are singing off the same song sheet."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Very good. Just so that, for the base of legislative

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intent and if anybody in my district happens to be listening, I'm glad that you cleared that up, only because the concern has always been that we pay taxpayers' dollars and we as Illinoisans pay taxpayers' dollars to the state, that we should be hiring Illinoisans who pay dollars to the state to do public works projects. So, it's my understanding that there still will remain a better Act that is Constitutional in the State of Illinois to attempt to ensure if at all possible, preference is given to Illinois companies who hire Illinois workers who pay Illinois taxes for public works projects. Is that correct?"

Speaker Wojcik: "Representative Roskam."

Roskam: "That's right, Representative, and the workers of Illinois are better because of your leadership and your wings of protection."

Speaker Wojcik: "Representative Hoffman, would you like to say something about that?"

Hoffman: "Yes, do I have permission to use that in my next campaign brochure, Representative?"

Speaker Wojcik: "Any further discussion? The Gentleman from Bureau, Representative Mautino."

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

Speaker Wojcik: "He indicates he will."

Mautino: "Has, just looking through some of the sheets here, has organized labor taken a position on the Bill?"

Speaker Wojcik: "Representative Roskam."

Roskam: "Representative, it's my understanding that this is not controversial. I spoke with Representative Saltsman earlier and he didn't seem to have any concerns. It's supported by the Department. It's supported by the

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Municipal League. It's clean up stuff. I'm not aware of any opponents."

Speaker Wojcik: "Representative Mautino."

Mautino: "I see, I just wanted to mention that I have the AFL-CIO position statement which does show that they are in opposition to 1748 and this was left out, so I was wondering what portions of the Bill have, why is organized labor opposing your Bill?"

Speaker Wojcik: "Representative Roskam."

Roskam: "Representative, could you look at, that's 1748 before or after the Amendment because Representative Hoffman raised the concern about the farm laborers issue. We took that out. That's gone. This is stripped down and clean, as far as I'm concerned."

Speaker Wojcik: "Representative Mautino."

Mautino: "The position paper I have in front of me is from the 18th of April. When was the Amendment, I don't have the book placed on here."

Speaker Wojcik: "Representative Roskam."

Roskam: "If I could ask the ... It was before the 18th of April, the Amendment was so I can't speak to their opposition. They've never spoken to me. They've never spoken to the staff. To my knowledge, they haven't approached the Department, although I don't have personal knowledge of that, but this is not meant to be controversial in any way. This is clean up stuff and I don't even know the content of their opposition."

Speaker Wojcik: "Representative Mautino."

Mautino: "Thank you. I wanted to, as I said, I'm a little confused why in the earlier statement, it would be not opposed and what I would like to find out, if you don't mind, if you would allow for a few minutes to find out if

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they have changed their opinion from opposed on this Bill."

Speaker Wojcik: "Representative Roskam."

Roskam: "Would you mind taking this out of the record for a few moments so I can find out whether they have removed their objections to your Bill?"

Speaker Wojcik: "Representative Roskam."

Roskam: "Representative, we can sit tight for two minutes if you want to make a phone call and find out what their program is."

Speaker Wojcik: "Representative Mautino. Representative Roskam, are you ready to proceed? Would you like to get the show on the road? Representative Roskam."

Roskam: "Thank you, Ladies and Gentlemen of the House. I urge an 'aye' vote."

Speaker Wojcik: "The question is, 'Shall House Bill 1748 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 76 'ayes', 25 'nays', 14 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1791."

Clerk Rossi: "House Bill 1791, a Bill for an Act amending certain Acts in relation to the names of State buildings. Third Reading of this House Bill."

Speaker Wojcik: "Representative Lyons."

Lyons: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, let me introduce House Bill 1791, which changes references in the Civil Administrative Code of Illinois to reflect updated name changes to State buildings currently managed by the Department of Central Management Services.

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The State of Illinois Center is changed to the James R. Thompson Center. Rockford Office Building is changed to the E. J. 'Zeke' Giorgi Center. Illinois Children's School and Rehabilitation Center and IL Visually Handicapped School are changed and combined as the Illinois Center for Rehabilitation and Education. Illinois State Psychiatric Institute is changed to the Metro Children and Adolescent Center and Main Township High School North is changed to the Suburban North Facility. I'll be happy to answer any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Madam Speaker. Will the Lady yield?"

Speaker Wojcik: "She indicates she will."

Granberg: "Thank you, Representative. Now your explanation said they're just going to change, make these technical corrections, Representative, to come in conformity with the name changes that have been made at the State of Illinois Center, Rockford, Illinois Children's School, Illinois State Psychiatric Institute and Main Township. Is that all the buildings that have been changed or will be changed by your legislation?"

Speaker Wojcik: "Representative Lyons."

Lyons: "It also includes the Effingham Regional Office Building, among the buildings to be managed by the Department of Central Management Services."

Speaker Wojcik: "Representative Granberg."

Granberg: "Is that going to be changed to the Chuck Hartke Building?"

Speaker Wojcik: "Representative Lyons."

Lyons: "Not at this time, no."

Speaker Wojcik: "Representative Granberg."

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Granberg: "That certainly is a great disappointment, Representative. Do you know why Central Management Services won't go along with the Hartke Building?"

Speaker Wojcik: "Representative Lyons."

Lyons: "If you want to pass a Resolution to do that."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, I've been informed by Representative Black, they have the bathroom on the second floor wants to be named the Hartke Building room, so. But, Representative, I am curious as to any possible changes that might be made in the near future. It's my understanding and maybe Mr. Henry can answer this, that they intend to rename the lottery building here in Springfield after Zeke Giorgi, so I think your Bill does not take that into consideration. What would apply in that case?"

Speaker Wojcik: "Representative Lyons."

Lyons: "That is not a building that's under Central Management Services and that's already been done last year."

Speaker Wojcik: "Representative Granberg."

Granberg: "Oh, I am sorry, Representative, it's my understanding they're going to a dedication in the next few weeks and I thought that would have to also be brought into compliance."

Speaker Wojcik: "Representative Lyons."

Lyons: "That was passed last year by statute and the Governor signed it."

Speaker Wojcik: "Representative Granberg."

Granberg: "So we changed that already in the previous fiscal year and now this, so that has been changed on and that's finalized and so this year, we just need this legislation to change the other ones that have taken place during the current year?"

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Speaker Wojcik: "Representative Lyons."

Lyons: "That is correct, Representative."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative Lyons, I don't think we have any problem with this, but just out of curiosity, how much is it going to cost to run this legislation through just to make these name changes?"

Speaker Wojcik: "Representative Lyons."

Lyons: "There would be minimal cost, Representative. It would just be a matter of cost for the plaques."

Speaker Wojcik: "Representative Granberg."

Granberg: "So the name changes have already been made on the buildings and all these places, all these locations and we're just merely codifying essentially the statutes to reflect those changes. Everything else has been taken care of. There are no ancillary costs. There are no any items that need to be done associated with those name changes."

Speaker Wojcik: "Representative Lyons."

Lyons: "That is correct, Representative."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, thank you, Representative. I appreciate your time in answering these questions and we have nothing further at this time."

Speaker Wojcik: "Representative Lyons. Any further discussion? The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Madam Speaker. I move the previous question."

Speaker Wojcik: "The previous question has been moved. All in favor signify by saying 'aye'; all opposed saying 'no'. Motion carried. Representative Lyons to close."

Lyons: "I would appreciate support of this Bill just to update these buildings in statute. Thank you."

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Speaker Wojcik: "The question is, 'Shall House Bill 1791 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 107 'ayes', 0 'nays', 9 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1797."

Clerk Rossi: "House Bill 1797, a Bill for an Act amending the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Mitchell."

Mitchell: "Thank you, Madam Speaker. Ladies and Gentlemen, I bring you House Bill 1797 which amends the provisions of the Human Rights Act pertaining to judicial review of final orders for the Human Rights Commission. Basically, the Bill itself does three things. It allows a party to petition the appellate court to appeal any interlocutory order. It also allows the Commission to analyze any decision and determine whether or not it needs to be reviewed and it gives the Commissions the same right as the Supreme Court as to whether or not they hear each and every decision and have to write a final order on every one. Be happy to answer any questions regarding this order."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Wojcik: "He indicates he will."

Lang: "Representative, Representative Biggert has a Bill. It deals with the Department of Human Rights. Does this affect what she's doing in any way?"

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Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, not to my knowledge, it doesn't at all."

Speaker Wojcik: "Representative Lang."

Lang: "Well, have you discussed this matter at all with Representative Biggert to determine whether there's any conflict between your Bill and hers?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Yes, we have, Representative. Representative Biggert's Bill is more comprehensive than mine and deals with some very different specific areas than this Bill does."

Speaker Wojcik: "Representative Lang."

Lang: "Alright, I just wanted to make sure there were no conflicts so we didn't potentially pass two Bills that were conflicting. Relative to your Bill, Representative, it provides that if there are no exceptions to the recommended order that are filed by a party, the recommended order shall become the order of the commission without further review. Why do we want to do that? What is the policy behind that?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, if no one objects to this, rather than slow down the process, we want to expedite the process and we believe that this will do just that."

Speaker Wojcik: "Representative Lang."

Lang: "Well, how long do the parties have to file their exceptions?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, at this point, it's my understanding that they have 21 days of the receipt of the services with the exceptions to file with the commission."

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Speaker Wojcik: "Representative Lang."

Lang: "Do you feel that if we're going to cut off the party's rights that have further review, that 21 days is sufficient? Shouldn't we give them a little bit longer time if in fact you're gonna be cutting off their rights to get further review?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "No, Representative, I don't believe that we should. That's what the law is now. We're not changing that. Basically, that would again, keep this thing open to the process even longer and if our intent is to be fair, but to expedite the process, then we should indeed leave that as it is. We haven't taken the right to appeal away from anyone. The right of appeal is still there, but the right of review is the only thing that we're discussing."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I agree with you that you're not changing the 21 days that's in the law now, but you're taking away the right of review. So it seems to me if you're taking away somebody's right to challenge the order, you ought to give them sufficient time to do that. So in the case of any regular civil case, parties have 30 days to file a motion for a new trial or a Motion to overrule, overturn the jury verdict or any other order that's given by a court and in those cases, they have appeal rights as well. So the question is why do we, if we're going to take the rights of review away, do we not at least extend this to 30 days so that this is consistent with civil law?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Thank you, Representative, that's a good question and I had referenced a wrong part of the order and it is 30 days, by the way. I was mistaken and I appreciate the

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opportunity to correct that."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. I appreciate you clearing that up. That does clear that section up for me. The other section I wish to discuss with you is the section that provide that the commission may decline to accept the case for review. Are there any guidelines in the Bill as to when the commission can decline a case?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, there are no particular standards or guidelines. We didn't want to tie the commission into looking at several different standards. That part of the law is, gives them the same rights as the Supreme Court."

Speaker Wojcik: "Representative Lang, bring your questions to a close, please."

Lang: "Thank you. I only have one more question, I think. So what you're doing here is giving these folks the same rights the Illinois Supreme Court or the United State Supreme Court have in saying, well, they can decline to take any case that they choose to for whatever reason?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "No, Representative, that certainly is not the intent of this Legislation to give them all the same full and exact rights as the Supreme Court. I only use that in reference to an analogy that, that is being done. Basically, we have not changed, again, their right to appeal and they certainly can do that if their case is not reviewed."

Speaker Wojcik: "Representative?"

Lang: "Thank you. It did bring up another question, Madam Speaker. If there are no guidelines in the Legislation as to when the commission may decline to review a case, how do

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we guard against the possibility that they'll do it in a gratuitous way? How do we know that their declaration of a case is warranted? Are we gonna leave it just simply to their own ethical standards?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "Representative, we are assuming that the commission, itself, over time will come up with a consistent body of decisions that will then probably become the standard, but certainly they're not going to deny the right of review of all cases or particular cases. That's going to cause an expansive number of appeals, then. So I would assume that the commission themselves will set those standards over time."

Speaker Wojcik: "Representative, one more question."

Lang: "Thank you, Madam Speaker. I appreciate the Chair's indulgence. Representative, the commission is overburdened with work today. Considering they're overburdened with work, isn't it at least possible that what you're doing here by giving them the right to decline any case they wish for review is to say to them, well, to cut down your load, why don't you just decide that any number of cases will be declined for review? If one of their problems and it is and we agree on that, is that they're overburdened and we cannot provide more commissioners for them because we can't afford to do it, then why wouldn't they take the step of just declining cases, just to keep their work load down?"

Speaker Wojcik: "Representative Mitchell."

Mitchell: "It's a good question, Representative, and I agree with you somewhat. They are overburdened and they are seeking some relief. However, I think in their own ethical judgement, they're not just simply gonna say, well, we're not gonna review this month because we're overburdened."

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Knowing full well that, that's gonna trigger the appeal process for many of those cases and will actually throw them into more work than they had before. So I think that they realize they're going to have to use that with good judgement and consistency."

Speaker Wojcik: "The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "I yield my time to Representative Lang."

Speaker Wojcik: "Representative Lang."

Lang: "Well, thank you. I have no more questions. I just need enough time to make a comment or two if I might, Madam Speaker. I understand what Representative Mitchell is attempting to do with this Bill. The Department and the Commission are overloaded with work. Cases take far too long and he's trying to simplify the system, but in simplifying the system, a situation may now be created where cases that should be reviewed are not reviewed, simply because the Department is overworked and overloaded. That would be wrong. We would be better off to find another way to streamline this. We don't want cases to be cut or dismissed or ignored just simply because a state agency is overworked. That would be unfair to the taxpayers, unfair to the people that use the system. It seems to me there's a better way. So I would ask my colleagues to vote 'no' or 'present' on this, send Representative Mitchell back to the drawing board to find a better way to do this, even though he's well intentioned, this is not exactly what we should be doing to resolve the problem."

Speaker Wojcik: "There being no further discussion. Representative Mitchell to close."

Mitchell: "Thank you, Madam Speaker, and I heed Representative

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Lang's words. I understand what he's saying, however we have worked very closely with the Commission, themselves and I really, truly believe that, that this Legislation includes many things other than that one particular point and I certainly have the faith in the commission themselves to not arbitrarily refuse to review cases which would trigger more work for the Commission. If we are truly trying to streamline the process and truly trying to help the Commission uncover from this burden, then this Legislation will help that process. It's a good Bill. It's one that they feel will help them and will allow them to hear more cases in a timely fashion, giving more citizens the right to have their cases heard, than are heard now. So in my opinion, this is a good piece of Legislation. It's one that the Commission is seeking and I am asking for your 'yes' vote. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 1797 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 95 'ayes', 7 'nays', 13 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1319."

Clerk Rossi: "House Bill 1319, a Bill for an Act amending the Credit Agreements Act. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Salvi."

Salvi: "Thank you, Madam Speaker. House Bill 1319 amends the Credit Agreements Act to clarify the requirements for an interference tort cause of action. This Bill requires privity of contract to pursue such an action. An example

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is probably the best way to explain this Bill. A borrower seeking credit may have contractual obligations, such as a lease or a purchase agreement which are financially unfavorable or burdensome to the borrower. In making a sound credit decision, a lender may be unwilling to extend credit to the borrower because of that burdensome or unfavorable relationship with a third party. Under Federal Regulation B, lenders are required to provide the borrower with a reason for rejection of credit. If the lender informs the borrower that a loan cannot be made because of the contractual relationship, the borrower subsequently, and the borrower subsequently chooses to terminate or modify the relationship, the third party may assert that the lender's liable under an interference tort theory. This Bill simply says for an interference tort, for you to be a party to an interference tort to be a plaintiff, there has to be privity of contract so that third party in that example would not be able to pursue an action. There is no opposition to this Bill. It passed out of Committee unanimously and the Community Bankers and the Illinois Bankers Association strongly support this Bill. I'd be happy to entertain any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from Cook, Representative Ray Lang, is recognized."

Lang: "Did you say, Ray Lang?"

Speaker Wojcik: "Actually, I was going to say, you're recognized before I said Lang and so that went together. I'm learning Chinese."

Lang: "I see. I thought maybe I had some lost brother that I was not aware of. Thank you, Madam Speaker, for your courtesy. Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

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Lang: "Representative, was there a fiscal note filed on this Bill?"

Speaker Wojcik: "Representative Salvi."

Salvi: "I don't know, but I can't imagine that there would be any fiscal impact. What we're doing is we're simply clarifying the requirements for an interference torte, so there's nothing that has anything to do with any kind of expenditure and actually, in looking at the administrative office of Illinois courts, they did indicate that there is no fiscal impact."

Speaker Wojcik: "Representative Lang."

Lang: "All right, so there is no fiscal impact and you indicated that the Community Bankers support this Bill. Were there any opponents in Committee to this Bill?"

Speaker Wojcik: "Representative Salvi."

Salvi: "There were no opponents to this Bill and the Illinois Trial Lawyer Association is not opposed to this Bill."

Speaker Wojcik: "Representative Lang."

Lang: "Let me ask you this. There's a torte of interference with a prospective economic advantage. That's really what you're dealing with here. Is that right?"

Speaker Wojcik: "Representative Salvi."

Salvi: "I think it is the same. It's an interference torte, Representative."

Speaker Wojcik: "Representative Lang."

Lang: "And currently, the elements of this torte are for a reasonable expectation of entering a valid business relationship, the defendant's knowledge of the plaintiff's expectancy, purposeful interference by the defendant that prevents the plaintiff's legitimate expectancy from ripening into a valid business relationship, and damages to the plaintiff, resulting from such interference and all of

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this comes from a case called Felhower versus City of Geneva. How does your Bill change or affect these elements of that torte?"

Speaker Wojcik: "Representative Salvi."

Salvi: "We are adding an additional element, Representative, the element of privity of contract."

Speaker Wojcik: "Representative Lang."

Lang: "Are you adding that as a element that must be proved or if it is proved, that's all you need to prove?"

Speaker Wojcik: "Representative Salvi."

Salvi: "We are adding it as an element that must be proved for one to pursue an action under the interference torte theory."

Speaker Wojcik: "Representative Lang."

Lang: "Can you cite a specific case where the four current elements that are accepted for this torte, would work or would not work because you don't have this fifth element? Does my question make any sense? I'm not sure I'm asking it correctly. In other words, can you give me a fact scenario that would not fit into these first four that you need?"

Speaker Wojcik: "Representative Salvi."

Salvi: "Well, I think the fact scenario that I gave when I described the Bill would be a good example. A person other than the borrower may attempt to assert a cause of action, right now against a creditor, based on this interference torte theory. Stated recently in an Illinois Appellate Court in Roy versus Coin, I'll give you the cite if you want, the court said, 'the issue of what elements are necessary to constitute these tortes has caused considerable confusion in Illinois and in other jurisdictions as well'. This confusion may result in the

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application of these interference tort theories, Representative, by persons other than the borrower, against creditors and therefore, create a material and adverse effect on the availability of credit in Illinois. I don't think it would have any impact on the rights of individuals to pursue legitimate actions, but it does really create a material and adverse effect on the availability credit in Illinois and that's what we're trying to address here."

Speaker Wojcik: "Representative Lang."

Lang: "Representative, your Bill would require privity of contract. Does this change the law in any way under a third party beneficiaries and their ability to sue under someone else's contract?"

Speaker Wojcik: "Representative Salvi."

Salvi: "No."

Speaker Wojcik: "We have a distinct Lady on the House Floor, right now, distinguished and distinct. Actually, she's my apartment mate, the Treasurer, Judith Topinka. We're recognizing you, Judy. Representative Lang."

Lang: "Yes, perhaps you could talk to your roommate later, Madam Speaker."

Speaker Wojcik: "Actually, she's not my roommate, she's my apartment mate."

Lang: "Ah, okay. May I proceed?"

Speaker Wojcik: "If that's your pleasure, of course."

Lang: "Thank you very much. Representative, just one or two more questions. I asked you about third party beneficiary rights and you simply said, no, it doesn't affect them. If I read this right, it seems to and maybe I'm a little confused, but what you're saying is, that if you don't have a direct contractual relationship with these parties, you have no rights. Doesn't that seem to fly in the face of

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law we know, regarding the rights of third parties?"

Speaker Wojcik: "Representative Salvi."

Salvi: "Yeah, I understand what you're saying, Representative. I guess that you're right in the sense that in this specific situation and in the example that I gave in the case of Roy versus Coin, when we're talking about creditors, we're talking about loans. You're right. That would affect third parties in their rights because we're defining exactly what's necessary to bring an interference torte, but I think you used the word, third party beneficiary and I'm saying that it does not affect that body of law involving third party beneficiaries. It only affects this limited situation, which admittedly does involve third parties, but it's not as expansive as, we're not eliminating third party claims. We're just creating a requirement for privity in this very limited situation by amending the Credit Agreements Act so only under this kind of situation where there's a bank that wants to loan money, the bank sees that there is an unfavorable contract that the lender is in. The bank says, listen, we cannot loan you money because you are involved in a bad deal here and then the lender says, my goodness, what a bad deal this is and then goes to the third party and says, I want to get out of this bad deal. The third party, under my Bill, would not be able to pursue an action against the lender and that's a very limited situation, Representative. This Bill does not affect general third party rights, third party beneficiary rights. It simply says that in order for that individual in that factual scenario, to bring a law suit against the lender, there has to be privity of contract. In other words, they wouldn't be able to pursue that action in the example that I just gave you and I think

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that it makes sense that the trial lawyers are not against this Bill because it's a matter of fairness. The banks are for this because it affects their ability to loan, even though it really does not adversely affect third party's rights generally in these kinds of causes of action."

Speaker Wojcik: "Representative Lang, please bring your questions to a close."

Lang: "Thank you, Madam Speaker. One additional question. Representative, since you indicate that you have no intention of affecting all the laws regarding third party beneficiaries, will you commit to us that if this Bill comes back from the Senate with an Amendment that expands third party beneficiary law changes beyond what you're doing here, that you will resist them?"

Speaker Wojcik: "Representative Salvi."

Salvi: "If such an Amendment is placed on this Bill, it would make this Bill a bad Bill. It would make it an unfair Bill and I would oppose it vigorously."

Speaker Wojcik: "Representative Woolard."

Woolard: "Thank you, Madam Speaker. Will the Sponsor yield for a short? Representative Salvi, I was having difficulty understanding a while ago and really the noise level's great in here today, but were you saying a bad Bill or a bad deal?"

Speaker Wojcik: "Could we please have some quiet in the House, please? Representative Salvi."

Salvi: "I said that if they did this, Representative, it would make it a bad Bill."

Speaker Wojcik: "Representative Woolard."

Woolard: "It was a bad Bill, not a bad deal, then. So, Madam Speaker, I'd like to move to previous question, if I may."

Speaker Wojcik: "Representative, that's very kind of you. That's

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not necessary. We are going to recognize Representative Salvi to close."

Salvi: "Thank you, Madam Speaker. I'd appreciate your favorable consideration."

Speaker Wojcik: "The question is, 'Shall House Bill 1319 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 'ayes', 0 'nays', 7 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Representative Wennlund in the Chair."

Wennlund: "Mr. Clerk, read House Bill 1807."

Clerk McLennand: "House Bill 1807, a Bill for an Act that amends the Civil Administrative Code of Illinois. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Myers. Out of the record. Mr. Clerk, read House Bill 1878."

Clerk McLennand: "House Bill 1878, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative McAuliffe."

McAuliffe: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1878 would allow the city of Rosemont to erect a billboard in the metro commuter parking lot that is surrounded on four sides by interstate highways. I'd be happy to try to answer any questions."

Speaker Wennlund: "Is there any discussion? The Gentleman from Clinton, Representative Granberg."

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

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Speaker Wennlund: "He indicates he will."

Granberg: "Representative, I believe was Amendment #1 adopted to your Bill?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "Amendment #1 became the Bill."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you. Representative, Amendment #1, because of its stipulation and its description, it sounds like it would have a very, very limited application, a certain commuter parking lot servicing public transportation and enjoined on two sides by interstate highways. How many of these locations are there throughout the state?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "I believe there's only one location that would fit that definition. It's located in my district and it's a parking lot for the metro train and CTA."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, what would this actually allow? Are they prohibited from doing something currently that this legislation would address, that would allow them to continue some type of advertisement?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "Currently, the IDOT would be able to take the sign down if they put one up. This would say that IDOT could not remove the sign."

Speaker Wennlund: "Representative Granberg."

Granberg: "Well, Representative, why would the Department of Transportation want to remove the sign if it does not cause any problems for the adjacent property owners?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "Well, this would just make sure that they couldn't take it down. There is no, there are no residential houses

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anywhere near there. It's like an island. It's surrounded by the toll way on one side, the Kennedy Express Way on the other side and it's just like an island and there are no houses and there's no disruption to anybody's private property."

Speaker Wennlund: "Representative Granberg."

Granberg: "So, Representative, this would, this is not an action by the Department of Transportation to take this sign down? There is no indication on their part that they want to take that course of action, currently?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "At this time, there is no, no sign has been erected and I've been told that the Illinois Department of Transportation is neutral on the Bill, but at this time, there is no sign. They don't want to put the sign up unless they know they can keep it up."

Speaker Wennlund: "Representative Granberg."

Granberg: "Representative, who currently owns the sign? Does the village of Rosemont own this one sign?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "No, there is no sign currently there. They want to erect the sign and the village of Rosemont would own the sign."

Speaker Wennlund: "Representative Granberg."

Granberg: "So, let me understand this correctly. There is no sign on this property at the current time. The village of Rosemont would like to place a sign on that location. Is that correct?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "That's the way I understand it. There may be little signs like ad benches, but there is no billboard there now."

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Speaker Wennlund: "Representative Granberg."

Granberg: "Then the Department of Transportation can, in fact, stop the municipality from erecting the sign under current law if they so choose."

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "Yeah, they could under the current law, but if we pass this Bill then they would be prohibited from removing the sign."

Speaker Wennlund: "Representative Granberg."

Granberg: "Has the village of Rosemont entered into any contractual agreements with anyone for the construction and or lease of the sign, currently?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "Not to my knowledge. I think the city of Rosemont intends to own the sign themselves and probably advertise their Rosemont horizon or Rosemont Convention Center."

Speaker Wennlund: "Representative Granberg."

Granberg: "And the Department of Transportation is neutral on the legislation because I thought I saw a member of DOT in the back of the chambers, but they have not taken a position?"

Speaker Wennlund: "Representative McAuliffe."

McAuliffe: "From what I've been told, they are neutral and I believe that to be the case."

Speaker Wennlund: "Representative Granberg."

Granberg: "I noticed Representative Saviano offered the Amendment and he seems somewhat eager in the back row to discuss this legislation, but Representative, I appreciate your comments and pursuant to our agreement last night, I'm waiting for that information you were going to provide to me. So I assume that will be shortly forthcoming, that list. Thank you very much."

Speaker Wennlund: "Representative McAuliffe to close. This

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Bill's on short debate."

McAuliffe: "I simply ask for a..."

Speaker Wennlund: "The question is, 'Shall House Bill 1878 pass?'

All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 'ayes', 7 'nays', and 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. In the Speaker's gallery, the student advisory group sponsored by Representative Tenhouse, Representative Myers, and Senator Donahue. Eleven Western Illinois counties are represented by two high school juniors from every high school. They were sworn in this morning by the Supreme Court Justice, Ben Miller, and will serve as student advisors to Representative Myers, Tenhouse, during the next year. We welcome you to the Illinois House. Mr. Clerk, what is the status of House Bill 1807?"

Clerk McLennand: "House Bill 1807 is on the Order of Third Reading."

Speaker Wennlund: "Mr. Clerk, please return this to the Order of Second Reading. Mr. Clerk, please read House Bill 1709."

Clerk McLennand: "House Bill 1709, a Bill for an Act in relation to the penalties for criminal sexual assault and aggravated criminal sexual assault. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Klingler."

Klingler: "Thank you, Mr. Speaker. House Bill 1709 is the final Bill that was part of Attorney General Jim Ryan's crime package. This Bill provides a substantial enhancement of penalties for criminal sexual assault and aggravated

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criminal sexual assault. The Bill provides that criminal sexual assault would be increased from a Class I to a Class X felony. The Bill also provides that for second or subsequent offenses of either criminal sexual assault or aggravated criminal sexual assault, that the penalty would be natural life imprisonment. I would be happy to answer any questions."

Speaker Wennlund: "Is there any discussion? The Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. I initially ask this be taken off of Short Debate. If it isn't, I'm joined by the requisite number."

Speaker Wennlund: "I don't see enough hands, Representative Dart. Oh wait, I see Representative Deering back there. Okay, it'll be so removed."

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

Speaker Wennlund: "She indicates she will."

Dart: "Representative, how much, there's been an amended fiscal note given for this one. How much is this Bill gonna cost?"

Speaker Wennlund: "Representative Klingler."

Klingler: "Representative, the fiscal note that was filed by the Department of Corrections indicates a fiscal impact of \$284,856,500."

Speaker Wennlund: "Representative Dart."

Dart: "Is that annually or?"

Speaker Wennlund: "Representative Klingler."

Klingler: "Thank you for the clarification. Over 10 years."

Speaker Wennlund: "Representative Dart."

Dart: "Now, does that figure take into account what this Bill will do in the present scheme of things as if this Bill were law today? Is that how they calculate these figures

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or is this calculated, based on what could or would occur under truth in sentencing, related?"

Speaker Wennlund: "Representative Klingler."

Klingler: "Representative, this Bill, this cost was figured by itself and it's based on an impact of 2,113 inmates."

Speaker Wennlund: "Representative Dart."

Dart: "Well, it's based on that number, but is that based on that number of inmates who would be serving a full projected Class X sentence or is it based on inmates who would be serving 40% of a Class X offense?"

Speaker Wennlund: "Representative Klingler."

Klingler: "Representative, we do not have released the underlying analysis from DOC."

Speaker Wennlund: "Representative Dart."

Dart: "Thank you. Now in regards to the offense itself, where we're changing it for the thrust of it was Amendment 6 became the Bill, the entire changes are dealing with changing criminal sexual assault from a I to an X, is it?"

Speaker Wennlund: "Representative Klingler."

Klingler: "It changes criminal sexual assault from a Class I felony to a Class X felony."

Speaker Wennlund: "Representative Dart."

Dart: "And if I'm correct, the only other change then, is dealing with aggravated criminal sexual assault dealing with second time offenders? Those are the only two changes?"

Speaker Wennlund: "Representative Klingler."

Klingler: "No, that's incorrect because it's a natural life imprisonment for both aggravated criminal assault and criminal sexual assault."

Speaker Wennlund: "Representative Dart."

Dart: "All right, so then there's really three things then in here, that it's changing it to in those two instances and

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also, changing it from a I to an X. My question is, is there gonna be any problems, is this gonna conflict whatsoever with extended term sentencing or habitual criminal laws that are on the books now?"

Speaker Wennlund: "Representative Klingler."

Klingler: "Representative, I'd like to go back a second to what you said, are there any other changes. It also eliminates criminal sexual assault as a probational offense and I'm sorry, I didn't hear your second part of your question."

Speaker Wennlund: "Representative Dart."

Dart: "Is criminal sexual assault, probational, right now?"

Speaker Wennlund: "Representative Klingler."

Klingler: "There was a special narrow exception and that has been eliminated."

Speaker Wennlund: "Representative Dart."

Dart: "And just and finally then, is this gonna impact whatsoever the extended term sentencing or habitual criminal laws whatsoever?"

Speaker Wennlund: "Representative Klingler."

Klingler: "The extended term sentencing would apply in the first offense. If there have any aggravating factors, if that's what you're asking, would apply in the initial sentence of either of aggravated criminal sexual assault."

Speaker Wennlund: "Representative Dart."

Dart: "That would be just for the initial one then, correct? The initial offense and then for the second one, it's natural life, so it doesn't make any difference, you can't extend a natural life, obviously."

Speaker Wennlund: "Representative Dart, please bring your comments to a close."

Klingler: "That's correct."

Speaker Wennlund: "Further discussion. The Chair recognizes

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Representative Granberg."

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

Speaker Wennlund: "Representative Dart."

Dart: "Thank you. Just a couple of quick questions here. You discussed the impact on this. You're saying this is a part of Attorney General Ryan's initiative. Is this, I wasn't aware of the rest of this. Is this somehow work into a bigger scheme of things dealing with sexual assault or is this the extent of it here?"

Speaker Wennlund: "Representative Klingler."

Klingler: "Representative Dart, Attorney General Ryan had a package of Bills. They're arranged on a number of offenses, including domestic battery and other offenses."

Speaker Wennlund: "Representative Dart."

Dart: "But this was the only one dealing with criminal sexual assault?"

Speaker Wennlund: "Representative Klingler."

Klingler: "That's correct."

Speaker Wennlund: "Representative Dart."

Dart: "Does this conflict at all with any of the measures that were passed last year in the safe neighborhoods Bill, dealing with sexual assaults and the like?"

Speaker Wennlund: "Representative Klingler."

Klingler: "I'm sorry, can you repeat the question?"

Speaker Wennlund: "Representative Dart."

Dart: "Do any of these measures conflict with any of the things that were passed last year in the safe neighborhoods Bill, which did some major changes in regards to all sorts of offenses and it made some changes in regards to criminal sexual assault and aggravated criminal sexual assault?"

Speaker Wennlund: "Representative Klingler."

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Klingler: "No, this measure would not conflict, but what this does do is it truly make the neighborhoods safer because it looks very hard at the problem of the repeat offenders in the sexual assault area."

Speaker Wennlund: "Representative Dart."

Dart: "Is the language in here dealing with the, for the second offender, aggravated criminal sexual assault, is that language that deals with the inadmissibility of the initial offense in the case in chief, is that consistent with the present law in regards to second and subsequent offenses?"

Speaker Wennlund: "Representative Klingler."

Klingler: "As I understand your question, if the first offense were criminal sexual assault and the second offense were aggravated criminal assault, that natural life imprisonment would apply. It would not have to be criminal sexual assault for both or aggravated criminal sexual assault for both."

Speaker Wennlund: "Representative Dart."

Dart: "My concern was with the language that deals with basically for the proving up of it, where it talks about the fact of the prior conviction's not an element of the offense and cannot be disclosed to the jury. Is that consistent with our other statutes that deal with similar offenses that we're enhancing like that?"

Speaker Wennlund: "Representative Klingler."

Klingler: "Representative, that's present law."

Speaker Wennlund: "Representative Dart."

Dart: "No, Representative. I'll direct you to page four, lines three thru six. Those are all underlined. That would mean new additions. Is that consistent with present law in regards to similar offenses like that or is that something new?"

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Speaker Wennlund: "Representative Klingler."

Klingler: "The language on page four is identical to the language if you look on page two of the Bill, lines 15 thru 18."

Speaker Wennlund: "Representative Dart."

Dart: "And my final question then, I didn't notice if there had been any judicial impact notes whatsoever that were even requested on this one. Have you gotten any type of indication and the impact this would have in the court system?"

Speaker Wennlund: "Representative Klingler."

Klingler: "We do not have a formal judicial impact statement. We've not heard of any problems from the judiciary. However, there has been some informal feedback from the law enforcement community that, in fact, there may end up being savings from police time and court time instead of having to continually retry criminals for sexual assault that they, in fact, would be incarcerated so that there may be some savings in that area."

Speaker Wennlund: "Representative Dart."

Dart: "I dare say there'd probably be some savings in the area as well, but the reality of the situation is when you make offenses, natural life offenses, you can probably rather safely assume that there aren't gonna be a hell of a lot of plea agreements and plea arrangements made as well, so you're gonna have a heck of a lot more trials and a lot more contested matters, where as quite often a lot of these cases plea out. A lot of them do. The vast majority of them do. There'll be no incentive to do that now, so there may be some slight savings with someone not having to come in on a second time offender of a rape charge, but have there been any information whatsoever of how this would impact the courts in regards to, 'cause there will be.

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There'll be a dramatic decrease in the number of plea agreements. I mean, that's not debatable. That's the truth. Is there any outside figure 'cause and just to let you know where I'm coming from. In the safe neighborhoods Bill, we changed a lot of things, doing the exact same thing, making natural life and the whole nine yards and when I went back to Chicago afterwards, some of my old partners who are now judges went ballistic for that very reason. Which they have the right to do that, but I just wanted to have something when I go back there to tell them that there's some ball park figure we're talking about here as far as how many, not so much cases, but what type of impact this is gonna have on the judiciary."

Speaker Wennlund: "Representative Klingler."

Klingler: "We don't have any official figures on that, but I think that there may well be more trials, but there could possibly still be plea bargains on other offenses."

Speaker Wennlund: "Representative Dart."

Dart: "Thank you."

Speaker Wennlund: "Further discussion? Representative Spangler. Representative Spangler, for what purpose are you seeking recognition? Representative Spangler, for what purpose do you seek recognition?"

Spangler: "Mr. Speaker, I move the previous question."

Speaker Wennlund: "The question is, 'Shall the previous question be moved?' All those in favor say 'aye', signify by saying 'aye'; opposed same sign. In the opinion of the Chair, the 'ayes' have it. Representative Klingler's recognized to close and the previous question is put."

Klingler: "Thank you very much. The intent of this Bill was to aim at the extremely high incidence of recidivism and criminal sexual assault crimes and I'm certainly, all of

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you have seen the many articles concerning the problem of persons who commit these crimes and are released. There was one particular article that I would like to read the last two sentences from. That article analyzed what can be done in the area of sexual predators and the last, after going through many, many options, the last paragraph said, perhaps no parole or life sentences for certain sex crimes would be a more straight forward answer. In any event, such laws offer our only hope against an epidemic of sexual violence that threatens to pollute our society beyond the possibility of its own rehabilitation. This law is a very tough law, but I think this is necessary to get our neighborhoods back and to keep our streets safe and to protect our innocent citizens and I urge your support."

Speaker Wennlund: "The question is, 'Shall House Bill 1709 pass?' All those in favor vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 'ayes', 0 'nays', 7 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1891."

Clerk McLennand: "House Bill 1891, a Bill for an Act concerning support. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Ladies and Gentlemen, I bring you House Bill 1891."

Speaker Wennlund: "Excuse me, Representative Mitchell. Let's give the Gentleman your attention, please. All unauthorized persons are please asked to retire to the rear of the chamber so we can move on with the business of the House. Representative Mitchell."

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Mitchell: "Thank you, Mr. Speaker. House Bill 1891 amends the section of the Attorney General's Act that allows the Attorney General or the Department of Public Aid to request and receive from employer's labor unions, telephone companies, and utility companies, location information concerning punitive fathers and noncustodial parents for the purpose of establishing a child's paternity or establishing or enforcing or modifying a child's support obligation. This Bill will allow the Attorney General's office or Public Aid to seek parents or alleged parents of children in order to establish parentage or to set up payments or collect back child support that is due the custodial spouse. Be happy to answer any questions concerning this legislation."

Speaker Wennlund: "Is there any discussion? The Chair recognizes Representative Schakowsky."

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

Speaker Wennlund: "He indicates he will."

Schakowsky: "Representative Mitchell, we went through a lot of discussion about this Bill in Committee, but I think some of that is at least is, some of that history is worth sharing, I think, a little bit. Could you describe Amendment 1 and the problem that we were trying to address there and how you've addressed it?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "I'd be happy to, Representative. Number one, the problem we had that, was that the Bill was not specific enough as to what its actions were concerning the reason for the need for locator information. In fact, it was not specific in saying that it was locator information. It was just simply information and the concern at that time was that there would be other information shared with either

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Public Aid or the Attorney General's Office that really had nothing to do with the collection of child support or the establishment of parentage. So the change in the Amendment was simply to add locator support obligor, locator information, and then we did add a section that stated that we, indeed, were trying to find those spouses that or those males that were alleged to be the parent of a particular child."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "So when you talk about location information, now specifically what does this Bill have to, how does it specify that information?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Representative, this Bill now means information about the physical whereabouts of an alleged father or noncustodial parent."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Does this noncustodial parent or the father have to be in arrears on child support for this information to be sought?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Representative, the Bill does state that it is money that is owed and in order to clear up because that was a question again in Committee, prior to the Amendment. It may be a case where the money is owed, but if we cannot locate the father to set up payment schedules or to work with an employer to set up a payment schedule, it may not be that they are in particularly in arrears, but it's not a punitive Bill. It's one to simply help the mother get on a schedule or it could be to collect money that's in arrears."

Speaker Wennlund: "Representative Schakowsky."

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Schakowsky: "Well, there are still, let's be clear. What this Bill is trying to do, I think is absolutely laudable. This is to help establish a parent who owes money for child support, the location of that parent and make sure that, that child gets the money that's owed. We all agree with that. The problem, the issue that was raised and I think some would feel is still here, is that it enables inquiries to be made even if a parent does not owe, is not in arrears on money. How do we justify going to, let's see, an employer, a labor union, a telephone, or other utility company, if this person is not in arrears in owing their child support?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Representative, I understand your concern and being a male that has gone through this process, I questioned that myself, but what is says is money that is owed and if the money is owed, if through the courts at the time of the divorce, the settlement is set and payment schedules are already being met, then the money is not owed. Money being owed would be money in arrear, so we simply couldn't just go out and make these kind of inquiries just because a male, unfortunately is divorced and is fulfilling his obligation."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "What kind of guarantees of confidentiality or privacy are in the Bill that would guarantee that this information wouldn't be just used for other creditors or, you know, it just wouldn't get around?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Representative, the Bill specifically talks about locator information to just two agencies that are under law, obligated to set up payment schedules or attempt to

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collect money that is owed to a custodial spouse. It certainly is not for publication. There are no safeguards in confidentiality, but at the same time, if I am a custodial parent and I do owe money for this reason, then my obligation is to get that taken care of and then I don't have to worry about the confidentiality because I won't be in this particular specific class of individuals that money is being sought from."

Speaker Wennlund: "Representative Schakowsky, please bring your remarks to a close. You have 10 seconds."

Schakowsky: "Are there any limits to whom one can speak to...? In other words, can they go, just hang around the labor hall and ask questions?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Absolutely not. This will be done in a professional manner and it's done for a specific purpose. It's simply to gather information. We are not making any judgements as to punitive attempts against fathers or alleged fathers. We're simply trying to establish parentage or to set up payment schedules or collect money that's already owed by fathers."

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

Flowers: "I would like to yield my time to Representative Lou Lang, please. Thank you."

Speaker Wennlund: "Representative Lang."

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

Speaker Wennlund: "He indicates he will."

Lang: "Thank you. Representative, is this the order of Mitchell? Are we just gonna do your Bills today? Aren't there some people on your side of the aisle getting a little ticked?"

Speaker Wennlund: "Representative Lang, excuse me."

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Representative Lang, excuse me, if you have a question to ask with regard to this Bill, please ask the question. If you do not, please sit down. Keep your comments restricted to the contents of the Bill, please."

Lang: "Well, thank you, Mr. Speaker. It would be better if you had a sense of humor, but I'll go on and ask some questions about the Bill. Okay?"

Speaker Wennlund: "I have no sense of humor."

Lang: "You're correct. You do not have a sense of humor. Representative, you're probably aware that there's a House Bill sitting on the Calendar on Third Reading, House Bill 1138, which is my Bill. It deals with this same issue. Are you aware of that Bill?"

Speaker Wennlund: "Representative Lang, I want to remind you that the Bill now under consideration is House Bill 1891. Please keep your comments restricted to the contents of that Bill. Representative Lang."

Lang: "Well, I'm going to ask him about his Bill, as soon as I ask him if he's aware of my Bill. It's very simple."

Speaker Wennlund: "Representative Mitchell, are you aware of Representative Lang's Bill? Representative Mitchell."

Mitchell: "Representative Lang, in order to clear up this mystery, I'm not aware of it, but I certainly will be soon, now that I know that it's there and I will study it."

Speaker Wennlund: "Representative Lang."

Lang: "Thank you kindly, Mr. Speaker. Mr. Mitchell, my Bill does some of what your Bill does, but my Bill goes a little farther. I think we should be getting this information. I'm prepared to support your Bill, but don't you think we ought to go a little farther? What good is the information, unless we use it for something?"

Speaker Wennlund: "Representative Mitchell."

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Mitchell: "Well, Representative, it certainly will be used for something because the Attorney General's office and Public Aid are all already obligated to attempt to collect child support. This Bill is simply to establish the fact that they do have the right to seek this kind of information so that they can do the job that they are doing or should be doing. Now your Bill may address the fact that it goes further in allowing them more latitude to conduct the business that they are obligated to do and if that's so, I can't wait to read your Bill."

Speaker Wennlund: "Representative Lang."

Lang: "Well, since I can't get my Bill called, do you want to take your Bill back to Second Reading and I'll tell you how to make your Bill better by getting the Department of Professional Regulations to suspend professional licenses of dead beat obligators?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Representative, I would be so afraid that my Bill would get lost in the shuffle and I'm so excited to get mine here, at least to be discussed that I would rather pass mine and then help you if I can to find your Bill, wherever it may be."

Speaker Wennlund: "Representative Lang."

Lang: "Well, I'd be happy to have you become a cosponsor on my Bill, if you can get it passed. Representative, let me ask you this. What is the Attorney General doing now? You say they have the right and the power to do these investigations and collect these monies, which are quite sizable, as I know you're aware. What programs does the Attorney General have going today and how successful has he been in the collection of child support?"

Speaker Wennlund: "Representative Mitchell."

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Mitchell: "Well, Representative, that's not germane to my Bill, so I really haven't done any study in that regard, but I do know in discussing my particular Bill with both the Department of Public Aid and the Attorney General's office that at least this portion of what they have to do is something that will help them improve their track record and that's what I'm trying to do."

Speaker Wennlund: "Representative Lang."

Lang: "Thank you. Well, despite the fact that you don't think it's germane or relevant, you've indicated, you've indicated, Representative, that when I said, what's the Attorney General gonna do with this? And you said, he's responsible for this program, this child support collection. So I've asked you, well, what is he doing? What's he gonna do with the information? What program will he plug this into and how's that program working today?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Well, Representative, this is not a portion of an established program and something that he can plug in. This simply is, gives him the ability or Public Aid, the ability to find those males or females in some cases, the noncustodial parent, so that they can possibly improve on their attempt to bring justice and these cases when the courts have made a decision."

Speaker Wennlund: "Representative Lang, please bring your remarks to a close."

Lang: "Well, I'm gonna use my own five minutes when I'm finished with the five minutes that Representative Flowers yielded me, Sir."

Speaker Wennlund: "No, that's not how it works. There are several Members seeking recognition, Representative Lang."

Lang: "Thank you. Be happy to do that. Representative, you

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indicated that the Department of Public Aid will get this information. How will they? Does your Bill authorize the Attorney General to share this information with the Department of Public Aid?"

Speaker Wennlund: "Representative Mitchell."

Mitchell: "Well, Representative, it authorizes both Department of Public Aid and the Attorney General's Office, either or to."

Speaker Wennlund: "Representative Mitchell."

Mitchell: "To seek this information. There are times when one or the other of those departments is involved in the collection of money owed and so the information, because it is locator information, is information that they can use."

Speaker Wennlund: "Further discussion? Representative Hoeft. Representative Hoeft."

Hoeft: "Mr. Speaker, can we move it?"

Speaker Wennlund: "Representative Hoeft moves the previous question. The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is put. Representative Mitchell is recognized to close."

Mitchell: "Thank you, Mr. Speaker. I realize that, that this Bill doesn't do everything. However, the time has come for us to take steps in order to resolve the problems that are caused by the custodial parent for the children that are struggling to just stay alive on the meager sums that they have. If we indeed parent children, then we indeed are responsible for the infants and responsible for their well being. In order to ignore that responsibility, in order to forget the fact that we are indeed the parents of a child, is unforgivable. I think we need to go as far as we

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possibly can in order to bring justice to those children that cannot fend for themselves and in everything that we can do, I think we should do and I would urge everyone in this chamber to join me in at least some attempt to recover those monies that are due the children of this state. I urge a 'yes' vote. Thank you, Mr. Speaker."

Speaker Wennlund: "The question is, 'Shall House Bill 1891 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'aye', 0 'nays', 6 voting 'present'. This Bill, having received the Constitution Majority, is hereby declared passed. Mr. Clerk, read House Bill 1931."

Clerk Rossi: "House Bill 1931, a Bill for an Act amending the Housing Authorities Act. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative McGuire on House Bill 1931, the year of his birth."

McGuire: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I have House Bill 1931 today that I'd like to ask for a 'favorable' passage on Third Reading. This is a Bill that I've had before in the past. Basically, what this Bill does is it allows housing units, housing authorities, I should say, in the rest of the State of Illinois to do exactly what they do in the County of Cook and that is to allow people who are residents of the housing authority to use any income that they receive towards their rental eligibility. The Bill would be considered a work incentive for low income housing authority tenants. As I mentioned in counties other than Cook, tenant's income from a new job

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is counted as new income in determining their rent. So that the result when a tenant gets a job, their rent increases unless they live in Cook County. So by passage of this Bill, we would just allow the other 101 counties to do exactly what they're doing in Cook County and I'd try to answer any questions you may have. If not, why I'd appreciate your 'favorable' vote. Thank you, Mr. Speaker."

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

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

Speaker Wennlund: "Representative Black, proceed."

Black: "Yes, will the Sponsor yield?"

Speaker Wennlund: "He indicates he will."

Black: "Thank you very much. Representative McGuire, you've had this Bill the last two or three years as I recall, right?"

Speaker Wennlund: "Representative McGuire."

McGuire: "Yes."

Speaker Wennlund: "Representative Black."

Black: "And from my reading of the file on this Bill, this truly would give the other 101 counties, what Cook now enjoys and to me, it's an incentive. Would you agree with my analysis here? It's an incentive for people to go out and try to find a job and then not have to worry about immediately being thrown out of public housing or have their rent increase to the point where they couldn't afford to stay there, thus have no incentive to find a job. Isn't that your whole purpose of the Bill?"

Speaker Wennlund: "Representative McGuire."

McGuire: "I think if I heard you correctly, yes Sir."

Speaker Wennlund: "Representative Black."

Black: "Well, thank you very much, Mr. Speaker and to the Bill."

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I'm just very pleased to join in support of this Bill, sponsored by Representative McGuire. I'm extremely pleased that we can hear a Democrat Bill that's been bottled up in the House for the last three years, but with a bipartisan effort, we can move this Bill that's currently on Short Debate and get right to the vote and pass a good Democrat Bill."

Speaker Wennlund: "Representative McGuire to close. Representative McGuire to close. This Bill's on Short Debate. Please proceed, Representative McGuire."

McGuire: "Well, I would just echo what Representative Black said and I appreciate his comments and ask for your favorable response and thank you very much, Mr. Speaker, from Will County."

Speaker Wennlund: "The question is, 'Shall House Bill 1931 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 'nays', 1 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2080."

Clerk Rossi: "House Bill 2080, a Bill for an Act Amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. House Bill 2080 would allow the special environmental license plates to be issued for the use for recreational vehicles as well as for automobiles. It would also allow for the secretary of state to determine if the environmental license plates

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should be vanity or personal plates and then also, it provides for certain clean-up language which would take and consolidate each of the special funds that have been created whenever we've had other license plates, such as the bronze star plate, the Korean plate, and so forth, that it would administratively clean it up such that the accounts would be one account known as the special plate fund and it would put in the various effective dates to put that into place and I would ask for a favorable roll call."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the author of the environmental plate, Representative Novak."

Novak: "Yes, thank you, Mr. Speaker, Ladies and Gentlemen of the House. I simply rise in strong support of this legislation. I would like to speak to specifically the environmental license plate. Representative Rutherford was gracious enough to allow me to put my Bill within this Committee Bill so we could move it along. I would like to take it off the Short Debate, however, with the requisite showing of colleagues on this side of the aisle, but to get back to the environmental license plate concern. As the originator of the environmental license plate last year, we have really made some strides in sales around the state of Illinois. I think we've raised about over a half a million dollars in money that goes into the special state park fund for enhancing our state parks. The tremendous design of the environmental license plate that currently is allowed on automobiles and pickup trucks, certainly is a very attractive license plate. As a matter of fact, I just want to applaud the Department of Conservation and the designers who took all the time to design the plate, 'cause really it's a beautiful license plate compared to a lot of the

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other license plates around the country. So, this environmental license plate expands the opportunity for those individuals that own recreational vehicles and vans and other trailers and other vehicles that are precluded right now under the current law to purchase environmental license plates. So, I urge my colleagues on this side of the aisle, not only to support that part, but the entire Bill."

Speaker Wennlund: "Further discussion? The Gentleman from Clinton, Representative Granberg. You heard your colleague, Representative Novak, indicate that he urges your support for this Bill and I assume you'll support it and keep your remarks brief."

Granberg: "Well, Mr. Speaker, thank goodness on most occasions, I disagree with Representative Novak. So, I have to do my own questions to make sure that this is a good Bill. Representative Rutherford is the main Sponsor. That tells me there's a lot of credibility to it, but unfortunately Representative Novak is on it as well, so that leads to a great deal of questions. So."

Speaker Wennlund: "Proceed, Representative Granberg."

Granberg: "Thank you. Representative Rutherford, may I? Dan, on the Bill as introduced, I believe with Amendment #1, it eliminated all the special funds and put those into one fund. Is that correct?"

Speaker Wennlund: "Representative Rutherford."

Rutherford: "Yes, Representative, that is correct. I do want to highlight though that since then we've put on Amendment 2, so I can make sure you're talking from the current amended version."

Speaker Wennlund: "Representative Granberg."

Granberg: "Did Amendment #2 then, change the provision that all

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the funds would be deposited into just the one special fund? How did that change that previous provision?"

Speaker Wennlund: "Representative Rutherford."

Rutherford: "Well, yes, it is correct that all of those other special plate funds that when the General Assembly created these special license plates, they set up separate funds for those. As a recommendation to the State Comptroller, the Treasurer, and our Secretary of State, we're trying to be more efficient in regards to our accounting process and put them all into one called now today, the special plate fund. What Amendment 2 did was basically put in the effective dates that this would take place. October 1st, 1995 will be the effective date to transfer all moneys that were already established in those other funds and would take January 1 of 1996 as the effective date for the new environmental, for the recreational vehicle's special plate to begin."

Speaker Wennlund: "Representative Granberg."

Granberg: "And Representative, I know that the Secretary of State is very efficient administrator and does a remarkably good job in that office, so, but I just want to make sure that was the case and secondly, with the fund transfer, I assume that this all would extend the environmental plate, but extend the other special use funds as well for other plates? Would this also apply to other special use vehicle plates or just the environmental plate?"

Speaker Wennlund: "Representative Rutherford."

Rutherford: "I think I'm answering your question you asked, but in regards to the special plate fund, what that is gonna do is from the previous special plates we've had and hopefully for special plates that may be created in the future, that we will all be working with just one fund, rather than all

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these multiple funds within the state treasury and the comptroller's office."

Speaker Wennlund: "Representative Granberg."

Granberg: "Thank you, Representative. Now the environmental plate has been a success, I understand from the Secretary of State's Office. So, if there is a change in any of these plates, that is the demand lessens substantially, where it would no longer be feasible to issue these plates, would then that provision in the fund be changed? How would that be administered if one of these plates would be abolished at some point in the future?"

Speaker Wennlund: "Representative Rutherford."

Rutherford: "To address the issue on the environmental plate, we already have the environmental plate, which we already know. What we're doing is expanding the type of vehicle that these could go on, which now would be permitted to go onto recreational vehicles. In regards to the special plate fund, what we're doing again is consolidating a bunch of plate funds out there into one generic plate fund. If for some reason a special plate does not have the volume to justify its existence, that fund would still exist, it's just that those revenues from that special plate would not be going into that fund."

Speaker Wennlund: "Representative Granberg."

Granberg: "So, if that plate was abolished, then the balance of that fund would roll over into the newly created fund and that would be used for any and all special plates, is that correct?"

Speaker Wennlund: "Representative Rutherford."

Rutherford: "That is correct."

Speaker Wennlund: "Representative Granberg."

Granberg: "And what does the Secretary of State anticipate with

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the expansion of the environmental plate to other vehicles?

Do they project any significant number?"

Speaker Wennlund: "Representative Rutherford."

Rutherford: "Thank you, Representative. We're not sure at this time what type of an estimate would be, but the advantage in what this is, is we are already making environmental plates. We are already issuing those. We've already got the process there. It's basically we're just expanding the population that these could potentially go on. So anything that would happen would definitely be a net increase."

Speaker Wennlund: "Representative Granberg, please bring your remarks to a close."

Granberg: "Thank you and, Representative, when we talk about these special funds, in no way whatsoever would these special funds be used to take the place of General Revenue Funds. That is to free up, use these funds to replace General Revenue Funds in the Secretary of State's Office. This fund is set up specifically for this purpose so these funds cannot be transferred for the general operations, for any division within the Secretary of State's Office, for any current day to day operation whatsoever, is that correct?"

Speaker Wennlund: "Representative Rutherford."

Rutherford: "Thank you for the question, Representative. You are correct that this is a dedicated fund set up specifically to handle the cost and administration of the special plate process here in our state."

Speaker Wennlund: "Further discussion? Representative Cross. Representative Cross, further discussion?"

Cross: "I'd like to move the previous question, Mr. Speaker."

Speaker Wennlund: "Representative Cross moves the previous question be put. The question is, 'Shall the previous

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question be put?' All those in favor signify by saying 'aye'; all opposed signify by saying 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Rutherford is recognized to close."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would ask for a favorable roll call. I would highlight that there's been a good cooperative effort on this with Representative Mautino, Representative Novak on the Democratic side and on this initiative by Secretary of State, George Ryan."

Speaker Wennlund: "The question is, 'Shall House Bill 2080 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 107 voting 'aye', 0 voting 'nay', 9 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2123."

Clerk Rossi: "House Bill 2123, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Hughes."

Hughes: "Thank you, Mr. Speaker. House Bill 2123, amends the School Code providing that if two of the last three school years the mean IGAP test scores of the students of a school district for each grade in which an IGAP test in the same curricular area is administered is no less than 120% of the mean of the statewide scores of all students in those same grades who take the same test, the district is exempt for the two succeeding school years from all requirements of the school improvement plan and recognition process relating to the curricular area in which the mean of the

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IGAP test scores of the students of the district attained the required level. Adds other related provisions, including provisions relative to the statement of exemption that a district files with the State Board of Education. I doubt there's anyone in this room who hasn't heard repeatedly from teachers, school administrators, about the onerous burden of paperwork, the onerous burden on teachers time out of the classroom to meet the requirements of the IGAP program. The purpose of this Bill is to recognize that there are schools in this state doing an outstanding job, to encourage them to maintain their performance. To reward them for that performance, to encourage schools who have not achieved that level; to give them a goal of reaching the 120% of mean to be relieved of this burden. It is also the purpose of this Bill to divert scarce resources to those schools which need the support of the state most. I would be happy to answer questions."

Speaker Wennlund: "Any discussion? The Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. I would like to rise in support of this Bill. As a former teacher, I can recall much time that basically was wasted in this constant testing when your students were already performing above and beyond, you might say, the norm. Would also say that it also allows then the state board to concentrate more on those districts that...that needs some help and needs some encouragement and so forth. So, I commend this Bill and would thank the Lady for doing it. One last comment though, I would make is that this seems to me to be the right approach to be taking rather than what we did earlier which was to give 900 and some school districts the power to waive various mandates. This is by far a more 'surgical approach' rather

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than that 'meat ax' approach, which I think is going to cause just more bureaucratic nonsense. And cause us to be here in the Legislature as the court of last resorts. Thank you."

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

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

Speaker Wennlund: "The Chair recognizes Representative Dart."

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

Speaker Wennlund: "She indicates she will."

Dart: "Representative, I...this looks like a very good Bill. I have some questions on it, but when you were talking about what teachers were crying out for. They were very well crying out for the reduction of paperwork. One of the other things I...the only thing I keep hearing from them is regards to funding and there was a fund education first Amendment that was filed on this one. But, I don't think...is that on here?"

Speaker Wennlund: "Representative Hughes."

Hughes: "No, it is not."

Speaker Wennlund: "Representative Dart."

Dart: "Are there any Amendments on this Bill or is this Bill as it was originally introduced?"

Speaker Wennlund: "Representative Hughes."

Hughes: "The Bill is in the form as introduced."

Speaker Wennlund: "Representative Dart."

Dart: "The thrust of what you're doing is the reduction of paperwork and the testing. It is because these schools have achieved a certain level. Is there any concern that they...that...by removing this school plan that that's what got them to achieve that level and that they don't have to

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submit this paperwork. Is that a potential problem, at all?"

Speaker Wennlund: "Representative Hughes."

Hughes: "First of all, the thrust is not so narrowly defined as to reduce paperwork. That is a substantial portion of it. The thrust of it is to recognize, that for the state to impose at the top the identical process and procedure on every school district in the state, irrespective of whether it is the best performing or the worst performing, makes no sense at all. We ought to recognize that there are many schools in every portion of the state from the City of Chicago to Centralia, that are doing an excellent job. They are doing it on their own. They have found a...an effective policy for developing school improvement planning of their own design. That ought to be recognized and we ought to focusing our resources for those schools who have not achieve as well in order to help them do better for their students. It recognizes limited resources, it recognizes the ability of people to come up with a better way to do things and to reward them for doing so."

Speaker Wennlund: "Representative Dart."

Dart: "And, how would this allow for the focus of the resources to be at those lower achieving schools?"

Speaker Wennlund: "Representative Hughes."

Hughes: "I'm sorry, I didn't catch the first part of that."

Speaker Wennlund: "Ladies and Gentlemen, could we please have your attention on this important Bill? Representative Dart."

Dart: "How would this allow for the focused, the resources be focused on these lower achieving schools then?"

Speaker Wennlund: "Representative Hughes."

Hughes: "Because the cost of this program to the state currently

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is spread out over every school district in the state. By allowing for those who qualify to be exempted for that two year period of time. It focuses those resources to a narrower base."

Speaker Wennlund: "Representative Dart."

Dart: "Do you have an idea of just about how much money we're talking that can be reallocated or refocussed?"

Speaker Wennlund: "Representative Hughes."

Hughes: "I do not."

Speaker Wennlund: "Representative Dart."

Dart: "I hate to get nit-picky on this but, is it a substantial amount of money or we're just...we're not real sure?"

Speaker Wennlund: "Representative Hughes."

Hughes: "I can't answer how much money but I would say, that more significant than money is the principle, that where people are doing the job right they ought not to have a process imposed upon them which is costing money, time and resources that are being drained directly out of student teacher contact, classroom contact."

Speaker Wennlund: "Representative Dart."

Dart: "Could...would this be...if this Bill were not to pass, would this be a requirement that based on the legislation that was previously passed dealing with mandate waivers and the like. Would the provisions of that Bill allow for schools that are achieving to waive things such as this or is this needed, because that's not covered under waivers?"

Speaker Wennlund: "Representative Hughes."

Hughes: "I'm having trouble hearing you. I thought you were asking relative to the previous fast track Legislation, would that Legislation allow for this to take place without this to take place without this Bill. I don't believe so, and that's why I pursued this Bill."

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Speaker Wennlund: "Representative Dart, please bring your remarks to a close."

Dart: "Okay. Thank you, Mr. Speaker. I, too, think this is a good idea. It makes sense, eminent sense and I commend the Sponsor for the work on this. My only...it's wasn't a concern, I was that I was just trying to see if this were some overlap between this and the mandate waiver. I just wasn't sure but, thank you."

Speaker Wennlund: "Further discussion? Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in support of this particular House Bill. We finally see something that will reward schools for a good effort. We're quick to criticize those schools that do not do well. We spend all of our time and resources and worry on those who did not do well with no incentive for those that are at the top or close to the top, to reach a top position. Those schools that come close to reaching the maximums needed to waive the IGAP test for two years will certainly work even a little harder in order to achieve that goal. And to put something out there at least to strive for, only makes good sense if we're trying to encourage students to strive for academic excellence. I commend Representative Hughes for this effort, and I think this is a great step for school districts that are trying to conserve their resources and their teacher time for even more advanced academic excellence. I would suggest that everyone in this room should support this measure. Thank you."

Speaker Wennlund: "Further discussion? The Gentlemen from Danville, Representative Black. Representative Black."

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

Speaker Wennlund: "Representative Black has moved the previous

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question be put. The question is, 'Shall the previous question be put?' All in favor signify by saying 'aye'; opposed say 'no'. In the opinion of the Chair the 'ayes' have it. The question is now put. Representative Hughes to close."

Hughes: "This is a great Bill for good education for Illinois students everywhere. Please vote 'yes'."

Speaker Wennlund: "The question is, 'Shall House 2123 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 voting 'aye', 0 voting 'no', 10 voting 'present'. In the opinion of the Chair a Constitution Majority, is hereby declared and this Bill, is hereby declared passed. Mr. Clerk, read House Bill 2204."

Clerk McLennand: "House Bill 2204, a Bill for an Act that amends the Illinois Identification Card Act. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. House Bill 2204, amends the Identification Card Act and the Illinois Vehicle Code to provide that all identification cards are subject to the provisions of the Act. It defines the identification card to include in addition to Illinois I.D. cards and Illinois disabled persons I.D. cards. All I.D. cards issued by any state or federal government or quasi-governmental to entity. It clarifies that it is illegal to advertise any information or materials which promote the selling, giving or furnishing of a fraudulent drivers license, permit or I.D. card. Currently in Illinois it is illegal to advertise any information or

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materials which promote the selling, giving or furnishing of the fraudulent driver's license or...to do that but the Illinois law contains clear and comprehensive violations regarding dealing in fraudulent or altered I.D. cards. However, there's no such provision for dealing in out-of-state I.D.s, and licenses. Many fake I.D. dealers who sell to minors are aware that Illinois law does not provide penalties for those who produce or sell only fake or out-of-state documents. So, this legislation would close that loophole and allow Illinois law enforcement to shut down those dealing solely in out-of-state I.D. cards and it's an initiative of the Secretary of State. I urge an 'aye' vote."

Speaker Wennlund: "Is there any discussion? The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Wennlund: "She indicates she will."

Scott: "Representative, in Amendment #6, to the Bill. Is that part of the Bill now?"

Speaker Wennlund: "Representative Zickus."

Zickus: "Yes."

Speaker Wennlund: "Representative Scott."

Scott: "It's...on page 3, of that Amendment it talks about any information or materials that promote the selling, giving, or furnishing of a fraudulent driver's license. Could you clarify for us a little bit more of what you mean by that particular phrase?"

Speaker Wennlund: "Representative Zickus."

Zickus: "The people who are providing these fake I.D. cards cannot advertise that fact."

Speaker Wennlund: "Representative Scott."

Scott: "Is there anything further to follow in that, in a way of

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further definition of that? I mean, is that going to be left up to a particular states attorney if he decides it wants to charge that as an offense or not?"

Speaker Wennlund: "Representative Zickus."

Zickus: "The Bill is closing a loophole, right now there is nothing in the law that says that they cannot sell an out-of-state I.D. card. And this Amendment was more of a technical Amendment to amend the Vehicle Code which should have been included in the first place and I think we went over most of that the other day when we adopted it."

Speaker Wennlund: "Representative Scott."

Scott: "So, the language in Amendment #6, is merely the same language that appears in the rest of the statute with respect to instate driver's license as opposed to out-of-state driver licenses."

Speaker Wennlund: "Representative Zickus. Representative Zickus."

Zickus: "I said, yes."

Speaker Wennlund: "Representative Scott."

Scott: "Would this apply...this Bill apply, Representative, to all kinds of I.D. card that are furnished by the Secretary of States Office, not just driver's licenses but also state identification cards?"

Speaker Wennlund: "Representative Zickus."

Zickus: "Yes, and with this change in the law it will also include out-of-state."

Speaker Wennlund: "Representative Scott."

Scott: "In the original form of the Bill, there didn't seem to be a provision to make the possession or use or giving of these driver licenses or I.D. cards, there didn't seem to be any intent that was part of the statute that there wasn't a knowing element, was that corrected in Amendments

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to the Bill?"

Speaker Wennlund: "Representative Zickus."

Zickus: "I...would you repeat your question, please?"

Speaker Wennlund: "Representative Scott."

Scott: "I'm sorry, that was a little confuse...I asked in a confusing way. Is there an element inside this Bill now so that the person that is possessing or using or transferring one of these fraudulent driver licenses, that he knows that it's fraudulent?"

Speaker Wennlund: "Representative Zickus."

Zickus: "Yes, if he is someone...are you talking about presenting it or possessing it? It's hard to hear you."

Speaker Wennlund: "Representative Scott. Let's give the Representative your attention, please. Representative Scott."

Scott: "Well, since it covers much more than presenting it, now we're talking about possession, transfer, advertising for these types of I.D. cards. Is there an element in there that the person who may commit this offense has to know that he's committing it? Or is it something that you could do innocently or negligently?"

Speaker Wennlund: "Representative Zickus."

Zickus: "It's only regarding fake I.D.s. So, that person would know that it's a fake or fraudulent I.D., that's what this change addresses."

Speaker Wennlund: "Representative Scott."

Scott: "I'm sorry, I couldn't hear you on that one. I apologize for that. Do they...does the person have to know that the I.D. is fraudulent in order to come under the provisions of this particular statute?"

Speaker Wennlund: "Representative Zickus."

Zickus: "Yes."

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Speaker Wennlund: "Representative Scott."

Scott: "Are there...it's two questions at once, maybe I can shorten up that way. Are there any known opponents to the Bill and second, are there other states that have the same kind of thing as a light compact is with respect to traffic tickets. Are there other states that will...that will also have the same type of Bill to protect against Illinois I.D's. that are fraudulent?"

Speaker Wennlund: "Representative Zickus."

Zickus: "To answer your first question, I know of no opposition. In fact, one of the high schools in our district, Lions Township High School, the students in the American Government class have adopted this Bill to be part of their class project. Even the young teenagers are aware that it is a problem. Many young teens..."

Speaker Wennlund: "Representative Zickus, please...you may finish answering the question."

Zickus: "The other states...Virginia has the program but Illinois is seen as one of the leaders."

Speaker Wennlund: "Representative Scott, are you seeking addition...oh, thank you. Representative Zickus, is recognized to close. This matter is on Short Debate. Representative Zickus."

Zickus: "Thank you. I think this is a very good piece of legislation and it will probably help a lot of our young people and I urge your 'aye' vote."

Speaker Wennlund: "The question is, 'Shall House Bill 2204 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 109 voting 'aye', 0 voting 'nay', 7

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voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 2230?"

Clerk Rossi: "House Bill 2230, is on the Order of Third Reading."

Speaker Wennlund: "Mr. Clerk, please return the Bill to the Order of Second Reading. Mr. Clerk, read House Bill 2236."

Clerk Rossi: "House Bill 2236, a Bill for an Act amending the Code of Criminal Procedure of 1963. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Durkin."

Durkin: "Mr. Speaker, this Bill deals with the Post Conviction Act. What we are doing with this Bill is requiring a defendant to file his or her post conviction hearing petition within 45 days after the defendant files his or her appellate brief with the Supreme Court of Illinois. What this Bill is doing, we're targeting with this Bill or the unending frivolous Motions filed in death penalty cases. We're saying in this area, especially in the post conviction area, let it come to closure, file your post conviction Motion within 45 days after you file your appeal to the Illinois Supreme Court. I'm asking for a favorable vote."

Speaker Wennlund: "Is there any discussion? Representative Davis. Representative Monique Davis."

Davis, M.: "I'd like to yield my time to the honorable Representative Tommy Dart."

Speaker Wennlund: "Representative Dart was not seeking recognition. The Chair recognizes the Gentleman from Winnebago, Representative Scott. Further discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Representative, will you yield

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for a couple of questions here?"

Speaker Wennlund: "He indicates he will."

Dart: "What is the precise period of time you're limiting for this?"

Speaker Wennlund: "Representative Durkin."

Durkin: "I'm sorry. Could you repeat the question, please?"

Speaker Wennlund: "Representative Dart."

Durkin: "Speak into the mike."

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

Speaker Wennlund: "I don't see Representative Deering's hand. It'll be so removed. You may proceed Representative Dart."

Dart: "Thanks Jim. The...the...what is the time period you're contracting here? Contracting it to?"

Speaker Wennlund: "Representative Durkin."

Durkin: "Representative, what we're saying is that after a...we're limiting the...the time period for a defendant to file a post conviction, for post conviction relief. It must be filed within 45 days after the defendant files his or her brief with the Illinois Supreme Court."

Speaker Wennlund: "Representative Dart."

Dart: "Forty-five days after they file their brief with the Appellate Court, is this...is this their post conviction brief or is this their initial appeal?"

Speaker Wennlund: "Representative Durkin."

Durkin: "This is strictly...this is just a post conviction brief. This is 45 days after the...the...after the direct appeal has been filed with the Supreme Court."

Speaker Wennlund: "Representative Dart."

Dart: "It's 45 days after the direct appeal is filed with the Supreme Court, meaning the...the appeal is filed or the

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decision is finalized by the Appellate Court. What I'm getting at is that if I'm not mistaken under the statutes that requires that the...the direct appeal to be exhausted before the post conviction or can two of them be going on at the same time?"

Speaker Wennlund: "Representative Durkin."

Durkin: "Well theoretically, yes. What we're doing is when you file your appeal with...the direct appeal to the Illinois Supreme Court. As you know as being a former prosecutor, that will take a substantial period of time and for the Illinois Supreme Court to render a decision. Under the Post Conviction Act, after you file the PC within 45 days after you file your brief, the Act...further language in the Act states that there must be a decision rendered back by the Trial Court within 90 days after that filing period. So that decision from...from the Trial Court regarding the post conviction issues will be resolved before the Illinois Supreme Court...Illinois Supreme Court will be able...before they render a decision on their direct appeal."

Speaker Wennlund: "Representative Dart."

Dart: "Would this cause any federal constitutional problems because of that, because I...I mean I agree with you wholeheartedly. I can't recall in the...the time I was there where a post conviction was even granted. They're often the most frivolous of law suits, but there was definitely problems that I had from that unit in our office when we were there that because of the timing and based on Federal Court requirements and mandates, is this going to run into any problems with that?"

Speaker Wennlund: "Representative Durkin."

Durkin: "No."

Speaker Wennlund: "Representative Dart."

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Dart: "Will this in any way impact any of the habeas corpus proceedings?"

Speaker Wennlund: "Representative Durkin."

Durkin: "Absolutely not. This will not inhibit anybody from filing a habeas corpus writ or taking the direct appeal to the Illinois Supreme Court or even moving it beyond to the United States Supreme Court."

Speaker Wennlund: "Representative Dart."

Dart: "Would they be able to do the federal habeas at the same time or are they going to have to wait until the direct and the post conviction is exhausted?"

Speaker Wennlund: "Representative Durkin."

Durkin: "Unfortunately Representative Dart, you can file a habeas corpus writ at any time after conviction."

Speaker Wennlund: "Representative Dart."

Dart: "So, so then there will be no impact whatsoever on the Federal Court system as far as any type of action in there?"

Speaker Wennlund: "Representative Durkin."

Durkin: "That's correct. This will not have any affect on the federal court system. As you know the Post Conviction Act and any type of post conviction Motions are rendered by the Trial Court. It would have nothing...no impact on the Federal Court or on any courts of review."

Speaker Wennlund: "Representative Dart."

Dart: "Yes, I was more concerned with the timing of it because the timing has always been a factor in our Appellate Division that they always brought to my concern, and I'm trying to get an idea of how this is going to have any impact whatsoever in the grand scheme with him because as I mentioned, I couldn't agree with you more. I am not and never have been a big fan of post conviction appeals

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period, but I wanted to make sure that...what we're doing here isn't in any way going to actually cause a more problem when we're starting. Than we're trying to get rid of."

Speaker Wennlund: "Representative Durkin."

Durkin: "This Bill will improve the timing of the filing. As you know Representative Dart under the current statutory scheme, a defendant can file for PC relief up until three years...three years from the date of conviction or, or even up to six months after deny served by the United States Supreme Court, and we all know that could take forever. There is actually no way to put a time table on it. We're just putting some reasonable grounds in which you can file a post conviction relief in which a Trial Court will be able to render a decision."

Speaker Wennlund: "Representative Dart, please bring your remarks to a close."

Dart: "Yes, just a final question then. Have you got any feed back from first, the State's Attorney's office on their feelings on this. I have a feeling I know what it is and they're in favor of it. But just as importantly from the Trial Courts, the judiciary, as far as what their feelings are on this and...are they going to have any problems with this new contracted time frame?"

Speaker Wennlund: "Representative Durkin."

Durkin: "There should be no problem. Is Representative Dart...as we both remember back in our days at...in Cook County, the number of cases which came back..."

Speaker Wennlund: "Representative Dart. Further discussion of former prosecutors. The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

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Speaker Wennlund: "The prosecutor indicates he will."

Scott: "I used to be one of those too, at one time."

Speaker Wennlund: "I understand that."

Scott: "Does this provision which...which deletes the...the provision which used to provide if there's no culpable negligence on behalf of the filer, the delay could be...could go on for longer. Now we've deleted that from this particular Bill?"

Speaker Wennlund: "Representative Durkin."

Durkin: "Yes. Under the present statutory scheme, you are allowed to file for post conviction relief. As it states, no proceedings under this Article shall be commenced more than six months after the denial of a petition for leave to appeal, or the date for filing for such a petition if none is issued, or issuance of an opinion from the Illinois Supreme Court or six months after the date of an order denying cert by United States Supreme Court or the date for filing such a petition if none is filed or three years from the date of conviction, which ever is later. As you can tell, what we're doing is we're eliminating as I previously mentioned, these post conviction Motions which linger on for years and years and which go through a number of different hands and the Trial Courts were saying bring it back within a reasonable amount of time."

Speaker Wennlund: "Representative Scott."

Scott: "But, and I don't necessarily disagree with that concept at all, but by deleting the provision that...that did not allow for a delay, if the delay wasn't due to the culpable negligence of the filer. What...say we had a hypothetical situation where you learn facts that the jury was bought off, for example. Two years or three...or three plus years down the road and you...and there by under the statute now

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the way it's written, we...we've blown that. Is there, is...would that still be covered a different way under this particular provision or is that person just out of luck too?"

Speaker Wennlund: "Representative Durkin."

Durkin: "Absolutely not. That person would be allowed the privilege of the Habeas Corpus Act too, if there was new evidence which needs to be brought in and which a court would have to grant a rehearing. That is the avenue in which a defendant would take to present new evidence. As you said if there was a question of whether or not there was jury tampering or evidence discovered at a later date which would be of the exculpatory nature."

Speaker Wennlund: "Representative Scott."

Scott: "And you made...you were probably in it a lot sooner than I was here recently, but the federal habeas corpus provisions if you can refresh me on that, does that...would that allow for that kind of filing at any time or are there time limits also in the federal law? I'm a little scared these days with the amount of federal legislation that's passing too that...that some of these things might happen as well."

Speaker Wennlund: "Representative Durkin."

Durkin: "There is no time frame in the federal...Habeas Corpus Act. We have no control over that system but, there's...there is no time frame in which somebody would be denied access to the federal courts under the Federal Habeas Corpus section."

Speaker Wennlund: "Representative Scott."

Scott: "The Amendment #5 became...became the Bill itself?"

Speaker Wennlund: "Representative Durkin."

Durkin: "That's...that's correct."

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Speaker Wennlund: "Representative Scott."

Scott: "And the major changes between that and the original Bill are...are what?"

Speaker Wennlund: "Representative Durkin."

Durkin: "What we've done is that just the 45 day period is the major portion of the Bill which we have amended. Are you...is your inquiry as to the first Bill or the previous Bill? The previous Bill what we...what we asked for is that I believe it was...the first Bill was six months after date of conviction. That would be the time frame in which...the original version of the Bill limited the time of filing, a post conviction petition to six months after conviction."

Speaker Wennlund: "Representative Scott."

Scott: "And that's been...that's been changed now to the 45 day provision?"

Speaker Wennlund: "Representative Durkin."

Durkin: "It's been changed to 45 days upon the filing of a brief...the direct appeal brief to the Illinois Supreme Court."

Speaker Wennlund: "Representative Scott."

Scott: "And the reason for tying it to the filing of the...of the brief is, is what?"

Speaker Wennlund: "Representative Durkin."

Durkin: "That would be for the purposes of establishing and preparing the record for the review."

Speaker Wennlund: "Representative Scott."

Scott: "Representative Dart correctly points out that you were in the middle of answering his question when his time expired and we've got about a minute left maybe. His question was there...the judiciary's feelings about this Bill with respect to the contact...contracted time frames, will that

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pose some additional burdens on them?"

Speaker Wennlund: "Representative Durkin."

Durkin: "I see...I see no problem with the Trial Courts, what the frustration in the Trial Courts right now is that they're receiving post conviction Motions up to four or five years after the case has been disposed of the Trial Court level. What this Bill do...the case will go back to the Trial Court. There still will be witnesses available if there is any type of evidentiary hearing which will be mandated by the Trial Court and if this be information which is still going to be the fresh in the minds of the people who are involved with the case. You see cases right now which up to five, ten years go by different judges have heard the case, witnesses are either gone from this earth or they're departed the jurisdiction and it's very difficult to track them down. This makes good sense, it's a question of judicial economy. A Trial Court would not be objected...would not object to this Amendment."

Speaker Wennlund: "Representative Scott, please bring your remarks to a close. There are other former prosecutor's seeking recognition."

Scott: "Thank you, Mr. Speaker and Representative. I appreciate your answers."

Speaker Wennlund: "Further discussion? The Gentleman from Vermilion, want to be prosecutor, Representative Black."

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

Speaker Wennlund: "Representative Black moves that the previous question be put. The question is, 'Shall the previous question be put?' All those in favor, say 'aye'; those opposed, signify by saying 'no'. In the opinion of the Chair 'ayes' have it, the previous question is put."

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Representative Durkin, to close."

Durkin: "This Bill recognizes the rights of victims and their family member...family members. Our legal system has spent a number of decades catering to the accused. Today we are reminding the legal system not to forget the rights of the rest of us. As you know after a defendant has been convicted by a jury of his peers, sentenced to death by a jury of his peers there is a right to review by higher courts. However, review must end at some time. It cannot linger due to frivolous post trial Motions. This hopefully will bring closure to the grieving family members. This Bill brings integrity back to the system. I ask for a favorable vote."

Speaker Wennlund: "The question is, 'Shall House Bill 2236 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'aye', 3 voting 'no', 10 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Clerk, read House Bill 2278."

Clerk Rossi: "House Bill 2278, a Bill for an Act amending the Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen and State Employees Compensation Act. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 22...2278, amends the Law Enforcement Office (sic-Officers), Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, State Employees and also as amended the Illinois National Guardsman's Compensation Act."

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It increases the compensation of...for the line of duty death benefit from \$50,000 to \$100,000. It also provides that the Act also applies to police and fire chaplains and changes the short title of the Act from the Law Enforcement Officers, Civil Defense Workers, Civil Air Patrol Members, Paramedics, Firemen, Chaplains, to State Employees Compensation Act. I'd be happy to answer any questions on it."

Speaker Wennlund: "Is there any discussion? The Chair recognizes Representative Lang."

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

Speaker Wennlund: "He says he will."

Lang: "Thank you. Representative, I note in my file that you resisted House Amendment #1, to your Bill which would have provided money for more police on the street. Can you tell us why you resisted that Amendment?"

Speaker Wennlund: "Representative Black (sic-Lang), please restrict your comments to the Bill before it."

Lang: "Well, that is on the Bill, Sir."

Speaker Wennlund: "It is not on the Bill, Representative Lang. Will you, please restrict your comments to the contents of the Bill that is being presented by Representative Bost?"

Lang: "Sure, I'll ask the question in a different way. Representative, why didn't you use this Bill to put more police on the street?"

Speaker Wennlund: "Representative Lang, please restrict your comments to the contents of the Bill. What's in it, what's not in it."

Lang: "Well, all right. Representative Bost, is there anything in your Bill regarding police on the street?"

Speaker Wennlund: "Representative Bost."

Bost: "This Bill...this Bill deals with increasing the

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compensation for death benefits. It doesn't deal with that."

Speaker Wennlund: "Representative Lang."

Lang: "I beg your pardon. It deals with what? I couldn't understand you. It's very noisy in here, Sir."

Speaker Wennlund: "Ladies and Gentleman, let's give the...let's give the Members some attention, please. We can avoid a lot of questions if you'll listen to the discussion being carried on by Representative Lang and Representative Bost. Representative Bost, to the question."

Bost: "It...it increases the death benefits. That's what it has to deal with."

Speaker Wennlund: "Representative Lang."

Lang: "Well, what did Amendment 3, do that your original Bill did not do, Sir?"

Speaker Wennlund: "Representative Bost."

Bost: "The Amendment 3, added the Illinois National Guardsman's to the Act. And basically they had been forgotten before so looked...anytime this Act had been moved up before and we wanted to be sure and include them in that. So, we changed the wording so from here on out, they will be included in that."

Speaker Wennlund: "Representative Lang."

Lang: "Was there anybody opposed to your Bill in committee?"

Speaker Wennlund: "Representative Bost."

Bost: "No."

Speaker Wennlund: "Representative Lang."

Lang: "Your municipal league was not opposed to your Bill?"

Speaker Wennlund: "Representative Bost."

Bost: "No, there was no slip turned in."

Speaker Wennlund: "Representative Lang."

Lang: "Are prison officials included in your Bill, Sir?"

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Speaker Wennlund: "Representative Bost."

Bost: "No, they're not."

Speaker Wennlund: "Representative Lang."

Lang: "How are prison officials compensated upon death?"

Speaker Wennlund: "Representative Bost."

Bost: "I don't know what he asked. Just let me hear what he said."

Speaker Wennlund: "Representative Lang. Ladies and Gentleman of the House, it's very difficult to hear. If you would give these Gentlemen your attention, we could move on with the business of the House. Representative Lang, Representative Bost, did not hear the question."

Lang: "You indicated, prison officials are not in your Bill. How are they compensated upon their death?"

Speaker Wennlund: "Representative Bost."

Bost: "I'm not sure how they're compensated."

Speaker Wennlund: "Representative Lang."

Lang: "How is this going to be paid for, Sir?"

Speaker Wennlund: "Representative Bost."

Bost: "I didn't hear him. Can you repeat your question, please?"

Speaker Wennlund: "Representative Lang."

Lang: "Sure, I'll repeat the question. How will this Bill be paid for, if we're doubling the benefits, the money has to come from some place. Where will it come from?"

Speaker Wennlund: "Representative Bost."

Bost: "It will be appropriated through the court of claims."

Speaker Wennlund: "Representative Lang."

Lang: "Don't we already underfund the court of claims. Don't they currently already have trouble paying all the claims that are brought to them?"

Speaker Wennlund: "Representative Bost."

Bost: "Not for these particular Acts."

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Speaker Wennlund: "Representative Lang."

Lang: "Well, do they have a surplus today in the account that they pay the benefits from?"

Speaker Wennlund: "Representative Bost."

Bost: "I don't know the answer to that question."

Speaker Wennlund: "Representative Lang."

Lang: "Well, if you don't know if they have enough money today and we've had a court of claims for many, many years and you can't guarantee us today whether there will be a sufficient appropriation for the unknown number of claims that will come forward. How do you know we'll be able to pay the claims?"

Speaker Wennlund: "Representative Bost."

Bost: "I don't believe that this is a dollar and cents issue. This one has to deal with the fact that if a person is killed on the line of duty, then I feel as we as a state owe their family payment that is sufficient for their services that they rendered their life in the line of duty for this state."

Speaker Wennlund: "Representative Lang, please bring your remarks to a close."

Lang: "Well, I support that, Sir. I'm just concerned about how we're going to pay for it. If an Appropriation Bill comes through this Body that does not put sufficient funds in there. Will you be amending it to add more funds to cover the claims?"

Speaker Wennlund: "Representative Bost."

Bost: "If...if the court of claims does not have sufficient funding, they have a second Appropriation Bill and..."

Speaker Wennlund: "Representative Bost, please proceed to answer the question. Electrician, please turn Representative Bost on."

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Bost: "The court of claims has the second appropriation allotment if they run out of fund."

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

Woolard: "Thank you, Mr. Speaker. I would like to yield my time to Representative Lang."

Speaker Wennlund: "Representative Lang, further discussion."

Lang: "Thank you, and thank you, Representative Woolard. Representative, the court of claims...should I wait why you're having your conversation. Are you all set to listen? Thank you. The court of claims has a lot of claims of all kinds of people and claimants coming through them every year. Does your Bill set up any kind of priority. Let's assume the court of claims has 'X' dollars worth of claims but only half of 'X' dollars worth of money. Is there some priority for these folks?"

Speaker Wennlund: "Representative Bost."

Bost: "This Bill does not deal with that issue."

Speaker Wennlund: "Representative Lang."

Lang: "Well, what about all the debts then that the State of Illinois has? So, when you increase these benefits with no guarantee of increasing the appropriation, don't you run the risk that all kinds of different providers and claimants that send their claims through that body, will not get paid?"

Speaker Wennlund: "Representative Lang, please restrict your comments to the content of the Bill and not to other claims."

Lang: "Sir, that is the content of the Bill."

Speaker Wennlund: "Representative Bost."

Bost: "As I said before, Representative, I don't think it is a dollar and cent issue on this. It's the fact that these

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people are in service to the state. If they pass away in the line of duty then it's necessary for us to compensate them."

Speaker Wennlund: "Representative Lang."

Lang: "But, Sir, couldn't you say that in every department of this state? You could say, well, DCFS needs \$80 million more to do their work next year and so, we're going to pass a Bill that requires them to spend it but we're not going to give them the money. So, that's the same argument. So, we could say that for DCFS, or corrections or any other department or agency of the state. So, the question is, you can't just ignore the money. What are you going to do to get the money to pay these claims?"

Speaker Wennlund: "Representative Bost."

Bost: "Difference between these people and the other departments is, the died protecting someone and doing a job to protect. They are in service work to protect and to help. They are in service work that puts them in a line of danger. This is not a money issue."

Speaker Wennlund: "Representative Lang."

Lang: "Well, let me ask you this, Sir. But let me first tell you, I support your concept. This isn't an issue about whether we should do this, it's how will we do this. You keep answering whether. We're all going to say, you should do this. Now, we want to know from you how you're going to do this. How are you going to pay for this program. You can't simply say, well it's so important that well we'll probably get to it somewhere down the line. You...if you're going to propose a Bill that's going to have a cost to it, we have to know how much the court of claims is going to have to increase their budget. We're going to have to know how they're going to get that money and were

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it's going to come from. These additional funds aren't in the Governor's budget, are they?"

Speaker Wennlund: "Representative Bost."

Bost: "Representative, the court of claims has appropriated \$2.6 million in the FY'95 budget."

Speaker Wennlund: "Representative Lang."

Bost: "So, it has been appropriated."

Speaker Wennlund: "Representative Lang."

Lang: "I don't believe the Governor's budget contemplated you doubling these benefits. Did it?"

Speaker Wennlund: "Representative Bost."

Bost: "Could you repeat the question, please?"

Speaker Wennlund: "Representative Lang."

Lang: "I'll be happy to. The Governor's budget did not contemplate you doubling these benefits. Did it?"

Speaker Wennlund: "Representative Bost."

Bost: "The previous claims have not been enough in the past few years that there was a deficit on the budget. These appropriations that were set aside, the claims over the last several years on...claims on fire were...since 1991, there has been nine. The claims on police since 1991, have been 42. It did not...it did not draw the money completely out of those claims...or out of the court of claims or out of the money that was set aside. This increase is a very practical idea and...that's my answer, Sir."

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

Lang: "Have there been any years in which the number of claims, if doubled, this is what your doing here, would put us in a deficit situation."

Speaker Wennlund: "Representative Bost."

Bost: "Not that I'm aware of."

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Speaker Wennlund: "Representative Bost. Please turn on, Representative Bost. Further discussion? The Gentleman from Vermilion, Representative Black."

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

Speaker Wennlund: "Representative Black, has moved that the previous question put. The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye'; those opposed say 'no'. In the opinion of the Chair, the 'ayes' have it and the previous question is put. Representative Bost is recognized to close."

Bost: "Thank you, Mr. Chairman, Members of the House. This is a good Bill, it is in support of the people that serve us. I ask for a 'yes' vote."

Speaker Wennlund: "The question is, 'Shall House Bill 2278 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 'ayes', 0 'nays', 8 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Clerk, Introductions and Resolutions."

Clerk McLennand: "Introduction Resolutions. House Resolution #33, offered by Representative Ryder; House Resolution #34, offered by Representative Churchill. Rules Committee."

Speaker Wennlund: "Mr. Clerk, read House Bill 1802."

Clerk McLennand: "House Bill 1802, a Bill for an Act that amends the Liquor Control Act, 1934. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Leitch."

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

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House. House Bill 1802, is a Bill that prevents a practice in the selling of beer, which is known as high spotting. High spotting means that some distributors of beer have a tendency or look for a practice to overlook the Mom and Pop places and simply distribute to the larger accounts at the disadvantage of the Mom and Pop places in the smaller, smaller accounts. This has been more commonly occurring now with a number of the smaller breweries since the vast majority of the larger breweries are complying with the law that presently prevents high spotting. What this Bill does would...would be to make it clear and clarify that the smaller breweries should not be permitted to high spot in Illinois and it's a simple Bill. It came out of committee unanimously and I would appreciate a favorable Roll Call."

Speaker Wennlund: "Is there any discussion? The Chair recognizes Representative Mautino."

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

Speaker Wennlund: "He indicates he will."

Mautino: "Now, Representative Leitch, just to clarify, this is a Bill which has been put forward by the Beer Distributors and the Retail Liquor Association. They're in agreement on it, correct?"

Speaker Wennlund: "Representative Leitch."

Leitch: "Yes, thank you, Representative. There is agreement on this Bill, all the parties to my knowledge are on board, as you imply by your question. In the past this has been a controversial issue, today it is not."

Speaker Wennlund: "Representative Mautino."

Mautino: "Thank you, Mr. Speaker. To the Bill. Now, Ladies and Gentlemen of the House, I rise in support of House Bill 1802. This is a measure which Representative Leitch, and I worked together on last year. An opposition to the Bill

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has been removed. It deals with the problem which came out of California and a number of the distributorships who were setting their volume based deals too high for a lot of the Mom and Pop taverns, restaurants, and bars to purchase on. So, it became discrimination practice. You're right, discriminatory practice and the change which was requested on the Bill itself would insure that each of the accounts throughout and assigned distributorship territory, get the quality of service on all products. It has been requested and it's an actual tightening of the language of the existing law which was suggested by the Beer Distributors themselves. So, I would appreciate your support on this and urge an 'aye' vote. Thank you."

Speaker Wennlund: "Representative Leitch, is recognized to close. This Bill is on the Order of Short Debate. Representative Leitch."

Leitch: "It's a good Bill and I would ask your favorable support. Thank you."

Speaker Wennlund: "The question is, 'Shall House Bill 1802 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 114 'ayes', 0 'nays', 0 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2321."

Clerk McLennand: "House Bill 2321..."

Speaker Wennlund: "The Chair recognizes Representative..."

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

Speaker Wennlund: "The Chair recognizes Representative Bost."

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Bost: "House Bill 2321, requires an inmate at a Department of Correction facility to pay a \$2 co-pay per visit to a place outside the institution for non-emergency medical or dental services and provides the amount for the co-payment shall be deducted from the inmate's individual account. And I'll answer any questions."

Speaker Wennlund: "Is there any discussion? The Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. I'm joined by an appropriate number of colleagues to take this off Short Debate."

Speaker Wennlund: "I don't see enough hands, Representative Dart."

Dart: "Look around, you'll see them."

Speaker Wennlund: "Oh, there's...I see, there's Representative Deering's arm...arms. Okay. Thank you. It will so be removed."

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

Speaker Wennlund: "He indicates he will."

Dart: "Representative, what...Amendment 3, does that become the Bill?"

Speaker Wennlund: "Representative Bost."

Bost: "Would you repeat the question."

Speaker Wennlund: "Representative Dart."

Dart: "Is Amendment 3, become the Bill?"

Speaker Wennlund: "Representative Bost."

Bost: "Yes."

Speaker Wennlund: "Representative Dart."

Dart: "What is the thrust of what we're trying to accomplish here. What is it that you're trying to get done?"

Speaker Wennlund: "Representative Bost."

Bost: "We have several inmates who for various reasons, possibly other than medical, are traveling outside just for a chance

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to be away from the facility and the cost though this will not take care of the cost completely, will hopefully detour those from abusing the system."

Speaker Wennlund: "Ladies and Gentlemen, please give them your attention, please. Representative Dart."

Dart: "Thank you. Then, Representative, you'd say then the thrust has not so much to do with the fiscal implications as it is as a deterrent that you're trying to send a statement out to inmates."

Speaker Wennlund: "Representative Bost."

Bost: "That's one reason. There's also a fiscal problem that can be helped here. By no means can we take care of the total cost but this will help tremendously in the cost, in the fact that, you know, at least it adds about \$10,000 to those cost of carrying these inmates off."

Speaker Wennlund: "Representative Dart."

Dart: "Do you have an estimate of how often the prisoners take advantage of this and leave this...the facilities?"

Speaker Wennlund: "Representative Bost."

Bost: "Times they actually take advantage, I just know the number of times that they travel off the facility and last year it was 900...or 9,658 times."

Speaker Wennlund: "Representative Dart."

Dart: "Were all 9,000 of those times based on medical reasons or were those times where they were also transferring within the system because of problems with their behavior?"

Speaker Wennlund: "Representative Bost."

Bost: "Those were all medical."

Speaker Wennlund: "Representative Dart."

Dart: "And what was the cost associated with that?"

Speaker Wennlund: "Representative Bost."

Bost: "That...those figures are not available. Whatever...what

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the cost of the time involved of the person that had...or the guards that would have to escort them out and the cost of the fuel, the cost of vehicle. But those estimates were not given."

Speaker Wennlund: "Representative Dart."

Dart: "I...my reason for that was, is because you made a point of saying that one of the things that we're trying to detour here this behavior and I'm trying to get a handle on the cost involved with this just so we know why we're going this is obviously some degree of cost. Do you have like a ball park figure of how much money we're planning on saving with this? Not so much from the medical stand point as we are from the traveling and the like."

Speaker Wennlund: "Representative Bost."

Bost: "Yeah, we'll actually save well over \$9,000."

Speaker Wennlund: "Representative Dart."

Dart: "So, is that a \$1 a trip or is that \$9,000 per inmate or \$9,000 a year, \$9,000 a month?"

Speaker Wennlund: "Representative Bost."

Bost: "That would be \$9,000 annually."

Speaker Wennlund: "Representative Dart."

Dart: "So, now what you set up then is a co-payment for the prisoners in an effort to detour them from...from using this as an excuse to leave the facility. Is there facilities...is there treatment on grounds for most of the occasions? Is this only going for extraordinary treatment and what type is that, that makes them leave?"

Speaker Wennlund: "Representative Bost."

Bost: "There is...there is treatment on site. So, this is a special request made by them to go."

Speaker Wennlund: "Representative Dart."

Dart: "Now, how...if...I see where the money is to be taken out,

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the inmates individual account. I'm not sure, I don't know if you have statistics of what their individual accounts are like, what they average. What would be the case, what would you Bill require if, in fact, the prisoner did not have any money in their individual account or did not have sufficient amount of money to cover something like this. What would happen?"

Speaker Wennlund: "Representative Bost."

Bost: "Representative Dart, they can acquire a negative balance and that can be paid back when they do earn their \$18...they average about \$18 a month. So, if they acquire a negative balance, we won't...they won't be denying them service."

Speaker Wennlund: "Representative Dart, please bring your remarks to a close."

Dart: "Yeah. Just the final question then. If they can, in fact, sort of use it as a credit card in a sense where they can get credit and then pay for it later. What would be the deterrent effect if they can just keep adding this up if they know, they just have to pay it off sometime down the future and never pay?"

Speaker Wennlund: "Representative Bost."

Bost: "Representative Dart, they use that money for other things besides this and so that would be the deterrent effect."

Speaker Wennlund: "Further discussion? The Gentleman with Menard Correctional in his district. Representative Deering."

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

Speaker Wennlund: "He indicates he will."

Deering: "Representative, you know, earlier this year I introduced a Bill that done several things to the inmates in our prison system, removed the postage stamps and co-pay for electric for television, weights and so on and so

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forth. It didn't have anything to do along the lines in what you're doing here and I commend you for your...your legislation here. I think it's a good idea but, I've got a couple of questions and since we have such a well versed person from the department sitting next to you, I'm sure that you can be helped. Do we have medical facilities in our current state correctional institutions presently?"

Speaker Wennlund: "Representative Bost."

Bost: "Yes, we have medical facilities."

Speaker Wennlund: "Representative Deering."

Deering: "Representative, couldn't these inmates be served in these facilities that we have? I think...let me ask this question first. Do we have medical physicians and dentists and psychiatrists, so on and so forth, on retainer in the Department of Corrections that could come on site and do a lot of this medical work at the prisons themselves?"

Speaker Wennlund: "Representative Bost."

Bost: "Yes, we do and most of it is done on site but these...this addresses the problem of those that are requested off site."

Speaker Wennlund: "Representative Deering."

Deering: "And are these inmates wanting to leave the facility, because they think they can get better service away or is it a procedure that cannot be conducted at the facility or is it just a normal procedure and they just choose to go to another...another place?"

Speaker Wennlund: "Representative Bost."

Bost: "It could be either or a combination."

Speaker Wennlund: "Representative Deering."

Deering: "Okay. Representative, a question here. Why didn't you extend this to county jails also, because I know that you and I, and many other Members in the legislature have

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problems with county inmates, you know, that we have to have the same expenditures."

Speaker Wennlund: "Representative Bost."

Bost: "This Bill at this time just deals with them on the state level but, at a future time I'd be glad to work with you on legislation to do the other."

Speaker Wennlund: "Representative Deering."

Deering: "Thank you, Representative and with your indulgence, I would appreciate being added as a Chief-Sponsor of this Bill."

Speaker Wennlund: "Representative Bost will be glad to abide. Further discussion? The Representative with Danville Correctional Center in his district, Representative Black."

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

Speaker Wennlund: "Representative Black has moved the previous question be put. The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye'; opposed signify by saying 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is put. Representative Bost, is recognized to close."

Bost: "Thank you, Mr. Speaker, Members of the House. I would just appreciate an affirmative vote on this. Thank you."

Speaker Wennlund: "The question is, 'Shall House Bill 2321 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question having received 107 'aye' votes, 4 'noes', 5 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 2330."

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Clerk McLennand: "House Bill 2330, a Bill for an Act concerning public health. Third Reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Zickus."

Zickus: "Thank you, Mr. Speaker, Members of the House. House Bill 2330, has two main Sections. It amends the Communicable Diseases Reporting Act and amends the Lead Poisoning Prevention Act."

Speaker Wennlund: "Excuse me, Representative Zickus. Ladies and Gentlemen of the House, please give Representative Zickus your attention. And all those who are not entitled to the House Floor, please remove yourselves to the rear of the chamber so we can proceed with the business of this House. You may proceed, Representative Zickus."

Zickus: "Thank you. This legislation proposes to amend the Lead Poisoning Prevention Act by revising the screening requirement for blood lead screening of children ages 6 months through 6 years. Language is added to require screening for children residing in areas determined by the department to be high risk for lead exposure. Language is also added to specify that children residing in areas defined as low risk by the department shall be assessed for risk by a risk assessment developed by the department. The department also will need to develop risk assessment to be used in screening children at low risk. The legislation will also permit the department to expand its rules regarding the licensure of lead abatement activities to include the Toxic Substance Control Act and the requirements under the federal lead base paint activities regarding litigation, abatement and training. The second provision of the Bill amends a Communicable Disease Reporting Act. The changes made to the Act will include injuries, medical conditions or procedures under the

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confidentiality provisions of the Act."

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

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

Speaker Wennlund: "She indicates she will."

Schakowsky: "Representative, the Bill which was originally dealt with significant public health events has been amended? Is it now Amendment 1, that is the...that is the Bill?"

Speaker Wennlund: "Representative Zickus."

Zickus: "I'm sorry, I did not hear the end of your question, Representative. It's very noisy in here."

Speaker Wennlund: "Representative Schakowsky. Ladies and Gentleman, can the Representatives have your attention, please so we can proceed with the business of the House? Representative Schakowsky, proceed."

Schakowsky: "My question was, the original Bill was the Public Health Events Reporting Act. Amendment 1, is that now...is that now the Bill in its entirety?"

Speaker Wennlund: "Representative Zickus."

Zickus: "No, it's not."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "So, the original Bill which I thought dealt with issues concerning sexually transmitted diseases, et cetera. It sounded to me in your explanation of the Bill that we're talking only about lead poisoning. Does this Bill go beyond the issue of lead?"

Speaker Wennlund: "Representative Zickus."

Zickus: "The lead poisoning has already been in there and it holds...and it still has the sexually transmitted disease."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "I'm really totally confused then. I'm sorry, Representative, maybe it was just too noisy. Could you

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once again explain the main provisions of this Bill? I'm looking at the original Bill and then at the synopsis of the Amendment. My synopsis of the Amendment says that it deletes the Public Health Events Report Act. So, could you once again explain the provisions of your Bill?"

Speaker Wennlund: "Representative Zickus."

Zickus: "There are two parts to the Bill, but...it does delete that part but it also adds another Section. It says, whenever the statute or ordinance dictates medical practitioners or other persons must report cases of injury, medical condition or procedure communicable disease, venereal disease and sexually transmitted diseases and that the report shall be confidential. Currently the law requires that only communicable diseases be reported, such as venereal disease, or food born illnesses."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "So, your Bill added diseases that have to be reported. Is that what it does?"

Speaker Wennlund: "Representative Zickus."

Zickus: "Wait one moment. It puts reports such as injuries under the Confidentiality Act."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "And the confidentiality portions, does that confidentiality on the part of the injured person, does...or does it relate at all the person who makes the report?"

Speaker Wennlund: "Representative Zickus."

Zickus: "That would be both, Representative."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Even if the reporter is a physician, what's the point in making the reporter...making that person confidential?"

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Speaker Wennlund: "Representative Zickus. Representative Zickus."

Zickus: "To protect them. Just as we're protecting the person who has the disease."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "So, you're saying that...because...is it because the reason for the reporting is for data analysis in collection of the identities of the individuals are not important. Is that the rationale?"

Speaker Wennlund: "Representative Zickus."

Zickus: "Right. That's correct."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Now, to lead...the lead poisoning prevention part of the legislation, I wanted to ask you about. The definitions of high risk areas, in other words, now screening will be limited. Would you explain that?"

Speaker Wennlund: "Representative Zickus."

Zickus: "Right. What brought this change about, there's some concern among parents and physicians that not all children need to be screened for lead poisoning and that the added expense of blood lead screen to a child school health examination could be avoided by some families. The added cost range from \$25 to \$150 per child and what we're asking now is that the...everybody...everyone will still be assessed for a risk of lead poisoning."

Speaker Wennlund: "Representative Zickus."

Zickus: "I thought I just answered that. And, you know, they will still be assessed. The doctors will still be asking the questions, they may not all need..."

Speaker Wennlund: "Turn Representative Zickus, on. Representative Zickus."

Zickus: "As the doctor will make that determination to see if

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there's...you know, if they live in an environment that has the lead in it, and if they would need to proceed with the blood tests."

Speaker Wennlund: "Representative Schakowsky, your time has expired. Please, bring your remarks to a close."

Schakowsky: "Well, my hope is that one of my colleagues will give me more time. I don't know if I can take it now or later but..."

Speaker Wennlund: "Further discussion? The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Mr. Speaker, I would move the previous question."

Speaker Wennlund: "Representative Johnson, has moved the previous question be put. The question is, 'Shall the previous question be put?' All those in favor signify by saying 'aye'; those opposed by saying 'nay'. In the opinion of the Chair the 'ayes' have it. The previous question. Representative Zickus is recognized to close. Representative Zickus."

Zickus: "I ask for your approval of House Bill 2330. House Bill 2330, did pass out of the Health Care Committee with 18 votes there was no opposition, everyone on the committee voted in favor of it. I ask for your 'aye' vote."

Speaker Wennlund: "The question is, 'Shall House Bill 2330 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all vote who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 97 'ayes', 9 'noes', 4 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk McLennand: "Committee notice. Rules Committee will meet at 3:30, in the Speaker's Conference Room. Rules at 3:30,

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Speaker's Conference Room."

Speaker Wennlund: "Mr. Clerk, please read House Bill 2334."

Clerk McLennand: "House Bill 2334, a Bill for an Act concerning housing. Third reading of this House Bill."

Speaker Wennlund: "The Chair recognizes Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is...this Bill is a joint proposal between the Department of Revenue and the Illinois Housing Development Authority to amend...to amend the Affordable Housing Act to make changes conducive to maximizing federal money under this program for Illinois and to create the Home Investment Trust Fund Act. An Act intended to govern the flow-through of federal money under an existing program to build affordable housing for low and middle income citizens. Under the Home Investment Trust Fund Act, the Governor has given the authority to designate the Illinois Housing Development Authority as the state authority with jurisdiction over the state, part of the home program and directs the money designated for the home program and deposit in the federal home investment trust fund and the treasury shall be appropriated to the Department of Revenue for disbursement to the Development Authority. And the Department of Revenue and the Housing Development Authority shall establish procedures to govern the transfer of money to this program and I would be happy to answer any questions."

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

Schakowsky: "Mr. Speaker, is this Bill on Short Debate? If so, I would like to be joined by sufficient number of my colleagues to take it off of Short Debate."

Speaker Wennlund: "It will be so removed."

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Schakowsky: "Will the Sponsor yield?"

Speaker Wennlund: "She indicates she will."

Schakowsky: "Representative, are these new moneys that are now
for affordable housing in Illinois?"

Speaker Wennlund: "Representative Biggert."

Biggert: "No."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "So, would you explain to me then, in what way this
will increase affordable housing?"

Speaker Wennlund: "Representative Biggert."

Biggert: "I don't think that it's going to increase affordable
housing. The purpose of it is to codify what is the
current practice right now in dealing with these moneys and
to insure that we maximize the federal money that is...that
comes to the state because of the procedures that will be
put in place. The home investment trust fund was
established by the General Assembly under Representative
Capparelli's Bill in 1992, and it was not put into the
statute although the moneys are within the State Treasury.
This is to establish the Act to be put into the statutes."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "So, if the provisions of the Bill are currently
being practiced by the Department of Revenue and the
Illinois Housing Development Authority. What is the
purpose then of this legislation? We're simply
codify...why do we need it?"

Speaker Wennlund: "Representative Biggert."

Biggert: "This was at the request of both the Department of
Revenue and the Housing Development Authority to clarify
the relationship between the two agencies and to designate
that the Department of Revenue was the funding agent and
the Housing Development Authority was responsible for the

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operation. So, in dealing with the contractors and the builders that by having the statutory language, it reduces the...the potential suits that might be brought and clarifies the role of each of them."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Who determines what projects will be funded and where they will be funded?"

Speaker Wennlund: "Representative Biggert."

Biggert: "The...as I said before, the Department of Revenue is responsible for administering the funds. But the Affordable Housing Authority is responsible for making that determination and within the statute that we have, the Affordable Housing statute and the state money. The authority has an advisory commission which is made up, particularly of inner-city persons to help with making the determination of the disposal the funds."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "My analysis is saying that this is a two part Bill, one creating the Home Investment Trust Fund Act and the second part clarifying by statute the disbursement and holding of funds. But are we only talking about the disbursement of funds between these two agencies or are we talking about to the projects themselves for affordable housing?"

Speaker Wennlund: "Representative Biggert."

Biggert: "There are two changes, one is the creation of the Home Investment Trust Fund Act, although we have already in 1992, created the Home Investment Trust Fund. We also amending the Illinois Affordable Housing Act. We're not changing how the funds are given, what the criteria is for the funds for the Affordable Housing. It's only how the inter-action between the two...two departments. There is

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one other...one other thing that is also in there is that under this Bill the...we have appropriated money to the Illinois Affordable Housing Trust Fund to cover administrative funds. And there is language in there that would allow them to seek reimbursement for administrative costs of the program out of this fund."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "And are you aware of what that appropriation will be for, I assume this...is this a new appropriation now for FY '96?"

Speaker Wennlund: "Representative Biggert."

Biggert: "Annually, the Legislature has appropriated \$500,000 for this fund. The other money comes from the 50% of the real estate transfer tax which we...which anybody pays to the State of Illinois for...selling their real estate goes into this fund."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "But, it is my understanding that the appropriation is going to increase quite substantially, at least the request now for \$700,000 for FY '96?"

Speaker Wennlund: "Representative Biggert."

Biggert: "I think under this Bill that if there is cost above what has been appropriated, they would be able to request for an increase."

Speaker Wennlund: "Representative Schakowsky. Bring your remarks to a close, please."

Schakowsky: "Do you know how many communities in Illinois are the recipients of these funds for affordable housing?"

Speaker Wennlund: "Representative Biggert."

Biggert: "I'm sorry, could you repeat the question?"

Speaker Wennlund: "Representative Biggert...Representative Schakowsky, please repeat the question."

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Schakowsky: "My question was, how many communities and where are they in Illinois are the recipients of the funds for affordable housing?"

Speaker Wennlund: "Representative Biggert."

Biggert: "More than 50% goes to the City of Chicago and then distributed to other places in other counties in Illinois."

Speaker Wennlund: "Representative Blagojevich, for what purpose do you seek recognition?"

Blagojevich: "Thank you, Mr. Speaker. In fact, Representative Gash would like to join me in seeking recognition. The two of us inadvertently...missed voting on the last Bill, House Bill 2330 and I would like to be recorded, 'yes' on Representative Zickus' Bill and I believe Representative Gash would like to also say something on the record."

Speaker Wennlund: "The record will so reflect, Representative. Representative Gash, for what purpose do you seek recognition?"

Gash: "I would also like to say that on the last Bill, I would like to be recorded as having intended to vote 'yes'."

Speaker Wennlund: "The record will so reflect. The Chair recognizes Representative Eugene Moore."

Moore, E.: "Yes, Mr. Speaker, I would like to yield my time to Representative Schakowsky."

Speaker Wennlund: "I'm sorry, the Chair did not hear that request."

Moore, E.: "Mr. Speaker, I would like to yield my time to Representative Schakowsky, please."

Speaker Wennlund: "Representative Schakowsky, you voted in favor of this Bill in committee, but I will give you one minute to wind up your questioning. You have already had the Floor for ten minutes, you voted for the Bill in committee and you will get one minute left."

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Schakowsky: "First of all, I had only five minutes of questioning, Representative...Mr. Speaker, I did not have ten minutes and I was given the time from Representative Moore. It seems to me that this piece of legislation deserves at least ten minutes of discussion."

Speaker Wennlund: "To the Bill, Representative. To the Bill."

Schakowsky: "I would be interested, I would be interested to know what other communities receive funds that affordable housing is not just an issue for the City of Chicago. But I would like to know where else in the State of Illinois affordable housing money under this program is being distributed?"

Speaker Wennlund: "The question has been asked and answered but Representative Biggert, you may answer."

Biggert: "The money is used and by law to build housing targeted for low income houses which is, low income households. Which is defined as households with income of less...with less than 80% of the median income of their area of residents adjusted for families size. So, I don't have the information other than the fact that more than 50% has been directed to the City of Chicago. But any...any place in the state which would have...would qualify under that definition, this housing could be built and it is money that is collected statewide from real estate transfers. So, it could be any place in the State of Illinois."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Thank you...is all this money...what is communities is the source of this money that is in the fund? Is any of it Federal money or is it all of it collected through these transfers?"

Speaker Wennlund: "Representative Biggert."

Biggert: "The home investment trust fund money is Federal money

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and then money in the Illinois Affordable Housing Act is money that comes from the state."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "What is the break down between the Federal contribution and the state contribution to this fund?"

Speaker Wennlund: "Representative Biggert."

Biggert: "They are two different funds."

Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "No, I understand they are two different funds, but aren't we saying the money is for the same purpose or am I mistaken once again?"

Speaker Wennlund: "Excuse me one second. Mr. Clerk, announcements."

Clerk McLennand: "Rules Committee is meeting immediately in the Majority Leaders Office. Rules in the Majority Leaders Office."

Speaker Wennlund: "Representative Schakowsky have you exhausted yourself yet? Representative Schakowsky have you exhausted yourself yet?"

Schakowsky: "No, I haven't. I'm waiting for an answer...I'm actually feeling quite fresh, thank you."

Speaker Wennlund: "Proceed."

Schakowsky: "My question was the break down between the amount of money that was for this purpose that was between the Federal and the State."

Speaker Wennlund: "Representative Biggert."

Biggert: "I don't know."

Speaker Wennlund: "Representative Biggert."

Biggert: "When the...when the Act was created in 1989 the Illinois Affordable Housing, it was to create a stream of dollars of \$14,000,000 annually. I don't know what it is now."

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Speaker Wennlund: "Representative Schakowsky."

Schakowsky: "Thank you, are you saying that to create state funding stream the goal was for \$14,000,000 in state funds that would go into that and maybe that or more? Okay, no I have asked all my questions and I appreciate your indulgence which are in accordance with House Rule (7-3) section E, which would indicate that a member may yield to another the time allotted for the members debate and I appreciate your indulgence in that."

Speaker Wennlund: "Further discussion? Representative Flowers."

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

Speaker Wennlund: "He is not seeking recognition. Representative... There being no further members seeking recognition. Representative Biggert...there are no lights. The Gentleman from Cook, Representative Turner."

Turner, A.: "Thank you, Mr. Speaker. Will the Lady yield for a question or two? Representative, I..."

Speaker Wennlund: "I'm sorry, Representative Turner."

Turner, A: "I didn't hear the one answer regarding the percentage of funds. I remember this Bill when it came up a couple of years ago with Representative Capparelli. In fact I think he and I were sponsors on the Bill. I think the question or the issue that concerns some of us here is that we have seen various pieces of legislation, which appeared to be diverting money from the Illinois Affordable Housing Trust Fund to other causes and some of those causes we are not so certain are with the intent of the overall legislation for the creation of that fund. And with that in mind I'm just curious...did I hear you say that there is no money coming from the Trust Fund to the Home Fund or is this a partnership program or what is the percentage again?"

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Speaker Wennlund: "Representative Biggert."

Biggert: "We already have both of these funds as was set up at different times. And they are not...what I said was that they are not commingled, but no money is diverted from either fund and is used for the purpose of providing the funds for low income housing."

Speaker Wennlund: "Representative Turner."

Turner, A: "So, in essence what we are doing today, will not change the intent of the legislation for the Affordable Housing Trust Fund, in no way does it say that those monies have to be spent in a specific area or take from it an individual community?"

Speaker Wennlund: "Representative Biggert."

Biggert: "Absolutely correct."

Speaker Wennlund: "Representative Turner."

Turner, A: "And you say this will set up some...I think this was two years ago when the Feds set up the Home Investment Trust Fund Act?"

Speaker Wennlund: "Representative Biggert."

Biggert: "What was set up was the Home Investment Trust. What this is doing is to set up the Act to put that into the statute. Right now it is only as a Public Act and has not been put into what we call our books. This is to make sure that this makes sure this goes into the red books as part of the law."

Speaker Wennlund: "Representative Turner."

Turner, A: "To the Bill, Mr. Speaker. I support...I think I can support the Lady's move in terms of codifying the existing legislation. I think for the record, we would just like the record to continue to reflect that it is the intent of the legislature to try to create more affordable housing in this state and in fact I would hope that we could do more

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to make the Illinois Affordable Housing Trust Fund the solution in terms of trying to address the concerns of affordable housing in this state. In fact, that we can create the action that we are about to take here today in terms of codifying the existing move that was created some two years ago. At that we will move to make more affordable housing here in this state available, we certainly would like to support that legislation. And to that end, I would just like the record to reflect my intent and hopefully the intent of this legislature to try to establish more affordable housing here in the State of Illinois."

Speaker Wennlund: "Representative Biggert is called upon to close. There is no one further seeking recognition. Representative Biggert."

Biggert: "Thank you, Mr. Speaker. This proposal is the joint proposal between the Department of Revenue and the Illinois Housing Development Authority to amend these two Acts and I would ask your favorable consideration."

Speaker Wennlund: "The question is 'Shall House Bill 2334 pass?' All those in favor vote 'aye' all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 'ayes' and 0 'nays' and 0 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk read House Bill 2351."

Clerk McLennand: "House Bill 2351, a Bill for an Act concerning duration of state leases. Third Reading of this House Bill."

Speaker Wennlund: "Representative Andrea Moore."

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

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House. House Bill 2351 amends the State Employees Group Insurance Act and allows the Department of Central Management Services to establish the amount that state employees contribute for their benefits under the group insurance program. I'd be happy to answer any questions."

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

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

Speaker Wennlund: "She indicates she will."

Lang: "Are both Amendments on the Bill, Representative?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "Yes, Representative."

Speaker Wennlund: "Representative Lang."

Lang: "So then if I understand this correctly, the whole Bill is what was originally in House Amendment 1, that's the whole Bill? Is that correct?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "That's correct."

Speaker Wennlund: "Representative Lang."

Lang: "Was there any opposition to this Bill in committee?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "The Bill was somewhat different in committee and that portion that had some controversy has been deleted."

Speaker Wennlund: "Representative Lang."

Lang: "So are...is AFSCME okay with this Bill now?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "It is my understanding that they are."

Speaker Wennlund: "Representative Lang."

Lang: "Well, have you talked to them directly?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "They have been talked to, yes."

Speaker Wennlund: "Representative Lang."

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Lang: "So you're relying on...on somebody else's personal knowledge that they've been talked to. You did not talk to them, right?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "Yes."

Speaker Wennlund: "Representative Lang."

Lang: "Well that's good enough for me, because the people standing by you are very honorable. Thank you very much."

Speaker Wennlund: "Further discussion? Representative Kotlarz, the Gentleman from Cook. Further discussion? The Gentleman from Bureau, Representative Mautino."

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

Speaker Wennlund: "She indicates she will."

Mautino: "Representative, just a few questions. In the...the lease provision is no longer inside the legislation?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "That's correct, Representative."

Speaker Wennlund: "Representative Mautino."

Mautino: "And the provision which would...which was negotiated with AFSCME regarding the payment of their insurance? That portion is agreed and in fact if it is not enacted, will that create a \$14.7 million shortfall in the insurance fund?"

Speaker Wennlund: "Representative Moore."

Moore, A.: "That's...that's...those are the figures that I have here, yes. Thank you."

Speaker Wennlund: "Representative Mautino."

Mautino: "Okay. So the now...this eliminates that cap but is your intent and also the intent of CMS that any changes in the amounts, which are paid by employees, would be through collective bargaining only and negotiations only?"

Speaker Wennlund: "Representative Moore."

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Moore, A.: "Yes, that's the intention."

Speaker Wennlund: "Representative Mautino."

Mautino: "Thank you. To the Bill. I rise in support of this legislation. It is necessary to enact the contract which was agreed upon by AFSCME and CMS. And without it we may have to search for an additional 14, almost \$15 million, which is not available at this time in the budget or at least the way it appears. So, I rise in support and ask for 'aye' votes."

Speaker Wennlund: "Representative Moore is called upon to close. There being no one further seeking recognition. Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. My Co-Sponsor couldn't have said it better and I couldn't say it better. I would just ask for a favorable support."

Speaker Wennlund: "The question is, 'Shall House Bill 2351 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'aye', 2 voting 'no', 3 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Biggert in the Chair."

Speaker Biggert: "The Gentleman from Vermilion, for what purpose do you rise? Representative Black."

Black: "Yes, thank you very much. A matter of personal privilege and I'm glad you are in the Chair. The previous Speaker puts the calendar over the lights on our side of this row and I want to call that to your attention. I have had many cogent comments to say on many of these Bills, but he has failed to recognize me, however that is not my purpose for

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rising at this time. Somewhere on the Floor there is a young Page in tears, who is delivering the eighth chocolate sundae to Representative Spangler today and Representative Spangler says if you see her, please send her right over, he is about to go into a ice cream fit. So, his eighth sundae today and he is very anxious. So, if you see the Page with the sundae, send her over."

Speaker Biggert: "Thank you. The Gentleman from Adams, Representative Tenhouse. For what purpose do you rise?"

Tenhouse: "Thank you Madam Speaker and Ladies and Gentleman of the House. I rise for purposes of announcement. I want to announce the Public Safety Infrastructure Appropriations Committee will convene tomorrow morning...reconvene at 8:00 a.m. in room 118 and we hope to see everyone there bright and early tomorrow morning, 8:00 a.m."

Speaker Biggert: "Thank you. Mr. Clerk, please read House Bill 2452."

Clerk McLennand: "House Bill 2452. A Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Biggert: "Representative Poe."

Poe: "Madam Speaker and Members of the House. This Amends the Criminal Code of 1961. It provides that an offense of Armed Robbery, includes committing while carrying on a look-a-like firearm. I would ask you for this support. We had a few problems in committee and we worked it out with Representative Hoffman. We had an Amendment passed and this is to make it a little bit tougher on this legislation and I move for approval."

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

Dart: "Thank you Ms. Speaker. I would like to have this Bill

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take off of Short Debate and I am joined by the appropriate number of colleagues."

Speaker Biggert: "Thank you. The Bill will be taken off of Short Debate. Proceed."

Dart: "Will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Dart: "Representative, we talked at length about this Bill yesterday and I initially want to find out exactly what...exactly who brought this problem to you and what was the exact nature of that problem?"

Speaker Biggert: "Representative Poe."

Poe: "Yes, Representative, this is in response to a case out of New York, where a juvenile was shot by a police officer and as we looked at it, it was a good idea and I don't have all the information about that case, but that some what of the response, and he was carrying a toy gun when this happened."

Speaker Biggert: "Representative Dart."

Dart: "This was a case out of New York?"

Speaker Biggert: "Representative Poe."

Poe: "Yes, and I felt this could happen in any area and there are other reasons this would work in other similar cases."

Speaker Biggert: "Representative Dart."

Dart: "Well, what was the problem in New York, though that they were not able to prosecute this, that is similar to the problem here?"

Speaker Biggert: "Representative Poe."

Poe: "Yeah, I really told you I didn't know the particulars. I don't want to get hung up on that. I think there is...being a former small business owner and running a convenient store, I seen this problem whenever you are held up and the person responds sometimes when they see a gun,

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even though, it might be a look-a-like gun, in ways that the shouldn't and can get hurt."

Speaker Biggert: "Representative Dart."

Dart: "Well, Representative, I don't like to get caught up in the facts from New York either. But if we are legislating against a problem that occurred in New York, we don't have any indication that this has been a particular problem in the State of Illinois. That is the only reason that I harped on New York, because we need to know what the statutory construction in New York is and this is...I'm dead serious here too because, there is problems when you change the statutes here especially when we have ones that exist. Is there something in New York that did not cover this?"

Speaker Biggert: "Representative Poe."

Poe: "Yes, I...that was a problem and I think another area I would like to touch on talking to my local state's attorney in this area, if a criminal holds up a convenient store and later if the person says they had a toy gun instead of real gun there is a question of the clerk maybe identifying that gun. This would clear this up, so that it wouldn't make any difference, it would still be an armed robbery."

Speaker Biggert: "Representative Dart."

Dart: "Does your local state's attorney, is he unable to prosecute those cases now?"

Speaker Biggert: "Representative Poe."

Poe: "I think it makes a...covers a loop hole, that it would be a Class X Felony both ways now, whereas before they would get off with a lesser penalty, because there was a clarification problem."

Speaker Biggert: "Representative Dart."

Dart: "What was the penalty in the name of the offense that they

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previously were going to be charged with?"

Speaker Biggert: "Representative Poe."

Poe: "It would have been aggravated robbery with a Class 1 felony and now it would be a Class X."

Speaker Biggert: "Representative Dart."

Dart: "So, I guess this gets at the heart of my problem, Representative. We are setting up a very confusing structure here, because we do in fact have a statute on the books, which does this right now. You make a good point in that there is a difference in the sentencing structure, the (yours) will be a Class X, this other one will be a Class 1. This will allow defense attorneys on numerous occasions to question the appropriateness of a given charge, because they are going to be sitting there saying they were charged with the aggravated robbery, not this new offense. Why...what we should be doing here, Representative is either raising aggravated robbery up to a Class X, which would be fine or we should put this offense on the books and repeal the aggravated robbery statute. They do the exact same thing. So, now what we are going to have on the books are two statutes that do the same thing, but two different penalties. What is your explanation for that?"

Speaker Biggert: "Representative Poe."

Poe: "What is going to be charged, is based upon the facts that the state's attorney has."

Speaker Biggert: "Representative Dart."

Dart: "I was a state's attorney and I used to charge a lot of people too, but what I'm telling you though, is that when I as a state's attorney, have the facts in front of me, the same fact pattern will give you both of these offenses. The same one, absolutely identical. So, whatever fact

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pattern he comes up with, he can be charged with either of these. Where it is very confusing. I agree with what you are doing, but we already handled that on the books. We got that done. If we want to raise it up to a Class X, there is a simple way that we all know how to do it, you change the I to an X. These two offenses are...can you explain to me any difference between your new offense and aggravated robbery other than the sense?"

Speaker Biggert: "Representative Poe."

Poe: "This has a specific definition for look-a-like firearm. It specifically addresses carrying a look-a-like firearm."

Speaker Biggert: "Representative Dart."

Dart: "That's...that's what's in aggravated robbery as well, though. Aggravated Robbery if I'm going to read it to you says, even though that it is later determined that he or she had no fire arm in his or her possession when they commit the robbery. That is exactly what this says too."

Speaker Biggert: "Representative Dart, your time is expired. Representative Turner, did you wish to speak? The Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Madam Speaker. I would like to yield my time to Tom Dart."

Speaker Biggert: "Thank you, Representative. Continue, Representative Dart."

Dart: "Thank you. Representative the thrust at what I'm getting at here, is...and you can ask all of your assistants sitting there, that are legal whizzes. I have no problems, as I'm sure nobody else does in this building, with voting for being tough on crime. We do it all the time around here on a regular basis, but let's be darn sure we are not making a bigger mess here. We have...we are setting up two identical offenses on the book. The requirements for the

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crime for being proved up are absolutely identical. If you can show me how they are not identical, I would be very interested in that. They are absolutely identical. As a matter of fact in this one, an element would be having to show what your definition of a look-a-like is. Under the present law you don't have to show that, all you have to show is that he said there is gun and there was none there. You don't even have to talk about a look-a-like."

Speaker Biggert: "Representative Poe."

Poe: "We are not changing the rest of the aggravated assault, it is all the same, aggravated robbery."

Speaker Biggert: "Representative Dart."

Dart: "I understand that, that is the heart of the problem here, though. Is the reality of it is, we are putting on the books two offenses that are absolutely identical. Two different names and two different sentences. So, what happens when a defense attorney challenges the fact that they charged under your offense, not the aggravated robbery, because of the fact that they committed the identical offense that comes under aggravated robbery, but the states attorney and his own discretion has abused his discretion, because he charged the more serious one. He shouldn't be able to that. This going to open up all sorts of law suits by defense attorneys, who are going to come in there and challenge this saying, 'well hey, I committed aggravated robbery, but I did not commit your offense'."

Speaker Biggert: "Representative Poe."

Poe: "On the Bill that we are introducing, you have to with the Amendment, especially. It has to indicate verbally, by his or her actions that the victim, he is presently armed with a firearm and that you are carrying a look-a-like firearm on your person."

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Speaker Biggert: "Representative Dart."

Dart: "Representative, I understand that. But unfortunately that is the same offense as aggravated robbery. I will read it to you, 'by use of force or by threatening the imminent use of force while indicating verbally or by his or her actions to the victim that he or she is presently armed with a firearm'. That is what you just said. It is identical, it is identical. This is a Bill, which we will all vote for, because of course we are being tough on crime here, but my point to you is, if we want to keep the books clean and we want to make sure that we aren't causing more problems in the criminal statutes then we are going to want to address this. Let's then repeal the aggravated robbery. There is no difference."

Speaker Biggert: "Representative Poe."

Poe: "Okay, armed robbery and aggravated robbery are two separate issues in the statutes."

Speaker Biggert: "Representative Dart."

Dart: "Representative, we are going around and around and around, we are getting nowhere. I understand that. That is not the problem here. Apparently, your handlers do not understand that, because the reality is these two offenses require the exact same action, the exact same action. You show me where there is a different action here, you show me where there is an action that would not fit under both of these at the same time."

Speaker Biggert: "Representative Poe."

Poe: "Aggravated robbery, you do not have to have a weapon and in our Bill you have to have a weapon to make a armed robbery."

Speaker Biggert: "Representative Dart."

Dart: "So, you are making it more difficult then to prove the

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offense. Under aggravated robbery, Representative, you don't even have to have that. All you would be saying, is that you do have it. Representative, the reality of the situation is, if we want this to be clean Bill, what we are doing here would be clean and precise. What we need to do is to sit back and decide whether or not we should get rid of the aggravated robbery. They are identical. We are all for going after these that have fake guns on them. We are all for that, no one is going to speak out against that. But we don't want to set it up so defense attorneys can go in there and argue that they can not be charged with your offense, because they commit the same offense as aggravated robbery which, is a Class below. They should be charged with a Class X offenders. We don't want them to be left off the hook by saying the state's attorney has abused his discretion charging me with something that should be charged at the lesser offense. We should have some commitment from you that when you get this in the Senate, you are going to work it out so that they will give a long thoughtful look at whether or not we should repeal the other statute, because we are going to cause some problems, otherwise Representative."

Speaker Biggert: "Was that a question, Representative Dart? Thank you, the Gentleman from Rock Island, Representative Brunsvold. The Gentleman from Cook, Representative Lang. Is there any further discussion? Seeing none, the question is 'Shall House Bill 2452 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 99 'ayes', 10 'nays' and 6 voting 'present'. This Bill having

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received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 159?"

Clerk McLennand: "House Bill 159 is on the Order of Third Reading."

Speaker Biggert: "Please return House Bill 159 to Second Reading. House Bill 330, Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 330, a Bill for an Act that Amends the Higher Education Student Assistance Act. Third Reading of this House Bill."

Speaker Biggert: "The Chair recognizes the Lady from Cook, Representative Erwin."

Erwin: "Thank you, Madam Speaker. House Bill 330 is an increase in the maximum award for the state's monetary award program. I was delighted this year that Governor Edgar included in his budget recommendation an additional \$100 increase in the maximum award, which currently is at \$3800 a year to \$3900 a year for a part time student, it would be a \$50 increase raising the maximum award from \$1900 to \$1950. I would be happy to answer any questions."

Speaker Biggert: "Is there any discussion? the Gentleman from Cook, Representative Dart."

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

Speaker Biggert: "She indicates that she will."

Dart: "Representative, how much is this going to cost?"

Speaker Biggert: "Representative Erwin."

Erwin: "Representative Dart, currently this state is spending \$11 million dollars on the total monetary award program. The maximum award increase portion of this in this years appropriation would be \$4 million dollars. It was in the Governor's budget request."

Speaker Biggert: "Representative Dart."

Dart: "So, this is presently in the Governor's budget?"

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Speaker Biggert: "Representative Erwin."

Erwin: "I'm sorry. I did not hear the question."

Speaker Biggert: "Representative Dart."

Dart: "This is presently in the Governor's budget?"

Speaker Biggert: "Representative Erwin."

Erwin: "Yes, Representative, the Governor included the 100, this is essentially a \$100 a year per pupil increase for a full-time student. The increase...the maximum award increase equals \$4 million dollars and that amount was in the Governor's budget request."

Speaker Biggert: "Representative Dart."

Dart: "Could the result of this be that they will change it so that the money...the amount can go up, but there will be less students that they will allow these to go to?"

Speaker Biggert: "Representative Erwin."

Erwin: "Well, Representative the number of students is a little difficult to tell, because the application period is not...you know is not over. And the other thing is that the way the monetary award program works is not only on needs base, but depending on one's tuition level, so if there was an 80% increase in the number of students going to community colleges, yeah the request would be lower, we could serve more students. So, it really depends on the type of student and the number of students. I'm happy to say that Illinois has a good record in increasing the monetary award program and indeed provides a significant opportunity to a lot of kids and adults going to higher education."

Speaker Biggert: "Representative Dart."

Dart: "Representative, maybe you can help me out here. There is a deadline where these have to be done by...did they not run out of money regularly, before the deadline reaches, do

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that not run out of money regularly?"

Speaker Biggert: "Representative Erwin."

Erwin: "No, not that I'm aware of."

Speaker Biggert: "Representative Dart."

Dart: "No further questions."

Speaker Biggert: "Thank you, the Gentleman from Coles,
Representative Weaver."

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

Speaker Biggert: "She indicates that she will."

Weaver: "Of the public universities in Illinois, how many of them
charge \$3900 in tuition or more?"

Speaker Biggert: "Representative Erwin."

Erwin: "Did you say of all the universities, Representative or
did you say of...I'm having a little difficulty hearing
you. Did you say of all the universities in the State of
Illinois?"

Speaker Biggert: "Representative Weaver."

Weaver: "Public universities."

Speaker Biggert: "Representative Erwin."

Erwin: "I believe that the University of Illinois is the only
public university, who's tuition is that high. But,
Representative, I hope you will keep in mind that the
public universities of this state are heavily, heavily
subsidized by public funds. So, obviously one of the huge
differences is that a student that is able to go the
University of Illinois immediately walks in the door or
Northern Illinois University or Western or any of the other
state universities as a subsidized student. And so
therefore the tuition remains lower. It is clearly, I know
you are aware of that."

Speaker Biggert: "Representative Weaver."

Weaver: "Madam Speaker, to the Bill. Ladies and Gentleman of the

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House, be very, very careful about this vote. If you have or are affiliated with any public university in your district, this is the ultimate effect of this Bill, is to take money from the public's and give it to the privates. Right now of the Illinois student assistance commission map grants, a majority of the money already goes to private colleges in this state. We have universities that are falling down around our ears. We can't give them enough money. And here we come for a Bill that is going to raise the tuition map grant rate, that only will apply by the sponsors own admission to one public university in this state. That means that the bulk of this \$11 million dollars is going to end up going to private universities and you better be prepared to go back home and answer the questions as to why you couldn't put more money into your university, your public university, and all this bucks went into the privates. It is a...I think a wrong headed approach. It is taking public tax dollars and subsidizing private universities and it is going to cause us all major problems, because of the facilities and the access to education. I think a 'no' vote is an absolute must in this case and we need to go back and rework the ISSAC Board, thank you."

Speaker Biggert: "Thank you. The Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Madam Speaker. I guess I don't have any questions, but I did want to speak to the Bill itself."

Speaker Biggert: "To the Bill, Representative."

Wirsing: "Thank you. There certainly has been a lot of discussion in regards to where map dollars go and I think that is appropriate. And I know as Chair of the Higher Education Committee, that we certainly had discussions at

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many private discussions relative to this. But I think we have to take a look at the map program is for students and not for universities, and I think that is...that has been a changing situation here in Illinois and I think we need to recognize that. That a student assistance financial assistance, program, once again is for students and not to fund a particular universities and I think that...and I'm repeating this, but I think it is important to recognize that. The raising of this map grant to \$3900 by only a \$100, a part of that is to just address and keep up with the inflation factor that we have on a annual basis and to address that issue. I think that this Bill has value and I certainly would hope your support would be shown for that when it comes time to vote. Thank you."

Speaker Biggert: "Thank you, Representative. The Gentleman from Cook, Representative Schoenberg. Before you begin, Representative, Ladies and Gentleman, if you could keep your conversations to a minimum or take them to the back. It is awfully hard to hear the remarks of the speakers and this is a very important Bill and I urge to give your attention to the Speaker. Representative Schoenberg."

Schoenberg: "Thank you, Madam Speaker and Ladies and Gentleman of the House. I would respectfully disagree with Mr. Weaver's line of logic. He seems to suggest that there is a serious ox being gored and that it is his. I think that if what you are looking at in this Bill and the reason why it enjoys the type of support that it does, is because it increases the number of dollars out there, which are available through the map program. And more over intangible terms were only talking about a \$100 more potential for full-time students and \$50 more for part-time students. This is one where students, if we put our own

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territorial divides aside, this is one where students can ultimately benefit. I would rise in strong support of the Bill and I would urge you all to support it."

Speaker Biggert: "Thank you, Representative. The Representative from DuPage, Representative Roskam."

Roskam: "Thank you, Mr. Speaker and Ladies and Gentleman of the House. I rise in strong support of House Bill 330. You know we have a very rich tapestry of private schools and Universities in Illinois. And things that we can do to empower students like Representative Wirsing mentioned, to give them the choices and the opportunities that they have to attend those schools. I think move us in the right direction. I urge an 'aye' vote."

Speaker Biggert: "Thank you, the Representative from Cook, Representative Davis."

Davis, M.: "Thank you, Madam Speaker. For once or maybe more than once, Representative Weaver and I certainly do agree. The pool of money has not increased and therefore we should not pass this legislation, because we will be hurting students who are attending the public universities. I don't think that the Governor's budget gave any more money to these programs and for us to increase the pool of those who will benefit, will only hurt those students who are going to school that we represent really. And for example, if tuition is \$25,000, a little map grant is not going to help them that much in those big private schools. So, I agree with Representative Weaver. This should be a 'no' vote."

Speaker Biggert: "Thank you, Representative. The Representative from Clinton, Representative Granberg."

Granberg: "Thank you, Madam Speaker. Will the Lady yield?"

Speaker Biggert: "She indicates she will."

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Granberg: "Representative Erwin, I'm a little confused. I was wondering if you could explain this to me, I have heard a couple of different rationales. Representative Schoenberg seemed to indicate that this would have no financial impact on students going to public universities, but then he said if it did it would be limited to \$100 per student, so, by increasing the monetary award would there be any impact on those who attend public universities?"

Speaker Biggert: "Representative Erwin."

Erwin: "Thank you, Representative. Indeed the monetary award program and an increase in the monetary award program will have a net positive impact on public universities in this state. The Board of Higher Education and the Governor have wisely called for an \$11 million increase in the monetary award program. Three million of that increase, particular for Representative Weaver's benefit and Representative Monique Davis' benefit, \$3 million...\$4 million rather of that increase is to cover the increases in public university tuition. Three million dollars of the \$11,000,000 will go to increase the number of student applicants, so the prior speaker mentioned we are not increasing the pool. That is not the case. This is an \$11,000,000 increase in the total monetary award program. There will be a net effect, a net benefit to all of the public universities, but let's remember this is a program that goes to a student. And in many, many instances we are talking about an 18 year old any more, we are talking about a 35 year old that is going back to school to be retrained, that is going to a university that offers a program that makes sense for them economically, that makes sense for them in terms of their jobs. We have a higher education program in a scholarship program that allows the student to

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make that choice. I for one want to see that continue. We are talking about adults making a choice of where their higher education makes sense for them. So, while it is true that the increase in the maximum award may only affect in terms of public universities, the University of Illinois, because the University of Illinois' tuition is so much higher. The total effect here has a great deal of benefit to all public universities in this state. Now, I would like to remind people in this state that since we have gone down this course in our scholarship program, which is one of the best in the country, to allow students to make this choice we have the great benefit of attracting businesses that look to locate. I mean if we look at what Motorola, what Sears, what many of these large corporations are locating, where they have a university and a university program that can help retrain and train their workers. I for one don't want to see places as significant as the University of Chicago, Roosevelt University, which just opened a suburban campus in Schaumburg. You know, not expand these significant economic opportunities in this state. It is critical, I think for the future of manufacturing and for commerce in this state, that as Representative Roskam so aptly just put that this interesting fabric that we have is available to all students and I for one want to see this student to continue to make that choice. It is sort of a long answer to a sort question."

Speaker Biggert: "Yeah, thank you. Representative Granberg, was that answer to brief for you or?"

Granberg: "Thank you, Madam. Maybe I should go to 'yes' or 'no' questions. So, now would this limit the number of applicants that could qualify under this program?"

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Speaker Biggert: "Representative Erwin."

Erwin: "No, it not only does not limit the number of applicants, there is \$3,000,000 in this year's monetary award program, so that we can apply...we can have it apply to many, many more students."

Speaker Biggert: "Representative Granberg."

Granberg: "But, it would certainly increase the amount to private schools and people who are paying higher tuitions. So you are saying it is a win...win for public and private, but you don't think it would reduce the number that could seek higher financial aid for public universities?"

Speaker Biggert: "Representative Erwin."

Erwin: "Absolutely not. Would go back to the original promise, Representative. You and I don't know who's going to apply and we don't know where..."

Speaker Biggert: "Representative Erwin, continue."

Erwin: "Eighty percent of the applicants go to community colleges. Yeah, I suppose the pool could be larger. That is a decision that you or I, don't make and so, you know, we don't know whether if 80% of them apply are going to the University of Illinois. Yes, more of them would have an opportunity at the maximum. It's based on need and the cost of tuition."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall House Bill 330 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 79 voting 'aye', 31 voting 'no', 6 voting 'present'. And this Bill, having received a Constitutional

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Majority, is hereby declared passed. Committee Report announcements."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman from the Committee on Rules to which the following Bills and Amendments were referred, action taken on April 20, 1995, reported the same back with the following recommendations: 'Do approve' for consideration Floor Amendment #3, to House Bill 1197; Floor Amendment #4, to House Bill 1260; Floor Amendment #2, to House Bill 1894. Floor Amendment #7, to House Bill 1967; Floor Amendments #9 and 10, to House Bill 2076; Floor Amendment #1, to House Bill 2125; Floor Amendment #2, to House Bill 2223; Floor Amendment #1, to House Bill 2308; and Floor Amendment #2 and 3, to House Bill 2463. Committee announcements. Committee announcements, Appropriation and Education Committee are posted for 5:00 p.m., will meet in Room 122-B, not Room 114. Appropriation, Education Committee meeting at 5:00 p.m., will meet in Room 122-B. The Higher Education Committee...the Higher Education Committee will meet 5:00 p.m., in Room C-1. Judiciary Civil Law Committee will meet in C-1 at 6:00 p.m. Registration and Regulations Committee will meet at 5:30, in Room 114 and Health Care and Human Services Committee will meet at 6:00 p.m. in Room 114."

Speaker Biggert: "On House Bill 330, it will be in the record that Representative Art Turner, intended to vote 'aye' on that. Not 'present' as was recorded. Mr. Clerk, what is the status of House Bill 495?"

Clerk Rossi: "House Bill 495, is on the Order of Third Reading."

Speaker Biggert: "Please return House Bill 495, to Second Reading. The Representative from Kendall... Representative Cross, for what purpose do you rise?"

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Cross: "Thank you, Speaker. We had a little trouble hearing the Bills coming out of Rules. Can we get another...those repeated or have a list provided? And just want to comment on the nice tie that Representative Black has on today."

Speaker Biggert: "Thank you, Representative. Mr. Clerk, would you read the announcement again, please into the microphone."

Clerk McLennand: "Rules Committee approved for consideration, Floor Amendment #3, to House Bill 1197; Floor Amendment #4, to House Bill 1260; Floor Amendment #2, to House Bill 1894; Floor Amendment #7, to House Bill 1967; Floor Amendments #9 and 10, to House Bill 2076; Floor Amendment #1, to House Bill 2125; Floor Amendment #2, to House Bill 2223; Floor Amendment #1, to House Bill 2308; and Floor Amendments #2 and 3, to House Bill 2463. In addition committee notice, the Appropriations Education Committee posted for 5:00 p.m., will meet in Room D-1. Appropriations Education Committee will meet in Room D-1."

Speaker Biggert: "Thank you, Mr. Clerk. Mr. Clerk, please read House Bill 603."

Clerk Rossi: "House Bill 603, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Biggert: "The Representative from Vermilion, Representative Black."

Black: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. House Bill 603, is a Bill that many of us have worked on now for about two years. The major portion of this Bill would put us in sink with all of the states in the Midwest who allow what we call, a combination of vehicles. Has nothing to do with semi-trailer trucks. What it does have to do is we're allowing a sportsman, a camper, or a family to haul three vehicles as long they

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don't exceed overhaul 60 foot length. What this is for is all states around us are allowing a family with a pick-up truck, for example, a camping trailer and then a boat on a trailer. You can't do that in Illinois. You can do it in every state that surrounds us, Indiana, Missouri, Wisconsin, Iowa, but you can't do it in Illinois. So for two years we have tried to work out language with IDOT and the state police and I'm proud to say that we have done that. Very briefly, it provides that the second vehicle shall be a recreational vehicle that is towed by a fifth wheel assembly and must be equipped with brakes. It provides that the third vehicle must be the lightest of the three vehicles and shall also be equipped with brakes. Various sportsmen and families who camp and fish have tried to get this Bill passed for two years. I would ask your favorable consideration of House Bill 603. Excuse me, one moment. There is another portion of the Bill that was collapsed into it from House Bill 941 and it allows for limited operation permits being valid for a period of one year and I believe the law is currently 90 days, and that is also agreed to by IDOT and the Illinois State Police and as far as I know, it only effects the haulers who transport manufactured home units in the State of Illinois. It simply will cut down on their paperwork, it does not allow any longer, wider, or heavier loads than currently allowed under state law. I'd be glad to answer any questions you have."

Speaker Biggert: "Thank you, Representative. The Gentleman from Effingham, Representative Hartke."

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

Speaker Biggert: "He indicates he will."

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Hartke: "Representative Black, do you think that this piece of legislation, if enacted, would cause any hazardous driving conditions on the roads in Illinois?"

Speaker Biggert: "Ladies and Gentlemen, could we please keep the conversation down and move to the back, please? Representative Black, to respond."

Black: "First of all, Representative, congratulations on having that office building named for you in Effingham. I was very pleased to support it. But, in answer to your direct question. No, I do not in all honesty believe that allowing a camper and a boat to be hauled behind a pick-up as long as that pick-up is a fifth wheel assembly will create any hazardous driving situation in Illinois at all. I did ask IDOT and I'm going to take them at their word, that's why they finally agreed to this Legislation. They said their counterparts in the states that surround us have not found that to be the case."

Speaker Biggert: "Representative Hartke."

Hartke: "Yes, did this come out of the proposal by the farm bureau or what is the genesis, I guess?"

Speaker Biggert: "Representative Black."

Black: "Actually, Representative, this came out of some meetings with Representative Brunsvold and other in the Legislative Sportsmen's caucus. And in some of the meetings that we have held around the state those people who are interested in...camping particularly and also would like to haul their boat to our state parks and to our recreational facilities in Illinois. They're not being allowed to do that in Illinois and what finally got their attention or got them upset, was they could do it in every state around us except Illinois. So, we think this answers some of the concerns expressed by many people who are into camping and fishing."

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Speaker Biggert: "Representative Hartke."

Hartke: "Well, that's why I thought maybe the farm bureau was in support of it because, you know, these farmers that are getting ready to head south for the summer, or winter, you know would...wouldn't be able to leave town with their pickup truck and their camper behind it and their boat. Are you sure the farm bureau is not in support of this?"

Speaker Biggert: "Representative Black."

Black: "I didn't really check with the farm bureau. The last time I called them I know we wanted to name that major north south interstate that goes through Atlanta, the Farmers Memorial Highway. But I didn't get anywhere on that Bill either. But, I can't imagine our agricultural community being too upset with this Bill, since it probably opens the door for some farm wagons later on down the road."

Speaker Biggert: "Representative Hartke."

Hartke: "Well, I sincerely hope that there's no width restriction on this wide load or anything like that. Seriously, I think that Illinois has been lax maybe in this and I'm going to support this legislation. But, are there special driver's license required for this? Now, I can anticipate and conjure up in my mind some problems with individuals who have not been used to this type of trailer. Parking those vehicles, backing them in and out of our state parks and as they turn make corners and so forth in many of our state parks. You know, the roads aren't as wide as they are out on the road. Is there a special driver's license required for this type of hookup?"

Speaker Biggert: "Representative Black."

Black: "Well, I remember several dents I put in my father's camping trailer when I was trying to maneuver the camping

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trailer and boat in the state parks in Wisconsin. So, maybe there should be a special driver's license but no, there is not."

Speaker Biggert: "Representative Hartke."

Hartke: "Another question. Is there a special license plate that's required for the triple hookup?"

Speaker Biggert: "Representative Black."

Black: "As I recall, one plate has to be the environmental plate. The other plate has to be the Korean War Veterans' plate and then the pick-up truck has to be a 'B' plate but only if the operator had a bronze star. No, I don't think there are any special plates."

Speaker Biggert: "Representative Hartke."

Hartke: "I was hoping that you were being facetious with that. Do you think this is setting up a precedent now for a triple hookup for semis and so forth in Illinois?"

Speaker Biggert: "Representative Black."

Black: "No, I don't and I share your concern about that. I think that's why the Department of Transportation and the state police made sure that the legislation said, it could not exceed 60 feet so that limits the size of the camping trailer and boat that you're going to be able to pull behind your pick-up. Also, the reason they put in the fifth wheel assembly is that they thought that that would be much safer than to allow a 'reach' hitch on all three. So, they're very concerned about just what you said, not setting a precedent for triple trailers or oversize trailers on Illinois roads."

Speaker Biggert: "Representative Hartke, your time is just about to expire. Would you like to close?"

Hartke: "I would hope that someone would give me some more time. Let ask the question now, you said that the triple hookup,

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it's my understanding that should be a boat on the back or some other combination. It couldn't be a small Honda car or something like that trailing behind?"

Speaker Biggert: "Representative Black."

Black: "Yes, the legislation provides that the third vehicle must be the lightest of the three. It's our intent that that be the boat. I suppose if somebody wants to haul a small utility vehicle behind their camping trailer they could do that, but the law is very specific. The third vehicle must be a...must be the lightest of the three."

Speaker Biggert: "Representative Hartke to close."

Hartke: "Yes. I would suppose that that's so that you can see that vehicle back there or whatever. It doesn't actually drive your load. Representative Black, I stand in support of the legislation. I had similar complaints from senior citizens who...who vacation elsewhere and couldn't do this triple hookup. I support the..."

Speaker Biggert: "Thank you. The Gentleman from Washington, Representative Deering."

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

Speaker Biggert: "He indicates he will."

Deering: "Representative, this limited continuous operation permit that we're wanting to reduce from twelve months to ninety days. Is this the legislation we done a year or so ago that...for the trust components and building components that these manufacturers only had to apply for an annual permit for?"

Speaker Biggert: "Representative Black."

Black: "I'm sorry. It gets very hard to hear you. You're asking about your trusts...what?"

Speaker Biggert: "Representative Deering. Ladies and Gentlemen, could you please give the speakers your full attention."

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Thank you. Representative Deering, proceed."

Deering: "I'm sorry, Representative, I've not been trussed lately, but... On this ninety day. Reducing it from an annual to a ninety day limited continuous operation fee. Is this dealing with building component legislation such as trusts, that we done legislation about a year ago where someone who's in the business doesn't have to get a permit every time they want to transport up and down the highway."

Speaker Biggert: "Representative Black."

Black: "Yes, well first of all, Representative, let me say that I trust you explicitly. Let me make that very clear. This legislation has nothing to do with the battle that you and I and many others fought on the wide load hauling permit law which I think we very successfully amended. What this does and it's my understanding and Mark assures me that I'm right and I trust staff more than I do my own reading. That this only affects the manufacture housing industry when they haul those components along the roadway, and what it does currently their operational permits are to be valid for ninety days and then this changes it to say, or one year."

Speaker Biggert: "Representative Deering."

Deering: "On to the...Section with the trailing units. You say that they must have a braking system on the middle and the rear unit. Is this...does this braking system have to be hydraulically or electronically controlled to the towing vehicle or can it be set-up with the emergency type braking system if the hitch breaks, the brakes will set?"

Speaker Biggert: "Representative..."

Deering: "What I'm getting at is we're not going to require people to go out and spend thousands of dollars to put a braking system in the cab. Is that correct?"

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Speaker Biggert: "Representative Black."

Black: "Well, it's certainly not my intent and the legislation is silent on that. If we require that kind of a high tech braking system then the constituent of mine who want to go down to Lake Sara in Representative Hartke's district wouldn't be able to afford to go there. So, no, it is not specified and I would not think that IDOT would promulgate such a rule. It would negate the whole reason for trying to be able to haul a small camper and a boat in the first place."

Speaker Biggert: "Representative Deering."

Deering: "Thank you, Representative. I appreciate your time. And I trust your judgement in this matter."

Speaker Biggert: "Thank you. The Representative from Bureau, Representative Mautino. Representative Mautino. The Representative from Madison, Representative Davis."

Davis, S.: "Thank you, Madam Speaker. Would the Gentleman yield?"

Speaker Biggert: "He indicates he will."

Davis, S.: "Representative Black, I believe I voted for this Bill in committee, but I do have a couple of questions. Can you tell me the approximate length of a pick-up truck with a club cab and eight foot bed, what's the total length of the pick-up truck with the club cab, Sir?"

Speaker Biggert: "Representative Black."

Black: "No, Representative, there are very few people in my district that can afford a new pick-up with a club cab. So, I don't know. I know what you're getting at, if you've got one of those rigs you're not going to be able to haul much of a camper and a boat because you're going to exceed the sixty feet. You're right on target."

Speaker Biggert: "Representative Davis."

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Davis, S.: "I don't own a camper, Sir. So I don't know, you know, the different lengths of them everything but, in this Bill does it limit the length of the camper, the fifth wheel camper that can be towed?"

Speaker Biggert: "Representative Black."

Black: "The Department of Transportation and state police thought it would be much easier rather than to get into each vehicle. The combination cannot exceed sixty feet."

Speaker Biggert: "Representative Davis."

Davis, S.: "Is there a penalty in the Bill for someone who's towing this combination that exceeds sixty feet?"

Speaker Biggert: "Representative Black."

Black: "You know, in all honesty that's a good question. I don't know. I would assume that they would promulgate a rule under the Vehicle Code that would indicate what that fine would be. I know currently they fine them for this combination which is illegal in Illinois, which is what we're trying to correct. So, I'm going to assume that they would be able by rule to say what that penalty would be if you're exceeding the sixty feet. And I know what you're after, if the rule says, if they promulgate a rule that says it's going to be some outrageous fine then I think you and I will come back and change that rule by statute."

Speaker Biggert: "Representative Davis."

Davis, S.: "Yes, I was curious about that, and there's nothing in this Bill that prohibits the towing of these vehicles on two lane roads, by any chance is there?"

Speaker Biggert: "Representative Black."

Black: "No, because most of the recreational facilities downstate, particularly around Lake Sara and Lake Hartke, that's all they have are two lane roads. So, we don't want to limit that in any way, shape or form."

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Speaker Biggert: "Representative Davis."

Davis, S.: "I'm curious because I don't know the answer to this either. But what is the length of a semi-tractor trailer rig in Illinois. What's the limit on that?"

Speaker Biggert: "Representative Black."

Black: "Okay, I've been told by staff and the Department of Transportation liaison that on certain interstates, semi-tractors can be sixty-five feet in length and then on certain FAS secondary roads that length may be different. I mean, we could get into all kinds of categories."

Speaker Biggert: "Representative Davis."

Davis, S.: "Is there any provisions in the Bill about...the weight of the combination of these three vehicles because I know that in Southern Illinois and some of the more rural areas where we do have the camping facilities, we have some out dated bridges in those areas and there are certain load limits on those bridges and I'm curious as to whether that has even been considered in this Bill. The total weight of a combination of three vehicles that are sixty feet long. Because I know that semi-trailers, you know, have to go through weigh stations and that type of thing. So, I'm curious as to...if that has even been thought of or addressed in the compilation of this Bill."

Speaker Biggert: "Representative Black."

Black: "No, Representative. That is not in the Bill and again a good point that I didn't consider. I'm going to assume that most people that I know that are into the recreational activities and have the boat and the trailer. They pretty much know what their gross weight is because they have to make sure that their pick-up or their vehicle can, in fact, tow the gross weight that's behind that pick-up or the vehicle that they are using. So, I don't think that would

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be a major problem, but again that is a good point and at some point the department may want us to address that weight limit."

Speaker Biggert: "Representative Davis."

Davis, S.: "Representative Black, thank you for your patience and for your information on that. To the Bill, Madam Speaker."

Speaker Biggert: "To the Bill."

Davis, S.: "I think this is...this Bill has been well thought out by Speaker...by Representative Black, but I think there are some questions that do need to be answered and I'm going to vote for the Bill. But, I would like to know what the penalties would be for somebody who violates the length provisions in this Bill and perhaps Representative Black, can get me that information at some...some further time. Thank you, very much."

Speaker Biggert: "Thank you, Representative. The Gentleman from Cook, Representative Pugh. Representative Pugh, is he in the chamber? The Representative from Cook, Representative Lang."

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

Speaker Biggert: "He indicates he will."

Lang: "Representative, just a couple of questions. You indicated that...in response to questions by Representative Davis, when he asked you what the penalties were and you said, 'well you didn't know what they were', but you assume that the department would do it by rule. What...don't you think we ought to do better than that?"

Speaker Biggert: "Excuse me. Representative Black."

Black: "Yes, we should and I've checked with..."

Speaker Biggert: "Representative Lang."

Black: "Excuse me, pardon me."

Speaker Biggert: "Representative Black."

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Black: "Thank you. All right, here we go. Yes, we should do better than that. Craig is checking now with the department. Staff tells me that that is in the Vehicle Code. It would be a moving violation and the fine would therefore be \$75. Craig's on the phone now to see if that's correct. We think it is."

Speaker Biggert: "Representative Lang."

Lang: "Well, I don't know how it could be because we never had this law before. So, how does this automatically fit into some other law that we have, unless you've referred to that in your legislation?"

Speaker Biggert: "Representative Black."

Black: "We're pretty sure it's all put into the length restrictions that are already on the books."

Speaker Biggert: "Representative Lang."

Lang: "Well, can I presume that if it's not there, you'll correct this in the Senate?"

Speaker Biggert: "Representative Black."

Black: "Absolutely. I want this clean. We've worked on it too long to let it get hung up because of some very good points that have been made."

Speaker Biggert: "Representative Lang."

Lang: "Yeah. I just don't think that some of us can support this if the department is going to determine these penalties by rule. And so, we need your assurance that we're not going to let the department determine these rule but that we're going to do it statutorily."

Speaker Biggert: "Representative Black."

Black: "You're absolutely correct. And I should have checked with staff before I said that. I misspoke. The department cannot...by rule establish any fine for a violation. That has to be in the Vehicle Code by statute and if that's not

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the case, we'll certainly clean it up in the Senate. You're absolutely right. I would not want any agency to have that kind of authority."

Speaker Biggert: "Representative Lang."

Lang: "Thank you for your answers, Sir."

Speaker Biggert: "Thank you. The Gentleman from Madison, Representative Stephens."

Stephens: "Thank you, Madam Speaker. I believe Representative Hartke, used my name in debate earlier on this Bill. Did...Representative Hartke, did you...the word...Representative Hartke, did you mention wide load?"

Speaker Biggert: "Representative Stephens, do you have a question?"

Stephens: "Well, no I just wanted to know if my name was used in debate."

Speaker Biggert: "Proceed. Is there any further discussion?"

Stephens: "Was my name used in debate or not?"

Speaker Biggert: "Representative Hartke, for what purpose do you rise?"

Hartke: "Why, I think Representative Stephens, is incorrect. I did mention and question whether this had any width restrictions on the...on the trailers and so forth and we're getting into the wide load thing. But I don't think I mentioned the Representative's name."

Speaker Biggert: "Thank you. Is there any further discussion? Seeing none, the question is, 'Shall House Bill 603 pass?' Oh, I'm sorry. Excuse me, Representative Black. Just start off badly it continues. Representative Black to close."

Black: "Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to assure the Members on the other side of the aisle that IDOT, in fact, did check with

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their office. If the combination would exceed the sixty feet the fine is on the books as a \$75 fine for falling under the category of an illegal vehicle. So, that takes care of the fine. The Bill has been well debated, we've worked on it for about two years. We've tried to satisfied the concerns of the state police, the concerns of the Department of Transportation and we hope that this will encourage more sports people to spend their vacation dollars in Illinois state parks rather than traveling to our surrounding states. I'd urge an 'aye' vote."

Speaker Biggert: "Thank you, Representative. The question is now, 'Shall House Bill 603 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 101 voting 'aye', 3 voting 'no', 11 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk McLennand: "Corrected Committee Report. Report from Representative Churchill, Chairman from the Committee on Rules to which the following Resolution was referred, action taken on April 20, 1995, reported the same back with the following recommendations: 'Do adopt' House Resolution #34. Members should be aware that committees will meet immediately upon adjournment. Immediately upon adjournment, approximately 7:00 p.m."

Speaker Biggert: "Thank you. Mr. Clerk, what is the status of House Bill 301?"

Clerk McLennand: "House Bill 301, is on the Order of Third Reading."

Speaker Biggert: "Please return House Bill 301 to Second Reading."

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Mr. Clerk, please read House Bill 661."

Clerk McLennand: "House Bill 661, a Bill for an Act that amends the State Mandates Act. Third Reading of this House Bill."

Speaker Biggert: "The Representative from Cook, Representative Balthis."

Balthis: "Thank you. Madam Speaker, Ladies and Gentlemen of the House, House Bill 661, amends the State Mandates Act to provide that the Department of Commerce and Community Affairs shall review applications for reimbursements from groups of local governments. Provides that the failure of the General Assembly to fund a mandate does not relieve the department from the duty to review the reimbursement applications. Allows a local government to appeal to the State Mandates Board if the department fails to act upon an application. Requires the department to pay a local government's attorneys fees for an appeal in which the local government prevails. I would be happy to answer any questions."

Speaker Biggert: "Thank you. Is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Biggert: "He indicates he will."

Granberg: "Representative Balthis, I could not hear part of your explanations so, we might have to do part again if you don't mind. But, first of all does the Department of Commerce and Community Affairs have a position on your Bill?"

Speaker Biggert: "Representative Balthis."

Balthis: "Yes, Representative they...Norm Simms, the Assistant Director, Deputy Director, worked with IML and myself to draft the language of Amendment #1, to House Bill 661."

Speaker Biggert: "Representative Granberg."

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Granberg: "Did Amendment #1 become the Bill, Representative Balthis?"

Speaker Biggert: "Representative Balthis."

Balthis: "It made technical changes to the Bill. So, it did not actually become the Bill."

Speaker Biggert: "Representative Granberg."

Granberg: "So, when you say that Norm worked with you on the Amendment does that mean that they are in agreement with the Bill, they are proponents of your legislation?"

Speaker Biggert: "Representative Balthis."

Balthis: "The Deputy Director was in committee to testify on behalf of the Bill the day it was passed out of committee."

Speaker Biggert: "Representative Granberg."

Granberg: "Did they estimate, Representative, if this would be another burden on the department to undertake the responsibility that you've put in your legislation?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, according to the fiscal note that was filed by the department. It says, DCCA currently have staff and resources in the local government division that could be utilized to comply with this legislation. DCCA currently does not have an appropriation for reimbursing local governments for cost associated with the implementation of the state mandate. So, they...House Bill 661, with Amendment 1, does not have an impact on state revenues or expenditures."

Speaker Biggert: "Representative Granberg."

Granberg: "So, they have indicated that they can perform the functions required under your legislation with their current resources. Is that correct?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, they can provide the technical services

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and review of the application without costing any money and that's their only obligation under the Bill."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, I'm concerned, Representative, because with the Department of Commerce and Community Affairs, I know they're critically under staffed in certain areas. And they have problems...resolving issues with local governments during the current time. So, I'm worried about any additional requirement that may be placed upon them. This Bill, it's my understanding also allows local governments to apply collectively for reimbursements. That is not singly but together. What sorts of groups of local governments will apply, do you think will apply for this type of reimbursement?"

Speaker Biggert: "Representative Balthis."

Balthis: "Any local...any group of local governments where there was a joint project or whether they would want to combine together as in a class action suit, something of that effect could qualify for that...that application."

Speaker Biggert: "Representative Granberg."

Granberg: "If you could, Representative you've dealt with local governments as well as I have. Just give me a hypothetical on how this would work with your legislation. I mean you would have a couple of...if you would have a joint project so that three towns or cities would come in together, apply to DCCA. Can you just walk through that process with me?"

Speaker Biggert: "Representative Balthis."

Balthis: "In a situation, especially where there was an inter-governmental agreement between two municipalities or a township and a municipality and there was a project that they were working on, that would be the one that would come to mind first."

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Speaker Biggert: "Representative Granberg."

Granberg: "And the reason for allowing local units of government to apply together, Representative. What is the rationale for that?"

Speaker Biggert: "Representative Balthis."

Balthis: "Again, Representative, in a situation where there was a joint project or an inter-governmental agreement where there was shared cost and not just individual cost on one local government. That would be my idea of how that would be utilized."

Speaker Biggert: "Representative Granberg."

Granberg: "And it's my understanding as well, that your Bill would authorize these local units of government to appeal to the State Mandates Board of Review, if the department would not, in fact, respond to their request. Is that correct?"

Speaker Biggert: "Representative Balthis."

Balthis: "Yes."

Speaker Biggert: "Representative Granberg."

Granberg: "So, if they were...if they applied to the Department of Commerce Community Affairs, the departments would not comply with their requests. Then the local entity would have the option of appealing it to the State Board of Review. Do you have any idea or does the department have any idea of how many appeals could be made and how many appeals have been made in the past? Cause that could also be an undue burden upon that level of government as well."

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, one of the reasons for working with DCCA on clearing up the language. Most of this language was already in place and what we were simply doing was trying to make it workable. Was to prevent for the most

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part because if DCCA complies with this language in this legislation they will hear those requests and there would be no need for it to go to the State Board of Appeals."

Speaker Biggert: "Representative Granberg, your time has expired. Would you like to draw your remarks to a close?"

Granberg: "Thank you, Representative. One last question, Representative, if you could. When the department does this it has always been my understanding especially with the new director at DCCA, that they work very well with local units of governments and so now, it seems like we are mandating to them what they have to do. Which concerns me from a policy stand point, because we're always telling local units of government what they have to do. Now, we're telling the department that deals with local units what to do and so, why do you think this need has come about? Why, in fact, did you initiate this type of legislation. Are there problems out there that you've dealt with in your district where local units have not been responded to by the department. Has the administration refused to offer that technical assistance to your local units of government?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, because of a ruling of the Attorney General of the State of Illinois, it was perceived that local governments did not have to comply with mandates...unfunded mandates and so as...DCCA was not accepting their claims. What we simply tried to do was work out the mechanism so that they would accept the application for claim but they had no obligation to pay whatever amount was determined was available under the claim. And that was one of their concerns, was there has never been an appropriation for them to pay the claim and

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so all we did now was just clarify that their obligation is just to process the application for claim."

Speaker Biggert: "Thank you. The Lady from Lake, Representative Clayton."

Clayton: "Thank you, Madam Speaker. I rise to speak in support of this Bill. The original State Mandates Act did provide for the State Mandates Board to act on these requests. It took quite a while for the board to be appointed but it finally has been appointed, and yes, there have been municipalities joined together in my area and in the northwest suburbs that the board has refused to hear because funds were not available. That should not be the reason. They should be able to act on whether it is a unfunded mandate or not. And I rise in support of this and I urge all of the other Representatives, particularly those who are extremely interested in local government, to support this Bill."

Speaker Biggert: "Thank you, Representative. The Gentleman from Madison, Representative Davis."

Davis, S.: "Thank you, Madam Speaker. Would the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Davis, S.: "Representative, the Bill is mandating that DCCA review the applications for reimbursements from groups of local government. Who was doing the reviewing of these applications before?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, DCCA has always under statute had the responsibility to do this but due to the Attorney Generals ruling that local communities didn't have to act on an unfunded mandate, DCCA was refusing to accept those applications. So, they've always had the statutory responsibility to do what we're now clarifying for them to

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do."

Speaker Biggert: "Representative Davis."

Davis, S.: "So, after DCCA reviews the applications and let say, they determine that these units of local government are entitled to reimbursements, where does the reimbursement moneys come from? Does that come out of DCCA's budget or where does the reimbursement moneys come from?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, that was one of the concerns that DCCA had, and what we were doing was...in this language is to clarify that DCCA's only responsibility was to process the application. If the Legislature does not appropriate additional money, then that application is just going to lay there. But at least the local unit of government then has something to make its decision on, as to what it's going to cost them should they comply with the unfunded mandate. So, DCCA will not be paying any claims. They just simply will be processing the application."

Speaker Biggert: "Representative Davis."

Davis, S.: "So, we have a law that says that states can, I mean cities can apply for reimbursements and they have been applying for reimbursements in the past, but we have not paid them one penny in reimbursement monies. Is that correct?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, we haven't even been accepting their application for claim, much less paying them. And this doesn't mandate that we pay them. It just simply clarifies the language that had mandated previously that we accept their application to determine how much the unfunded mandate was actually going to cost each unit of local government that complied with that unfunded mandate."

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Speaker Biggert: "Representative Davis."

Davis, S.: "So, now we've got this Bill that is going to require local governments to file a bunch of paperwork, in Springfield with the Department of Commerce and Community Affairs. Spend a lot of time and energy, and spend a lot of local government tax moneys to do it. And then they get to go through an appeals process if DCCA determines that they can't be reimbursed even though they're never going to get reimbursed because there is no money to be reimburse them. And then if they win the appeal then the State of Illinois is going to pay their attorneys fees. So we're spending all this money, the local governments are spending money. They're hiring attorneys and then the State of Illinois is going to pay their attorneys fees for some form of reimbursement, that is never going to come because there is not one single penny that has been appropriated to reimburse the cities. What is the purpose of the legislation? It's nothing but a paper shuffle."

Speaker Biggert: "Was that a question, Representative? Was that a question?"

Davis, S. "What is the purpose of the legislation?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, the purpose of the legislation is clarify DCCA's responsibility in the process. The legislation is already in place that requires DCCA to accept these applications. The legislation does not require or Mandate that the Local Government file the application, so there is no Mandate on Local Government to force them to file the application but if we in our infinite wisdom, pass an unfunded mandate, when the Local Government has a process to come to the state and determine how much that's going to cost them. And that's the useful

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information for the Local Government. There's nothing in this Bill that says they are going to get paid. They have no anticipation that they're going to get paid. But they at least know, for their own purposes and therefore, their taxpayers how much money you and I, may have cost them by passing an unfunded Mandate."

Speaker Biggert: "Representative Davis."

Davis, S.: "So, the local governments are going to waste their local tax money to file a phoney application for a phoney reimbursement and they are going to tell their taxpayers, their local taxpayers, that they are wasting their money just so they can inform their taxpayers how much an unfunded Mandate is costing them. You're spending money to try to..."

Speaker Biggert: "Representative Davis, your time has expired. Please, draw your remarks to a close."

Davis, S.: "Could I have one more question, Madam Speaker?"

Speaker Biggert: "Proceed."

Davis, S.: "Under House Amendment 1, further amends the States Mandate Act to require the Department of Commerce and Community Affairs upon the filing of the request for determination of a Mandate to determine whether Public Act constitutes a mandate and statewide cost of implementation. Is there any time frame in here that would require DCCA to respond to these cities and villages and units of local government in a timely fashion, after they do send in their application form?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, in the language of the Bill, there is 120 days, if DCCA does not respond to the local government within 120 days then they have the right to go to the State Appeals Board."

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Speaker Biggert: "Representative Davis. The Gentleman from Washington, Representative Deering."

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

Speaker Biggert: "He indicates he will."

Deering: "Representative, under the current law, the current statute, when we pass a Mandate or an unfunded Mandate here in the General Assembly, isn't it documented by the Department of Commerce and Community Affairs now? When we file a note or when we pass a Bill isn't it noted on the Bill that the States Mandates Act applies or Unfunded Mandate Act applies, do we not do that already?"

Speaker Biggert: "Representative Balthis."

Balthis: "Yes, we do, Representative, but that does not tell any local individual unit of government how much that's going to cost them. It usually talks about the overall total cost that it may have, but it does not talk about what it would cost your hometown or my hometown under the current law."

Speaker Biggert: "Representative Deering."

Deering: "So, should this Bill pass and a unit of local government applies or sends in an application to DCCA for the amount of cost, it's going to be understandably different, case by case basis. But if we sign a piece...if the Governor signs a piece of Legislation into law and they want to go through the application process to DCCA, will that unit of local government be exempt from implementing or following that new state statute until they go through the application process with DCCA?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative Deering, according the Illinois State Attorney General, if the money does not follow the unfunded Mandate, the local community does not have to respond to

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that unfunded Mandate. So, this does not change any of that. This only allows that local unit of government better information to make the determination as to whether they want to implement an unfunded Mandate. So, it does not require them to do it before or after the application is filed."

Speaker Biggert: "Representative Deering."

Deering: "Representative, just nod your head in answer to this question. So, now with an Attorney General's opinion...a unit of local government does not have to comply with the state statute if it is an unfunded Mandate. Is that what you just said, under the Attorney General's opinion? Okay, thank you. Next question. You have, or in the digest here, it has in the explanation of the Bill, an application for reimbursement. Are we going to appropriate money in the budget to reimburse these unfunded mandates on a case by case basis?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, there's nothing in this Bill that speaks to that issue. The language here simply clarifies DCCA's responsibility in the process. Does not say anything about whether we will appropriate more, whether we have any obligation to appropriate it. It simply clarifies DCCA's responsibility in the process."

Speaker Biggert: "Representative Deering."

Deering: "So, then even if this Bill does pass and along with the current, I assume current Attorney General's opinion. If we pass an unfunded Mandate to unit of Local Government and we do not fund the Mandate and if DCCA say, yes, this is an unfunded Mandate and it's going to cost your local community 'X' amount of dollars, the unit of Local Government still does not have to adhere to the Mandate as

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long we're not funding it. Is that correct?"

Speaker Biggert: "Representative Balthis."

Balthis: "That is correct Representative, and by the way, it was not the current Attorney General's opinion, it was the previous Attorney General's opinion."

Speaker Biggert: "Representative Deering."

Deering: "Thanks for clarifying, Representative. But I meant a current opinion on file. Thank you, for you time. I have no further questions."

Speaker Biggert: "The Gentleman from Kankakee, Representative Novak."

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

Speaker Biggert: "He indicates he will."

Novak: "Yes, Representative Balthis. In my review of this analysis, are we creating a quasi Legislative Board of this...that's going to make up this process in the Department of Commerce and Community Affairs? It seems to me that we're creating a board with some type...some type of Legislative authority, when actually, when we file Fiscal Notes that are going to determine...or Mandate Notes that are going to determine whether it's a Mandate or not. It seems to me...it seems to be a little bit redundant on its face."

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, we are not creating anything. That was done by Legislators prior to my being here when they created the Unfunded Mandates Act and put in place DCCA's responsibility in that. All we're doing here is clarifying the intent of that and we're clarifying what DCCA is...DCCA's responsibilities are in this language. So, we're not creating anything that's not already in statute, placed there by the Legislators that preceded me here."

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Speaker Biggert: "Representative Novak."

Novak: "Representative, now maybe I should clarify my question but you are, as I heard in the previous conversations with other Legislators here, you did indicate that this is your clarifying a review process, correct? To determine whether a mandate exists, correct? So, you are...you are creating some type of a process by which it is going to be a little more definitive than it currently is now. Correct?"

Speaker Biggert: "Representative Balthis."

Balthis: "No."

Speaker Biggert: "Representative Novak."

Novak: "No. Well, I guess that's forthright. Or whatever. But, the reason for this Bill, did you have...were there cities or villages in the state that came through, like was it filed on the behalf of the Illinois Municipal League or the Urban Counties Council, is that why they came to you for this Bill?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, the proponents of this Bill is Illinois Municipal League, Township Officials of Illinois, City of Chicago, DuPage Mayors and Managers Association, United Counties Council, and the Illinois Farm Bureau."

Speaker Biggert: "Representative Novak."

Novak: "Yes, the Section that indicates the reasonable attorney's fees. Who determines the attorney's fees, DCCA?"

Speaker Biggert: "Representative Balthis."

Balthis: "Representative, that's my understanding."

Speaker Biggert: "Representative Novak."

Novak: "As far as the attorney's fees are concerned, is the agency going to designate a certain law firm or how these attorney's going to be selected on this individual cases?"

Speaker Biggert: "Representative Balthis."

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Balthis: "Representative, as I understand if the Local Government has a municipal attorney that individual would be the one to handle the review and the filing for them."

Speaker Biggert: "Representative Novak."

Novak: "So, as I understand it then the municipal attorney will be representing the respective villages or cities through this process, correct? Okay, thank you. I have no other questions."

Speaker Biggert: "Thank you. The Gentleman from Cook, Representative Saviano."

Saviano: "Madam Speaker, I move the previous question."

Speaker Biggert: "The Motion has been made to move the previous question. All those in favor please say, 'aye'; all those opposed say 'nay'. The Motion is carried. Representative Balthis, to close."

Balthis: "Thank you, Madam Speaker. Ladies and Gentlemen of the House, what we're simply doing here is trying to clarify the language that's already in place so that DCCA can carry out the responsibilities that this Legislator gave to them some years ago when we passed the Unfunded Mandates Act and deem that DCCA was the responsible agency to carry out this. I would ask a favorable vote."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 661 pass?' All those in favor please vote 'aye'; all those opposed please vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 103 'ayes', 2 'nays', 10 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of House Bill 1069?"

Clerk McLennand: "House Bill 1069, is on the Order of Third

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Reading."

Speaker Biggert: "Mr. Clerk, please return House Bill 1069, to Second Reading. House Bill 1363. Mr. Clerk, please read the Bill. Read it."

Clerk McLennand: "House Bill 1363, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Biggert: "Representative Younge."

Younge: "Thank you. Thank you..."

Speaker Biggert: "Ladies and Gentlemen, could we please have order in the House, so that Representative Younge may present her Bill. Proceed."

Younge: "Thank you, Madam Speaker. House Bill 1363 would extend earnfare, which is a welfare to work Bill program for three additional months at the discretion of the Department of Public Aid. It would also, the Amendment would permit a nonreceiving general assistance unit to refer earnfare cases to another unit in the same county. So, basically what the Bill does is make a good program better, earnfare is a very successful program involving some 4,000 people and the Bill improves that program by giving IDPA latitude to keep a earnfare recipient working three additional months in order for them to go into permanent employment. And I move for the passage of the Bill. It's Co-Sponsored by Representative Noland. Representative Noland is my Co-Sponsor."

Speaker Biggert: "Thank you, Representative...The Representative from Macon, Representative Noland."

Noland: "Thank you, Speaker. I rise in support of House Bill 1363. Representative Younge asked me to assist her on this Bill. I have a township that is receiving township that has 169 workfare...earnfare slots. However, I can only

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find 130 to fill it. Yet, other townships want to come in and participate and we shouldn't be penalizing people, just because they reside in a nonreceiving township. So, I'm support of this Bill and I would hope that everybody would support Representative Younge. Thank you."

Speaker Biggert: "Thank you, Representative. The Lady from Cook, Representative Schakowsky."

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

Speaker Biggert: "She indicates she will."

Schakowsky: "Thank you. Representative Younge, is there any difference between...is this the same earnfare or work that was passed by Representative LaFlore, when he was here?"

Speaker Biggert: "Representative Younge."

Younge: "Representative LaFlore was the original Sponsor of this program."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "I know that it came into being when the transitional or general assistance program was eliminated. How many people is the earnfare program serving right now?"

Speaker Biggert: "Representative Younge."

Younge: "Thank you. Right now there are 4,000 slots in Illinois, about 3,500 slots are filled by people, and so there are about 4 to 500 slots that are vacant. I think the intention is that part of them will be used for child support enforcement cases, but there are probably about 300 slots that the department could continue the period that the person can work from six months to nine months and the Bill's purpose is to give them that latitude."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "So, this Legislation would enable about 300 people to stay on the program longer. Are these...while they are on the earnfare program is this considered a kind of job

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readiness or is it actual...are they actually out in the private sector?"

Speaker Biggert: "Representative Younge."

Younge: "Yes. What happens is the person receives training and for six months they are employed at a private business or in a public job and then the people who will be eligible to keep working three more months will be those who have been successful and the employer agrees to hire them permanently. So, it gives an opportunity for a person who is succeeding to succeed further."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "I know that many of us had high hopes for this program and I was just wondering if you knew if was working successfully in moving these individuals once the earnfare period is over into more permanent employment?"

Speaker Biggert: "Representative Younge."

Younge: "Yes, my impression is that many of the private business firms where these people work are...continue these people as employees and the effort of this Bill is to facilitate that by giving the IDPA Department the opportunity to extend earnfare for three more months. And so, I think it is a successful program from that standpoint. I wish it were 8,000 or 20,000, or 200,000 rather than 4,000. From small beginnings can be big happenings later and so the point is, that it is successful program and this will help the department to make it even more successful."

Speaker Biggert: "Representative Schakowsky."

Schakowsky: "Representative, I wonder if the Department of Public Aid has done any tracking to see how long the people who have participated in the earnfare program maintain employment. Do we have any numbers on that?"

Speaker Biggert: "Representative Younge."

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Younge: "I don't know specifically how long and how many of the people who have started out in earnfare are now in permanent employ...employment. But, my impression is that the Department of Public Aid is quite happy with what is happening to these people and this is the State of Illinois' beginning effort to place people in employment who were on public aid and I think that they're gaining more experience in the kinds of jobs that they are putting people in and the kinds of training. And I think it's all coming together, and I think that this program if given more flexibility in terms of time will prove a valuable asset in helping us to move from public aid to private gainful employment. We know, Jan, that people want that people want to work. We know that. They desperately want to work and they want to take care of themselves and their families and this is a little beginning, an experiment which is successful, which shows that people can, that the government can place people in private employment, teach them how to work and then help them to be self sufficient. This is our real self sufficiency program."

Speaker Biggert: "Representative Schakowsky, could you draw your remarks to a close? This is on Short Debate."

Schakowsky: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. To the Bill. I don't think anyone in this Chamber can be a more eloquent spokesperson for people who really need some help in order to move successfully from welfare to work than is Representative Wyvetter Younge, who has been a champion of the 80,000 people who are cut-off of transitional assistance and for those who have demonstrated a desire to actually return to the work force and at least those few people that the state is still willing to help and she has been trying hard to expand that program. This

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Bill is a...is really a modest step and one that deserves a chance and I would hope that all of us would vote in support of it. Thank you."

Speaker Biggert: "Thank you. The Representative from Vermilion, Representative Black."

Black: "Yes. Thank you very much, Madam Speaker. This Bill is on Short Debate, that individual should never have even gotten up to speak. We had a person. She didn't take it off Short Debate. She wastes six minutes of time and then say..."

Speaker Biggert: "Thank you, Representative Black. Representative Younge, to close."

Younge: "I ask for the passage of this good Bill."

Speaker Biggert: "Thank you. The question is, 'Shall House Bill 1363 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 116 voting 'aye', 0 voting 'nay', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk McLennand: "A sheet is being distributed to all Members regarding committee meeting times for this evening. Committees will meet immediate after adjournment at approximately 7:00 p.m. It's an orange sheet that has tonight's meetings, committee meetings."

Speaker Biggert: "Thank you. Mr. Clerk, please read House Bill 1502. Just a moment, Mr. Clerk. The Gentlemen from Lake, Representative Churchill, for what purpose do you rise?"

Churchill: "Thank you, Madam Speaker. Just for a purpose of an announcement. There will be a Rules Committee meeting,

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immediately in the Speaker's Conference Room. Rules Committee, immediately, Speaker's Conference Room. Thank you."

Speaker Biggert: "Thank you, Representative. There will be a Rules Committee, immediately in the Speaker Conference Room. Mr. Clerk, please read House Bill...Mr. Clerk, Introductions."

Clerk McLennand: "Senate Joint...Introductions. Senate Joint Resolution #42, offered by Representative Churchill."

Speaker Biggert: "Mr. Clerk, Please read House Bill 1502."

Clerk McLennand: "House Bill 1502, a Bill for an Act that amends the Illinois Adopt-A-Highway Act. Third Reading of this House Bill."

Speaker Biggert: "Representative from Madison, Representative Stephens."

Stephens: "Thank you, Madam Speaker. (House Bill) 1502, contains the original language of House Bill 1502, with some technical changes and also we've added Amendment #2, which is the...in effect House Bill 356, a Bill by Representative Leitch. So, that the Bill in the amended form with Amendments 1 and 2 does the following things. It removes the limitation for the state right-of-way selected for the adopt-a-highway program to be located within corporate limits of a municipality, so that they can expand beyond the municipality...municipal boarders. Current law provides that several safety factors including providing that the sponsoring jurisdiction's must identify the location is safe, adoptable section of the road..."

Speaker Biggert: "Excuse...excuse me, Representative Stephens. Could you yield for a moment for an Introduction?"

Stephens: "Absolutely."

Speaker Biggert: "Mr. Clerk."

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Clerk McLennand: "Introduction Resolutions. House Resolution #35, offered by Representative Lang."

Speaker Biggert: "Thank you, Representative Stephens. Please proceed. Ladies and Gentleman, could you give..."

Stephens: "I wonder if the sportmen's caucus could move their meeting out of the aisle so that I could see the Chair. My good...this is embarrassing, Gentlemen."

Speaker Biggert: "Ladies and Gentlemen, would you please remove your conversations to the back of the room and give the Representative your attention?"

Stephens: "The...thank you, Madam Speaker. The sponsoring jurisdiction's on the adopt-a-highway program are responsible for the program, including the cost of erecting the appropriate plaques. The other portion of the Bill is House Bill 356, and that's Representative Leitch's language. Provides that IDOT or the local Jurisdiction may erect appropriate plaques along the Illinois River Road. It also deletes language stating that the plaques must be erecting only in rest areas, because there are no rest areas along the designated route. This road is located between Joliet and the City of Grafton. I think it's an appropriate thing for the Legislature to do. I would warn the Members if they are so inclined to consider this, the Department of Transportation will incur some cost, \$360,000 is their estimate, start-up cost. But, as I drive around the county and see states that have adopt-a-highway programs that are expansive. Those roads are cleaner, they make a better impression, people are more inclined to stay and visit longer and in the long run the state benefits financially. I would be glad to responds to question and I move passage of House Bill 1502."

Speaker Biggert: "Thank you, Representative. Is there any

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discussion? The Representative from Madison, Representative Stephens...excuse me, Representative Davis."

Davis, S.: "Thank you, Madam Speaker. Would the Gentleman yield?"

Speaker Biggert: "He indicates he will."

Davis, S.: "Representative, can you tell the Members of this Assembly where the Joliet and Marquette Trail actually runs and how many miles of road that is?"

Speaker Biggert: "Ladies and Gentlemen, could you please give the Representative your attention? Those of you in the aisle, please. Representative Stephens."

Stephens: "It's the generally the most direct route between Joliet and the City of Grafton. I can't tell you which exact highways that that consists of, it's several different highways."

Speaker Biggert: "Representative Davis."

Davis, S.: "Does that run into the Great River Road system that is down, that runs through Jersey County, Madison County, and in those general areas, because I'm not familiar with the term, the Marquette Trail, down in our area we call it the Great River Road down there. So, does that include that portion?"

Speaker Biggert: "Representative Stephens."

Stephens: "It includes the...the section called the Great River Road. It also includes the Joliet - Marquette Trail, and so it's a combination of those two. It's about 500 miles of roadway, about 30 junctions where the signs will be implemented. So, it would effect the area of the northern part of your district, I suppose."

Speaker Biggert: "Representative Davis."

Davis S.: "You stated that as you drove around the country, and I've done the same and I noticed these adopt-a-highway

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projects. But, I'm curious Representative, as you have driven around the country have you ever seen a piece of highway that has been adopted by a neo-nazi group per chance? And under this legislation, would neo-nazi groups be able to adopt highways in the State of Illinois?"

Speaker Biggert: "Representative Stephens."

Stephens: "I have never seen any group that...including neo-nazi, as you refer to them, that have adopted a section of highway. The local jurisdiction in some cases that's going to be the Illinois Department of Transportation, has the option whether to accept a group or not. I suppose, Representative that some people may even be offended if the Jaycee's adopted a highway, they might have a problem with the Jaycee's. I don't think that's going to be a problem and if it develops that we wind up with groups that you or I, or some other Representative or group of Illinoisans find offensive are adopting these sections of highways and using it to promote some behavior that we find unacceptable. Then we can go back and make changes to disallow that. I've not seen that. I just drove through Indiana and Michigan this past weekend. They both have adopt-a-highway programs. You're more likely to see the local Lions Club, the traditional service organizations, people that who are sincerely interested in helping make their community, their state and their country look a little better."

Speaker Biggert: "Representative Davis."

Davis, S.: "I couldn't agree with you more, that it's nice when the local Jaycee's and the Kiwanis and that, those types of groups do adopt those. But I'm really concerned at the fact that we're going to give the sole discretion to the Department of Transportation to determine which group can

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and which group cannot adopt a highway in this state. I think we should kind of clarify that issue. The other...the other point I have is this, what happens when a group, say a local realtor group or a local club adopts a highway and the state erects the signs and these organizations don't clean up the sections that they say they are going to clean up. Is there something in this provision that would penalize them since the state is spending the money to erect the signs in their honor and they don't do the job that they say they are going to do? Is there anything in this provision that would require them to clean it up either monthly, quarterly, semi annually, or annually in this Bill?"

Speaker Biggert: "Ladies and Gentlemen, I know that it's getting late but if you can please just give your attention a little while longer so we can finish this Bill. Representative Stephens, to answer."

Stephens: "Representative, I know you're new here but this is not a...we're not establishing a new program. It's already in place. The rules are in place, they must...the group that agrees a section of highway must clean it up at least four times a year. If they don't meet those standards, the sponsoring jurisdiction, there's a coordinator in place. The responsibilities by the way, include that they abide by all the laws, regulations relating to safety. Provides that one adult supervisor for every five youths be there. Does not allow a person under the age of 10 to be a member of the group involved in the liter collection. Adopts a section of road for at least two years, collect the liter at least four times, as I said, per year and maintain a first aid kit and an adequate supply of water and conduct a safety meeting for all members of the group by the

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Supervisor before they go on the highway. This is not...these are not new regulations, that's current law. All we're saying is that right now you've got to stop at the edge of town, as you're leaving, that's the last piece of road that you can adopt. We want to say that as you leave town..."

Speaker Biggert: "Representative Davis, your time has expired. The Gentleman from Rock Island, Representative Boland."

Boland: "Yes, thank you, Madam Speaker. Just a couple of questions. One, would you repeat what cost are there involved in this?"

Speaker Biggert: "Representative Stephens."

Stephens: "The two programs that we're talking about, the Fiscal Note presented by the department that approximately \$360,000 in start-up cost in relation to these adopt-a-highway program. And the amount of the money that the department will spend annually on supplies and signs will depend on the amount of organizations that participate. In addition the 'Pierre Marquette' portion of this could cost between \$30 and 35,000 and I would further add an editorial comment. My personal belief is, is by cleaning up, you know, drive through a trashy area, it's just not very appetizing. You don't want to stop there. You don't want to shop there. But if it's clean and you see that, that community, that state feels a little bit better about itself, a little more civil...a civic pride. You're a lot more prone to want to tour there, stay there and I believe that financially the state's going to benefit and this is going to be a money gainer for the State of Illinois."

Speaker Biggert: "Representative Boland."

Boland: "A further question. Is there any opposition to this

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Bill from the teamsters or AFL-CIO, AFSCME, any of these groups that feel maybe...jobs might be threatened?"

Speaker Biggert: "Representative Stephens."

Stephens: "No one testified against the Amendments or the Bill in committee. They did, the teamsters filed an opposition slip. It's my belief that the...that their reasoning was they felt that this was going to threaten jobs. I really don't think that, that's not the case. We've got plenty of work to provide to the teamsters and AFL-CIO members and those others that are in the business of helping maintain our roads. There's plenty of asphalt, potholes and things like that, all sorts of work. I...I rarely see that we have the time, given all the other repairs and such in our road system. We don't have time to let the people in the teamsters bother themselves with picking up trash. I think it's a good program and again, this is a program that is currently law. It's available in your hometown right now."

Speaker Biggert: "Representative Boland."

Boland: "One last question. Were these groups in opposition to the original adopt-a-highway programs? Do you know?"

Speaker Biggert: "Representative Stephens."

Stephens: "Traditionally the teamsters have always opposed adopt-a-highway program in my Legislative career."

Speaker Biggert: "Representative Boland, thank you. The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Madam Speaker. Will the Gentlemen yield?"

Speaker Biggert: "He indicates he will."

Granberg: "Thank you. Representative Stephens, I understand what you're trying to do. But let me specifically ask you about Amendment #2 on the road project. Where did this idea come from, Representative?"

Speaker Biggert: "Representative Stephens."

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Stephens: "This...the genesis of that fine concept...maybe we ought to direct that question to Representative Leitch. He might be in a meeting...I think he's in Rules Committee right now. He's studying some other issue right now. But Representative Leitch came up with this fine concept and I'm just trying to accommodate him. He's on the Floor and I know he's anxious to discuss this Bill, it's something that's been worked on for years and finally asked me to get done for him."

Speaker Biggert: "Representative Leitch, can you shed some light on that issue?"

Leitch: "I was reviewing another issue. If the Gentleman would please repeat his question."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Representative Leitch. In Representative Stephens Bill, there is a provision, Amendment #2, that deals with the Joliet - Marquette Trail Act. I was not aware of that provision, Mr. Leitch, and Representative Stephens directed me to you, that this was your idea or the genesis of the Legislation came about from your district. So, could you please explain to me how this was arrived, where this came from and why?"

Speaker Biggert: "Representative Leitch."

Leitch: "Yes, this essentially was a Bill that passed last year in the House and for some reason got up...hung up in the Senate. The Harlan Water Resources Council is a group that's very dedicated to drawing attention to the Illinois River, its problems and the waterway itself and its importance. Not unlike the waterway along the Mississippi River. And so the purpose of this is to authorize the communities in IDOT to put up plaques in connection with identifying the waterway and just generally promote the

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route as the route of the voyageurs, who are the French who originally came up the Illinois River some 300 years ago and for historic reasons designate this route."

Speaker Biggert: "Representative Granberg."

Granberg: "Thank you, Representative. And where would the funding for this...for this project come from?"

Speaker Biggert: "Representative Leitch, to respond."

Leitch: "The funding for this will be in the local communities, done by the local communities themselves."

Speaker Biggert: "Representative Granberg."

Granberg: "So, Representative, I just want to be clear on this. I was reading the digest and I had thought that there was an initial start-up cost that would be associated with the Department of Transportation in excess or approximately \$400,000. So, there would not be any commitment of any state funds whatsoever to this project?"

Speaker Biggert: "Representative Leitch."

Leitch: "No, that...I don't know where in the world that number could have possibly come from. The IDOT, I think might spend up to, what \$30,000. Everything else..everything else is not related to this."

Speaker Biggert: "Representative Granberg."

Granberg: "Well, Representative, I just want to be clear on this because a number of us have very important road projects in our districts that cannot be funded. And it's my understanding, it's \$30,000 per plaque, so it's a total of \$360,000, now that is what is in the digest and that is what is on the Legislative Information System. So, I just want to be clear if those figures are incorrect, let's deal with it now and have an explanation. So..."

Speaker Biggert: "Representative Leitch. And Representative Granberg, your time is about to expire so if you can draw

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this to a close. Representative Leitch. Representative Stephens."

Stephens: "That information in the digest is incorrect and I...Madam Speaker, we're running out of time here and I think it's just absolutely unfair that Representative Leitch, the time he talked, was taken away from the Gentleman from Clinton's five minutes. I object. I think the Gentleman from Clinton ought to have five minutes to talk and I stand in support of his able to ask as many questions as he wants."

Speaker Biggert: "Representative Stephens, I did give Representative Granberg one extra minute."

Granberg: "Boy, we see strange things here once in a while. So, Representative Stephens, I want to make sure I understand this correctly. The money is not for this project, the \$367,000, would not be for Representative Leitch's portion. That is the initial cost attributed to DOT for the adopt-a-highway program. Is that correct? The \$360,000, the start-up funds that would be attributed to the adopt-a-highway program. Is that correct?"

Speaker Biggert: "Representative Stephens."

Stephens: "Yes, that's correct."

Speaker Biggert: "Representative Granberg, if you could conclude."

Granberg: "Well, thank you. I want to thank Representative Stephens, for his kind remarks and Representative Leitch for his indulgences on this matter. And I just want to...in closing Representative Stephens, I just want to clarify one...one additional item. So, if you could respond. So the \$367,000 would come out of the road fund, I would assume and secondly, I've also been informed that the AFL-CIO is opposed to this Bill as well. So, if you

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could in your remarks, Sir, address those two points I would be appreciative. Thank you."

Speaker Biggert: "Thank you. The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Madam Speaker. I move the previous question."

Speaker Biggert: "A Motion has been made to move the previous question. All those in favor, please say 'aye'; all those opposed, please say 'no'. The Motion is carried. Representative Stephens to close."

Stephens: "Well, thank you, Madam Speaker. I would just like to address one issue. There are many federal programs available for beautification and it's my understanding and I think we can access those dollars and eliminate the possibility of losing any road funds for those of you that are concerned like I am about making sure that we don't damage the road fund. The cost as stated earlier are accurate, I believe and I also believe that it's appropriate that we take that out federal beautification programs. I would think that this is just common sense Legislation, we're just expanding a current program and then of course adding the trail program that will help attract more tourism to the State of Illinois, a common sense Bill. I move its passage."

Speaker Biggert: "The question is, 'Shall House Bill 1502 pass?' All those in favor, please vote 'aye'; all those opposed, please vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 70 voting 'aye', 39 voting 'no', 5 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared

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passed. Mr. Clerk, what is the status of House Bill 630?"

Clerk Rossi: "House Bill 630, is on the Order of Third Reading."

Speaker Biggert: "Mr. Clerk, please return House Bill 630 to Second Reading. Speaker Daniels in the Chair."

Speaker Daniels: "House Bill 1594. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1594, a Bill for an Act amending the Marriage and Family Therapy Licensing Act. Third Reading of this House Bill."

Speaker Daniels: "Return the Bill to Second Reading. House Bill 1653. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1653, a Bill for an Act amending the State Printing Contracts Act. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you, Mr. Speaker, Members of the House. House Bill 1653 would amend the State Printing Contracts Act and it would require that all printing by or for the state use soybean ink unless the agency determines that another type ink is required because of quality or cost. And as it's amended it would also indicate that it is to so state that a soybean ink being used. Currently, only contractors that print for the state are to reuse soybean ink when providing services to the state. Again unless the department determines that another type of ink is required to insure quality or reasonable pricing for the product. This Bill would make the same law apply to all printing, including what is done by the state itself. There should be no additional cost to the state as the Bill allows the state to use another type of ink, if a price is a problem or if it's higher price for soy ink and to assure reasonable pricing of the printed product. Proponents for the Bill

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include the Illinois Environmental Council, Illinois Department of Agriculture. It's my understanding that Illinois Farm Bureau is also supporting this Bill, and I assume will be signing on as a proponent when it goes to the Senate. And the Illinois Soybean Association has verbally indicated that they are also in favor. Are there any questions?"

Speaker Daniels: "Any discussions? The Gentleman from Kankakee, Representative Novak."

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

Speaker Daniels: "Indicates he will."

Novak: "Representative, as I look through this Bill, to me it looks like a mandate, right? Are we...we're opposing this upon our self. Correct?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "I would not refer to it as a Mandate, Representative. Certainly, it's not an unfunded Mandate because there's the provision in there that if it's an additional cost, the state would not be required. You are correct that it's just on the state itself, but there is the option there that if it's added cost it would not be a requirement."

Speaker Daniels: "Representative Novak."

Novak: "Thank you. Well, the reason why I asked that is this subject has been around, oh gosh, the last six or seven years at least. I can remember when I first came down to Springfield, we had the Department of Central and Management...Central Management Services do studies. Have you conferred with the Department of Central Management Services? And speaking for myself, as a Member of the Legislative Printing Unit, have you talked to John Rodems downstairs in the unit concerning the cost of what a gallon of soybean based ink costs, vis-a-vis, oil based ink or do

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they use soybean based ink exclusive in our Legislative Printing Unit? And what other printing units we have in the State of Illinois that has the discretion to use soybean based ink vis-a-vis oil based inks?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, I believe you actually asked several questions. I know one of them was, if we're currently using it. I believe that about 90% of the in-house or state printing is by soybean ink. We're simply want to codify the actual statute make our own printing comply with that that we have done by contract printing. You indicated that you had, you know, this had been around for a while. We're really amending an Act which was adopted, I believe by the 86th General Assembly and I believe, I believe your Party was in control at that time. So, I know there would be nothing offensive in this as far as mandates or anything like that, since it was adopted, you know, when you had the majority. It's simply amending that and extending some good Legislation that was passed, you know, when you had the Majority."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative, you're correct, the 86th General Assembly we did...it was a bipartisan effort and I know, but you know, there is a lot of concern about Mandates here and we certainly want to be as cost conscious as possible. But as I indicated to you before and I apologize for asking four questions in one sentence, but as I indicated to you before, have you talked to John, at the Legislative Printing Unit. Do you have some comparative cost figures on soybean based ink vis-a-vis the other traditional based inks. Has the price of soybean based ink come down some over the years?"

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Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, our staff certainly has talked with the department individual that you referred to. They indicated that, you know, right now 90% of their printing is with soybean ink and that it's at a very comparable cost."

Speaker Daniels: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Now, when you say 90% of our printing...our printing operations, does that mean and I know our Legislative Printing Unit is just relegated to the General Assembly. Central Management Services has their own printing unit, I believe. What other state agencies have their own state printing units?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, we've talked to the Department of Agriculture, the Department of Transportation, CMS. I also have a letter from the Department of Central Management Services which is in response to the Fiscal Note to House Bill 1653 as amended, and they indicated that the Bill is expected to have minimal impact on CMS and they of course mentioned also that all printing by or for the state will use soybean ink unless the agency determines that another type of ink is required because of quality or cost. So, they did respond in writing, indicating that really virtually...you know, very minable cost if any. Additional cost."

Speaker Daniels: "Representative Novak, you have 36 seconds left."

Novak: "Thank you, Mr. Speaker, for your indulgence. Yes, I understand that. Thank you. Representative Moffitt, have you given consideration to trying to expand this to our university systems or any other quasi agencies that the General Assembly and state government comes under control

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of? You know, this is a really good farm orientated issue and soybean based inks are very environmentally friendly compared to oil based inks. But have you given thought to trying to expand this out? Maybe we can work on something like this later on down the road in a bipartisan manner to try to use more Illinois soybeans as much as we could?"

speaker Daniels: "Representative Moffitt, and your time is up, Sir. So if you'll answer this question briefly."

Moffitt: "Representative, I think that's an excellent idea. I would be very receptive to it and would be very happy to work with you on a bipartisan basis."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He says he will."

Granberg: "Representative Moffitt, you've just indicated that you would glad to work, you'd be glad to work with Representative Novak on expanding the market for ethanol. I mean soybean ink. Does that mean that you would take this Bill back to second so we could put an Amendment on it to expand it to the University System. Would you be willing to do that, Sir?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, I think under time constraints that we're operating, that might not be advisable. I'm very receptive to looking at that, but you know, we may even come up with additional ideas and I would like the opportunity to sit down with your side, take it to committee and look at expanding that."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative Moffitt, 60 Bills are going to go off the Calendar shortly, this evening. We do have time. We

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could have the Amendment drafted this evening to expand your Legislation to include the University System. We can have the Amendment drafted tonight, it could be heard and posted in Rules and in committee and be heard and adopted on the floor tomorrow and be passed, be brought up for a vote Monday. So, if you're serious in working with us on a bipartisan basis we can actually put this together this evening. Work on it tonight and tomorrow and it can be passed tomorrow or Monday at the latest. So, I would ask your indulgence, Sir. If you really are serious we can do this and if you want to help the soybean markets, if you are serious about doing this, Sir. We can do it and we look forward to working with you. If you're not serious don't make those overtures because there are a number of us here who have worked on a bipartisan basis on this type of Legislation previously, dealing with soybean ink and that is the way that it should be done. So, you indicated that you would work with Representative Novak, we can expand this 'city of earth' to the university system and we look forward to doing that, Sir. Because it can be done tonight and be called for a vote tomorrow. So would you be willing to do that?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, I again state that I'm most anxious to work with you. I know there are a lot of vehicle Bills out there. I think Legislation is best, Legislation that I've been involved with that's very well thought out. It's very deliberate, we've had lots of input. You've mentioned a number of other agencies, a number of other institutions. I'm not sure we can get input from all of those this evening and have a Bill ready to go tomorrow. Let there be no mistake, I am serious about helping agriculture, about

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helping markets for our soy...markets for our soybeans and let there be no mistake I'm very anxious to work with you. But I think there are other avenues than just this Bill. So, let me make that real clear. We'll work with you, but if we're serious about involving institutions such as the University of Illinois, I believe that we should talk to them about that. We don't know what type of printing in-house...printing they have. We want things to be fair and open in the legislative process to make sure there's plenty of sunshine and that people that we would be involving in this that they would have an opportunity to have some input also."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I am really sorry to hear that statement. You just indicated you would be willing to work on a bipartisan basis for all of us, so we can increase the demand for soybeans and the use of soybean ink. Now we have given you the opportunity, Mr. Moffitt to do that, to in fact, work with us. We have a week to do this. We can start this evening, Sir. If you are willing to put the energy into it as we are, Representative Novak, this side of the aisle we stand ready to pursue this this evening after we adjourn, to start contacting all the state agencies. If you will match your enthusiasm for farm products with ours, we will get this done and we can get it done. There is time. If you're serious about doing this, we will start tonight immediately upon adjournment because this is too important for the farmers of Illinois and if you're serious, Sir, we will start tonight immediately following adjournment. We can get this Amendment drafted, we can have the input done by tomorrow. Get everybody to sit down and say what can be done and we can pass this Bill

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tomorrow or Monday. That gives us plenty of time. If you're not serious, you can do your press release tonight and say you don't want to work on a bipartisan basis. You don't want to work to expand use of soybean ink, because you made the offer. You're the one that made the offer. We're saying we're willing because we're ready to show that enthusiasm. We're ready to work with the Farm Bureau tonight, the University System, all the departments and we can get them together tomorrow because we want to show that you are enthusiastic about this. So, if you say 'yes', we'll get done tonight. Let's go Representative Moffitt. Let's work tonight. Let's earn those taxpayers dollars. Let's go. Come on. We can do this. What do you think? Say 'yes', Representative Moffitt. Just say 'yes'."

Speaker Daniels: "Representative Moffitt."

Moffitt: "You know, Representative, your enthusiasm for this Bill and for soybean ink is only exceeded by my enthusiasm. Now there is nothing magic about the number House Bill 1653. I think if you are serious about wanting to support soybean ink, we pass this Bill and tonight you and I, and whoever else would like to be involved, we will start working on other Bills, whether it be a vehicle Bills or whatever and I think yet this Session we can expand that. I'm ready to do that. I want you to join with me. I want you to go to work for the soybean farmers of Illinois. I stand ready to work with you. I want to see that enthusiasm that I have, shown by your side."

Speaker Daniels: "Representative Deering, the Gentleman from Washington."

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

Speaker Daniels: "He says he will."

Deering: "Representative, just for the...just for the intent."

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For the other Members. We talked about this in committee. Your Bill will not...your Bill will not require us in our district offices to go to a printer in our district to have literature or letterheads or whatever for our district use printed with soybean ink if that's not available in the area with our local printers, local contractors. Is that correct?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "Representative, you are correct. This applies to printing done by state agencies, for state agencies. An individual Legislator, that is still their decision. I think most Legislators would want to use soy ink. I hope they do, I would encourage them to do again because of my enthusiasm for soybean ink. But, yes, you're correct Representative."

Speaker Daniels: "Representative Deering."

Deering: "And this wouldn't have any effect, would this Bill have any effect on the Legislation that Representative McGuire passed yesterday? The single printing, single color printing or anything?"

Speaker Daniels: "Representative Moffitt."

Moffitt: "No."

Speaker Daniels: "Representative Deering. That's it. The Gentleman from Kendall, Representative Cross."

Cross: "I'd like to move the previous question, Mr. Speaker."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. The Gentleman from Knox, Representative Moffitt to close."

Moffitt: "Thank you, Mr. Speaker. Certainly, I'm glad to hear of the enthusiasm on the other side that almost matches my enthusiasm. I'm committed to working with them and, you

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know, if the transcript of our debate on this issue is printed in soybean ink, think how much soybean ink we're going to use just to print that transcript. This Bill, I'd like to remind you or just keep in mind. This Bill, if passed, if we can increase the use of soybean ink it is good for the environment, it's good for the farmers of Illinois. According to the U.S.A. Today, the issue...the today's issue, Friday is the 25th anniversary of Earth Day. The 25th anniversary of Earth Day. I think passing this Legislation now would be a most appropriate recognition of Earth Day, the 25th anniversary where we're doing something that is good for the environment. I urge a 'yes' vote."

Speaker Daniels: "The Gentleman moves the passage of House Bill 1653. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? ~~Have~~ all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 107 'ayes', 0 voting 'no', 7 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bill 1684. Read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 1684, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Cook, Representative Lachner. From Lake, Representative Lachner."

Lachner: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1684, is a Bill that's designed to address a problem that we face in our school districts. Currently certified teachers are required by the school code to maintain discipline in their classrooms. When they maintain discipline, if that requires restraining a student asking that student to leave the class or any type of

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discipline, they are currently covered under the tort immunity that is provided to school districts. One of the problems that's occurred is, as we have growing populations of special education children, children with behavioral disorders and discipline problems. Is when we have an aid in the classroom or related educational personnel in the classroom. When that person, due to some incidents is required to, for the safety of the rest of the students restrain or discipline another student, that person is not currently covered under the tort immunity. Purpose of this Bill is to extend that tort immunity to the related service personnel. I'll be happy to answer any questions on this Bill."

Speaker Daniels: "Any discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "Indicates he will."

Lang: "Representative, I'm not quite sure I understand the Bill but I want to make sure what it does not do. Many of us, I included, worked long and hard to pass a Bill that banned corporal punishment in Illinois public schools. Is this going to affect that in any way shape or form?"

Speaker Daniels: "Representative Lachner."

Lachner: "This Bill does nothing to change current Illinois School Code with respect to corporal punishment or any particular discipline. All the Bill does is simply extend existing tort immunity to noncertified personnel."

Speaker Daniels: "Representative Lang."

Lang: "So, what you're doing is adding certain people that can maintain discipline in the legal ways that we have on the books today?"

Speaker Daniels: "Representative Lachner."

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Lachner: "That is correct. When we have situations in the classroom, we want to make sure that those people who are there and are trained to be there providing related educational services are protected as are the certified teachers."

Speaker Daniels: "Representative Lang."

Lang: "And so would you state clearly for the record for legislative intent that there is no attempt here in this Bill and in no way affects laws that we recently passed regarding the banning of corporal punishment in Illinois public schools? Could you do that for me, Sir?"

Speaker Daniels: "Representative Lachner."

Lachner: "Representative, that is correct. The purpose of this Bill is not to affect in any way, shape or form, current Illinois statute with respect to punishment or discipline as provided either by state level statutes or the local school policies. It simply allows those policies and statutes to be implemented by other personnel in the schools."

Speaker Daniels: "Representative Lang."

Lang: "Was there anyone opposed to your Bill in committee, Sir?"

Speaker Daniels: "Representative Lachner."

Lachner: "No, there were no slips filed."

Speaker Daniels: "Representative Lang."

Lang: "And you have heard from no one in opposition since?"

Speaker Daniels: "Representative Lachner."

Lachner: "No, believe it or not most people think this is a good Bill."

Speaker Daniels: "Representative Lang."

Lang: "I was particularly concerned about teacher's unions, who might have a concern about who can get in and out of breaking up a fight between two students and that type of

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thing. No issue has been raised at all in that?"

Speaker Daniels: "Representative Lachner."

Lachner: "The IEA is not opposed to this Bill."

Speaker Daniels: "Representative Lang."

Lang: "What about the Chicago Teachers Union?"

Speaker Daniels: "Representative Lachner."

Lachner: "We haven't heard from them."

Speaker Daniels: "Representative Lang."

Lachner: "My guess is, they would probably be in support of this Bill also. Because...many of these...their employees are under the same bargaining unit."

Speaker Daniels: "Representative Lang."

Lang: "And so if I understand the Bill correctly, it allows anyone that's working at the school to do what's necessary to maintain discipline. Would that include custodial personnel?"

Speaker Daniels: "Representative Lachner."

Lachner: "Only with respect to a student providing a related service."

Speaker Daniels: "Representative Lang."

Lachner: "For example, if you had a custodian at a school district not providing any related educational service, that person would not be involved with student contact. We're talking about people providing a related educational service."

Speaker Daniels: "Representative Lang."

Lang: "Well, just so I'm aware. What would that be, audio visual people, who...shop teacher, well those are teachers. So, who that is not a teacher or in the administration would be covered here?"

Speaker Daniels: "Representative Lachner."

Lachner: "I think...I'll give a prime example and then a related

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one. A prime example would be a special education aid, working in a classroom with a specific student. A related example might be a library aid, who's working in the library and where an incident might occur there, he or she would then be responsible and provided the same coverage as a certified teacher would be."

Speaker Daniels: "Representative Lang."

Lang: "Are these folks that you want to add covered by the schools liability insurance currently?"

Speaker Daniels: "Representative Lachner."

Lachner: "The people as employees would be covered by school liability insurance but they would not be covered under tort immunity."

Speaker Daniels: "Representative Lang."

Lang: "And so how does your Bill affect potential tort liability of these...these people who intervene to maintain discipline?"

Speaker Daniels: "Representative Lachner."

Lachner: "It limits the liability of a school district for employees who are not currently covered under their existing tort immunity. It would limit it to the extent that other employees providing related services in the area of discipline would also be covered."

Speaker Daniels: "Representative Lang."

Lang: "So, what you're really doing is extending tort immunity to these folks to help maintain discipline in the schools?"

Speaker Daniels: "Representative Lachner."

Lachner: "Right. Currently under the Illinois statutes, teachers are required to maintain discipline in the aids that are working in the classroom or assisting the teachers. So, in a case..."

Speaker Daniels: "Representative Lang, you're out of time, Sir."

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But Representative Lachner, were you finished with answering the question?"

Lachner: "In a case where a...for example, a teacher is working with a special ed student and the special ed student has a behavior disorder and starts acting out. You may have an aid in the classroom, it may take both of them to restrain it. In that incident, the teacher is covered but the aid isn't."

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

Spangler: "Mr. Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. The Gentleman, Representative Lachner to close."

Lachner: "Ladies and Gentlemen of the House, I urge your support of House Bill 1684. The primary purpose of this, is to allow school district personnel to main safety for other students, school personnel and other for the purpose of self defense and the defense of the property and the other members of the classroom. This will not change most actions that are occurring in the classrooms but it will certainly allow for the protection of those noncertified personnel who are assisting and providing related services to the teachers. Thank you."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 1684. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 90 'ayes', 23 'noes', 2 voting 'present'. This Bill, having received a Constitutional

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Majority, is hereby declared passed. Okay, apparently the Clerk did not put the right Motion on there so. All right, we're sorry. We will...we'll dump the Roll. Mr. Clerk, this would be Third Reading of the Bill, final passage. The Gentleman, Representative Lachner, has moved for the passage of House Bill 1684. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. And thank you, for correcting us, Sir. Have all voted who wish? It's final passage. Have all voted who wish? The Clerk will take the record. On this question there are 102 'aye', 2 voting 'no', 11 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements."

Clerk Rossi: "Supplemental Calendar announcement. Supplemental Calendar #1 is being distributed."

Speaker Daniels: "House Bill...Committee Reports."

Clerk Rossi: "Committee Report. Representative Churchill, Chairman from the Committee on Rules, to which the following Resolutions were referred, action taken on April 20, 1995, reported the same back with the following recommendations: 'do adopt' Senate Joint Resolution 42, 'do approve' for consideration House Resolution 35."

Speaker Daniels: "For what purpose does the Gentleman from Cook, Representative Giles, arise?"

Giles: "Thank you, Mr. Speaker. Mr. Speaker, on House Bill 1089, my button was inadvertently pushed. I would like the record to reflect that I would have voted a 'no', for House Bill 1089."

Speaker Daniels: "The record will so reflect, Sir. Third Readings. House Bill 1868, Representative Black. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 1868, a Bill for an Act that amends

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the Illinois Public Aid Code. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1868, is identical to both Senate Bill 1261 and Senate Amendment #1, to House Bill 3278 from last year. Both of these Bills passed at least one chamber during 1994 and in the conclusion rush it simply didn't get adopted by both Chambers. What the Bill does is to require the Department of Public Aid to pay federally qualified health centers for health care services to Medicaid recipients at a rate established using a prospective cost reimbursement methodology. I know of no opposition to this Bill. I would be glad to answer any questions that you have."

Speaker Daniels: "Any discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "Indicates he will."

Schakowsky: "I'm sorry, Representative. You were reading rather rapidly and it was noise in the House. Could you just tell me, as I'm shuffling through papers here. Briefly, what does this Bill do? I'm sure it's an excellent Bill, but what does it do?"

Speaker Daniels: "The Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker. You and I are in agreement on one thing. It's an excellent Bill. Of that, there is no question. I will do my best and I've never been accused of reading anything quickly. I'll do my best to put the...as we say downstate, I'll put the hay down

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where the goats can eat it. Now, listen up here. All right? This Bill is identical to both Senate Bill 1261 and Senate Amendment #1 to House Bill 3278 from last year. Both of these Bills passed at least one Chamber in 1994 and out of committee in the second Chamber. Unfortunately, as the Session wound to a conclusion, both of this Bills were caught in the end of Session deadlines. What this Bill does is to acquire the Department of Public Aid to pay federally qualified health care centers for health care services to Medicaid recipients at a rate established using a prospective cost reimbursement methodology. Currently, there are over 30 federally qualified health care centers that have almost 100 sites in the state that annually service approximately 300,000 people. I know of no opposition to the Bill."

Speaker Daniels: "Any further discussions? The Lady from Cook, Representative Schakowsky."

Schakowsky: "Representative, does this change in any way the method of reimbursing these federally qualified health centers?"

Speaker Daniels: "Representative Black."

Black: "Well, if it changed in a negative fashion they wouldn't support the Bill obviously. All the Bill does is to codify current practice so that if we go to a managed care plan statewide that federally qualified health centers are not left out of the reimbursement process."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, then you are really anticipating my next question then. What you're saying is, that this method of reimbursement or are you saying, is consistent with the mini plan plus program for which we have sought a waiver?"

Speaker Daniels: "Representative Black."

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Black: "I suppose you could say that, yes."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Well, are the HMO manage care entities going to have to pay this rate?"

Speaker Daniels: "Representative Black."

Black: "Are the HMO's going to have to pay the rate? I don't know of any HMO that pays the Medicaid recipient, Representative. If you know of a HMO that is paying a Medicaid recipient, let me know and I might want to sign up."

Speaker Daniels: "Representative Schakowsky. Further questions?"

Schakowsky: "No, thank you."

Speaker Daniels: "Okay. The Gentleman, Representative Black to close."

Black: "Thank you very much. This Bill has been around. It is supported by the...the health care centers that operate throughout the State of Illinois. From Chicago to Cairo, these people are giving the care that often...to people who often fall through the cracks. All the Bill does is assure them that if we change current practice they will be able to receive a reimbursement on any plan that that we go to. It makes imminent good sense. I ask an 'aye' vote."

Speaker Daniels: "The Gentleman moves for the passage of House Bill 1868. This is final action. All wishing to vote in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 111 'aye', 0 voting 'no', 5 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2066. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2066, a Bill for an Act in relation

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to public services. Third Reading of this House Bill."

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

Krause: "Thank you, Mr. Speaker. I'd like at this time to present House Bill 2066. It is an important Bill and addresses the needs in the state in the area of human services. This Bill will give community mental health and development in disabled workers wage increases equal in percent to wage increases to the mental health paid, to the mental health technicians in state operated facilities. In addition, the Bill provides for annual COLA's to community mental health and development disability facilities. It is a significant Bill because it will help to halt the growing disparity that exists between wages paid to mental health and development disabled workers in our community programs and those paid for equivalent work in state facilities. In addition, it will help us address the needs of those who are in our community based areas and to help permit us to focus on those individuals with mental disabilities. I would ask for the support of the Members of this House and would be pleased to answer any questions on this Legislation."

Speaker Daniels: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Thank you, Mr. Speaker. Would the Lady yield?"

Speaker Daniels: "She indicates that she will."

Granberg: "Pardon me. Representative Krause, I think we all agree that this is a great idea and we've been advocates of this for a long time. But, I would certainly ask you, what is the fiscal impact of this Legislation?"

Speaker Daniels: "Representative Krause."

Krause: "Thank you. The impact would be to provide for the

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initial year the comparable percent increase, which I understand is 3%, to match those that are being given in the state operated facilities and then in addition would be the annual COLA's, henceforth, however that would come out."

Speaker Daniels: "Representative Granberg."

Granberg: "Let me rephrase that. How much would this cost in the next fiscal year?"

Speaker Daniels: "Representative Krause."

Krause: "My understanding on the Fiscal Note that was filed had provided that the community increase for the wages would be about \$12.9 million and then in addition would be whatever the COLA's would provide."

Speaker Daniels: "Representative Granberg."

Granberg: "What would the total cost be, Representative?"

Speaker Daniels: "Representative Krause."

Krause: "If I am correct on the COLA's, which would be about \$19 million. The total cost on the Fiscal Note would be about \$32 million. I would ask, however, the consideration that we look at this for the benefit that it does as far as providing for the people and their needs in our communities and the fact that how much better we can serve them and that indeed, we should also have to take into comparison the cost benefit that there is for people to be in our community and that figure should also be included in this."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative. Has the Governor put in his budget this approximate \$32 million for these provisions?"

Speaker Daniels: "Representative Krause."

Krause: "My understanding is, it is not in there at this time but again, the basis for this is to ask this House, this

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Chamber, to make this a priority as we look at many things as far as priorities in our \$33 or 36 billion budget. And that is what I am seeking here."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, I agree with you. I mean, we've tried to do this in previous years. But I have a letter here from a constituent who's an 83 year old retired school teacher who has...who receives \$450 a month, \$450 a month. No social security, now you have the health insurance crisis for the retired teachers. Her health insurance could go up to \$350 a month, she will have \$100 a month to live on. That includes rent, utilities, medication. Now, the cost of that is approximately \$50 million. So, are we being asked to choose? Are we saying, that these people who deserve the money, Representative. No qualms about it. Your people in these community based facilities deserve the money. But, do I tell my retired teachers who are 82 years old who make \$450 a month there are going to have \$100 a month to live on, that they're not as important as the people in these community based facilities?"

Speaker Daniels: "Representative Krause."

Krause: "I appreciate what you have said and I understand that as we go forth in the budget process these decisions are not easy. But clearly by supporting and adopting this Legislation, I and others are asking that the time has come in this area that we address this issue. Because as you have said, this also has been on the table in the past. We've not be able move it and when you look at the needs here and how under served these people are, then I am asking that in the area of priority and the human needs of individuals that we give consideration and that we move this forward."

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Speaker Daniels: "Representative Granberg."

Granberg: "Well, thank you, Representative. I know you're very genuinely concerned about this. But I'm in a quandary, because I have to go back to my retired teachers and say, 'no'. 'No' we voted...we voted for COLA for community based facility workers and 'no', we won't even consider the Legislation that would resolve their teacher's health funding crisis. We can't get that Bill called in this chamber. We've had time and time again to offer Amendments to bring those Bills to the Floor, to address that crisis and we are told it's not a critical time yet. Time and time again we've been denied. And so now we see this Bill, so with due respect Representative, we're for it but let's deal with the retired teachers issue as well."

Speaker Daniels: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Just briefly, I rise to offer support. The effort for the wage increase for the community care workers and in all due respect to this Sponsor and Sponsors in the past, which has been myself and many others before my time. I feel like the efforts in the past have been reflective of sincere efforts but for some reason or other have not ever produced real funding. And I hope this is the actual year where we see real funding for these folks who have been overlooked, who put a great quality effort for those that we all care about and should have extra sensitive feelings for, and for that reason I hope that we can find the funding to reward these folks for their effort as well as the retired teachers insurance and I hope that this may bare on the budget negotiations in final hour. Thank you."

Speaker Daniels: "The Lady from Cook, Representative Krause to

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close. This is on Short Debate."

Krause: "Thank you, Mr. Speaker. Again I would ask for support in a bipartisan way on a matter that I think does deserve bipartisan support on a very needed issue in our field of Illinois and I ask for a 'yes' vote on House Bill 2066."

Speaker Daniels: "The Lady has moved for the passage of House Bill 2066. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 110 'aye', 0 voting 'no', 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the Order of Second Readings. Mr. Clerk, read House Bill 438."

Clerk McLennand: "House Bill 438, the Bill has been read a second time previously. Amendment #1, was adopted in committee. Floor Amendment #2, offered by Representative Hughes has been approved for consideration."

Speaker Daniels: "Representative Hughes, the Lady from McHenry."

Hughes: "Thank you, Mr. Speaker. Floor Amendment #2, to House Bill 438 provides that in a referendum county wide to abolish township government, it would require a majority of votes in each of three-quarters of the townships of the county. I ask for an 'aye' vote. Thank you."

Speaker Daniels: "Is there any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Hoffman: "Now, does Amendment #2 here Representative, become the Bill?"

Speaker Daniels: "Representative Hughes."

Hughes: "No, it does not become the Bill. It modifies the Bill,

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as originally drafted the Bill said in every township. This Amendment now changes that to provide for in three-quarters of the townships."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Why did you...why do we want to change from every township to three-quarters of the townships?"

Speaker Daniels: "Representative Hughes."

Hughes: "If the requirement were that it pass in every township we would have the potential for example, in Sangamon County of one out of 22, 23 townships, perhaps a rural little corner of the township stopping the 22 or three remaining townships in an overwhelming majority of the population from it's ability to pass a successful referendum. The idea here is to require a super majority for a substantial change in the form of government but not to make it impossible for that to be done. It should be a reasonable process."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I guess the concern is...is that some people...some people in each township may feel that they...they like their township government, and they make a decision in one of the townships in the county, that they want to keep their township government. And indeed if you had...if you had 10 townships in any given county and two of them...two of them believe that they wanted to keep their township government, they would be overruled by the other eight townships now under this legislation, is that right? They would lose their form of government."

Speaker Daniels: "Representative Hughes."

Hughes: "That...that is correct. However, as the law stands currently a majority of the voters in a county irrespective of what township they live in can abolish township

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government again using Sangamon County as an example. Capitol Township, a single township has well in excess of 50% of the population of the county and that one township by itself can gather the signatures to put the issue on the ballot. Pass it by an overwhelming majority because it is basically all...an incorporated area and deny the 22 or three other townships, township government. I believe that the reverse inequity is to say that one small township out of a large group could prevent this from happening. I believe a super majority is a reasonable approach to providing the ability of voters to determine whether they will continue to have township government or not."

Speaker Daniels: "Representative Hoffman."

Hoffman: "What's the feeling of the township officials organization with this Amendment change in the Bill?"

Speaker Daniels: "Representative Hughes."

Hughes: "Township officials support this Amendment."

Speaker Daniels: "Representative Hoffman. In support."

Hoffman: "The...the township officials then support the weakening of the...the original Bill. I mean, I'm in support...I was in favor of the original Bill, and I'll be in favor of this. I'm just concerned that maybe we're denying the voters in some of the townships, that want to keep the township form of government by this...by this change in the original Bill. That's my concern, is that we're really disenfranchising...I understand what it is currently and I don't agree with...the way it is currently. I agree with the original Bill. We're disenfranchising some of the townships voters because they could say I want to keep my township government...I like my township government and the...they could conceivably be in the majority of individuals in a county because it could be the biggest

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township in the county. Do you understand what I'm saying? But still 3/4 of the others could...could say they want to abolish township government thereby opposing the will on...could be the majority of the people, such as Capitol Township."

Speaker Daniels: "Representative Hughes, we're almost out of time."

Hughes: "I understand what you're saying and again the attempt here is to be as fair to as many people as possible. I believe that by utilizing three-quarters of the townships, that it is going to be very likely that in any county that number will provide that those people who..."

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

Hughes: "Yes. That the people in rural areas will be protected as well as those in urban areas."

Speaker Daniels: "The Lady from St. Clair, Representative Youngue."

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

Speaker Daniels: "She indicates she will."

Youngue: "Is this Amendment printed and distributed? I don't see the Amendment. Is the Amendment, Mr. Speaker, printed and distributed?"

Speaker Daniels: "Representative Hughes."

Hughes: "I believe it is, but I...I saw a bunch of them over there."

Speaker Daniels: "Representative Youngue."

Youngue: "The...the Amendment hasn't been printed and distributed. I'm not seeing the Amendment."

Speaker Daniels: "Yes, the Amendment has been printed and distributed. Do you have a copy of it?"

Youngue: "No, I don't."

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Speaker Daniels: "Can the Democrat Page please locate a copy of Floor Amendment #2 and take that to Representative Younge, or does a Member on the floor have a copy of the Amendment for her? On it's way. All right, you now have a copy of the Amendment. Representative Younge for a question."

Younge: "Right. Thank you, Mr. Speaker. Madam Sponsor, I didn't quite understand the answers that you gave to Representative Hoffman's questions. What...what I'm trying to figure out is what is the relationship between the county...the counties and the township government? And what does the original Bill do and how does the Amendment modify the Bill?"

Speaker Daniels: "Representative Hughes."

Hughes: "Under current law, if 10% of the registered voters sign a petition to abolish township governments statewide, that question is put to the...to a referendum. Under current law, in order to pass that referendum it takes a simple majority of those voters county-wide. What the original Bill does, is say it will take a majority of voters in every township to pass this question. The Amendment reduces it from every township to three-quarters of those townships. The point here is, that to be fair, the urban concentrated area of a county should not deny those residents in perhaps 80% of the county who live in rural areas, the ability to have township government. Nor should one or two rural townships block the remainder, an overwhelming majority of a county, from abolishing township government."

Speaker Daniels: "Representative Younge."

Younge: "Yes. That means that under your Amendment it would be possible for an individual township to be eliminated by the majority of those voting in the county. Is that what that

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means?"

Speaker Daniels: "Representative Hughes."

Hughes: "This does not change in any way provisions relating to an individual township. This solely...this applies only to a referendum to abolish every township in a county. In other words, eliminate township government altogether from a county."

Speaker Daniels: "Representative Youngue."

Youngue: "But doesn't that mean...couldn't the effect of your Amendment be that a township government and an individual township could be eliminated if a majority vote in the whole county was in favor of that?"

Speaker Daniels: "Representative Hughes."

Hughes: "If the majority of voters in three-quarters of the townships of the county said, yes, they want to abolish township government county-wide, then township government would be abolished in every township."

Speaker Daniels: "Representative Youngue."

Youngue: "Mr. Speaker, I think that we ought to vote 'no' on this Amendment because it has the effect of...of possibly wiping out township government in a township where the people might want it, but they are outvoted on a county-wide basis. Township governments have been a part of the organization of Illinois since the beginning and it is very close to the people. And I don't think that the state should be about the business of taking away the vote of individual townships by a county-wide vote. I think that this is very undemocratic and it should not be done. And it should not be done at a..."

Speaker Daniels: "Could you bring your remarks to a close, please?"

Youngue: "It should...it should not be done by the state but

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should only be done by...with the consent of individual townships. And I think that this is a very bad Amendment and should be opposed."

Speaker Daniels: "The Gentleman from Kendall, Representative Cross."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it and the Lady from McHenry, Representative Hughes to close."

Hughes: "Thank you, Mr. Speaker. I'd just appreciate an 'aye' vote on this Amendment."

Speaker Daniels: "The Lady has moved for the adoption of Amendment #2. All those in favor signify by saying 'aye'. Opposed say 'no'. The 'ayes' have it and the Amendment's adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 679. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 679, a Bill for an Act concerning Use and Occupation Taxes. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1, 2 and 3 have been referred to Rules. Floor Amendment #4 offered by Representative Wennlund, has been approved for consideration."

Speaker Daniels: "The Gentleman, Representative Wennlund, on Amendment #4."

Wennlund: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Amendment #4 is an...is a clarification of a current practice by the Department of Revenue. The Department of Revenue says it will have no effect on state

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receipts. What it does is, it currently clarifies which products that are sold from vending machines will be taxed at the low rate. Those that are not consumed on premises and which products sold from vending machines will be taxed at the higher rate of six and a quarter. It does not include soft drinks and products served hot, which are still taxed at the high rate. That's all the Bill does is clarifies. This was drafted by the Department of Revenue. It clarifies current practice and changes the law so that it makes it easier for the Department of Revenue to audit what is in fact taxed at the lower rate and what's taxed at the higher rate. I move for it's adoption."

Speaker Daniels: "The Gentleman from Cook, Representative Dart."

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

Speaker Daniels: "He indicates he will."

Dart: "Representative, I heard most of what you were saying in regards to this Amendment. This is something the Department of Revenue put forward? Was it...was there a problem that they saw that they were trying to take care of here?"

Speaker Daniels: "Representative Wennlund."

Wennlund: "Yes. The problem was that the only way the Department could determine it was to send an auditor out in the field and have them sit by a vending machine for eight to twelve weeks to check off whether the guy consumed it on the premises or he took it elsewhere and consumed it. It was very expensive for the department to do. This will clarify the existing law in that what it does, as the department says in it's Fiscal Note, it's a...this Bill is a clarification of current practice. But they had no other way of auditing. Now they have a way of auditing to determine which one should be paid the lower rate and which

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one should pay the high rate."

Speaker Daniels: "Representative Dart."

Dart: "And so there is a current practice that they use now and they are just going to use that same current practice for these things now?"

Speaker Daniels: "Representative Wennlund."

Wennlund: "That's correct."

Speaker Daniels: "Representative Dart."

Dart: "No further questions."

Speaker Daniels: "The Gentleman, Representative Wennlund, moves for the adoption of Amendment #4 to House Bill 679. All those in favor signify by saying 'aye'. Opposed by saying 'no'. The 'ayes' have it. Amendment #4 is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bills - Third Reading. House Bill 2070. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2070, a Bill for an Act concerning ... disabled persons. Third Reading of this House Bill."

Speaker Daniels: "Representative Krause."

Krause: "Thank you, Mr. Speaker. I'd like to present at this time, House Bill 2070. This Bill provides for a transition program to enable special education students, upon becoming adults, to participate in the Department of Mental Health and Development Disabled Program of home based services for mentally disabled adults beginning in July 1, 1996. The benefit of the legislation is rather than to end up in an institution, these individuals will be able to live within their communities and in many cases to make productive contributions to society. In addition, the legislation amends the Illinois Purchasing Act and provides that a state agency may make purchases without advertising a

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competitive bidding from a business certified by the Department of Rehabilitation Services as having an integrated supportive employment work force. This Bill, therefore, encourages private enterprises to set up an integrated work force for workers who have a severe disability, and it gives businesses with supportive employment programs the same opportunities as sheltered workshops to sell to state agencies without going through the bidding procedures. I ask for the support and be glad to answer any questions."

Speaker Daniels: "The Lady from Cook, Representative Schakowsky."

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

Speaker Daniels: "She indicates she will."

Schakowsky: "Does...does this Bill deal with the...with the aging out issue? Can you explain...I'm sorry. Can you explain again how this addresses what I understand is a long time problem of people who have received important services, persons with disabilities, and then after a certain age, find themselves ineligible for pretty much anything? So what does this do for them?"

Speaker Daniels: "Representative Krause."

Krause: "I think, Representative, you have phrased the issue because at the end of the 1994-95 school year, almost 10,000 students with disabilities will exit secondary schools. And for those that have disabilities, life becomes difficult because now they have left school and they have made certain progress up to that time in special education. That can become lost because there is an end there as far as services and supports are no longer available. What this does is to rather than end up, they will be able to, in institutions, they will be able to continue to live within their communities and it provides

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that they would be entitled to up to 1,338 per month in certain approved services required to help them live more independently now in their own home or a residence."

Speaker Daniels: "Ms. Schakowsky."

Schakowsky: "First of all, Mr. Speaker, I'm joined by an appropriate number of my colleagues to take this Bill off of Short Debate."

Speaker Daniels: "Extra long debate. I'm sure everybody is very happy with that Motion."

Schakowsky: "Thank you. Has there been a Fiscal Note on this legislation, Representative?"

Speaker Daniels: "Representative Krause."

Krause: "Yes. It shows that there will be no Fiscal Year '96 cost. Fiscal year '97 cost, 2,975,000."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "That's about half of what...Unless it was amended, I'm looking at a Fiscal Note of \$4,800,000."

Speaker Daniels: "Representative..."

Schakowsky: "After '96. After '96."

Speaker Daniels: "Okay. Is that a question, Ma'am? Representative Krause."

Krause: "I think probably the difference might be that again there is a savings that I think that the department can figure in because there will be less institutionalizing."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "And then the...is it Amendment #1 that dealt with the bidding process? Is that where that is to be found?"

Speaker Daniels: "Representative Krause."

Krause: "That is correct. The Amendment does the Purchasing Act."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "What is the purpose, Representative, of changing the

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bidding process in this legislation?"

Speaker Daniels: "Representative Krause."

Krause: "The basis for it is to try to encourage the private enterprise to step forward and to set up a program of a work force that would include those that have the severe disabilities and it helps these businesses. One of the ways is, that they not have to go to encourage them to support a work force for the disabled. The purpose for not having them comply exactly with the Purchasing Act is so that they will step forward and set up these programs. The state, Representative, is still protected by having this program still monitored and having all of the contracts approved by the State Use Committee. So I still think there's a process of competitive bidding that will be involved here, but it is to encourage the private sector to assist in this area."

Speaker Daniels: "You have 21 seconds left, Representative Schakowsky."

Schakowsky: "Well, first let me just say that I truly support this Bill, but I hope that you will answer the question. And what is the state's obligation then, to these employers? What is our role and how...what is the cost on the part of the state?"

Speaker Daniels: "Representative Krause."

Krause: "Are you just talking now on the Purchasing Act? My understanding is, that this is similar to the opportunities we presented to sheltered workshops. Also, to encourage the private sector to set up, really, employment for those with disabilities. That there is still a requirement under the...that the program is monitored under the...in the contracts by the State Use Committee."

Speaker Daniels: "The Gentleman from Macoupin, Representative

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Hannig."

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

Speaker Daniels: "She indicates she will."

Hannig: "Representative, are these, in the part of the Bill that has to do with the Purchasing Act where you talk about integrated supported employment work force and the no-bid procedures, are these for profit business or could these be for profit businesses that are going to be given this opportunity for a no-bid contract?"

Speaker Daniels: "Representative Krause."

Krause: "I don't know if I can address...directly address that. They are, though, obviously in the private sector and they do have to have a certain number of work jobs that would be clearly set aside for the developmentally disabled."

Speaker Daniels: "Representative Hannig."

Hannig: "But there's no specific language that says, for example, that it has to be some type of nonprofit business. It could be... Is there any limitation on the dollar amount of contracts that they can do with the state? In other words, are they limited to a million dollars worth of no-bid contracts or is there any limitation?"

Speaker Daniels: "Representative Krause."

Krause: "My understanding is that most of the work that is expended is to produce the amount of the goods, is what results here, and the services to be sold to the state. So I believe there are those protections that you have addressed and that is, is that is to be for the amount of the goods and the services to be sold to the state must be provided by the supported employees."

Speaker Daniels: "Representative Hannig."

Hannig: "So you're saying that...so you're saying that while there may not be a dollar amount limit, that there's at

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least a limitation to goods and services produced in this integrated supported employment work force. Is that correct?"

Speaker Daniels: "Representative Krause."

Krause: "That is correct as you stated it."

Speaker Daniels: "Representative Hannig."

Hannig: "So we wouldn't potentially find ourself in a situation where somebody could set one of these things up in their --- for profit business and then...and then ask the state to buy other types of commodities in a no-bid situation. That would not be allowed into this? Is that correct?"

Speaker Daniels: "Representative Krause."

Krause: "That is correct. That would not be allowed and that is not the goal. I think the legislation and the way it is written has covered what you have said."

Speaker Daniels: "Representative Hannig."

Hannig: "And just lastly, Representative, and I know what you're trying to do and it is a very worthwhile effort and I certainly don't want to do anything that would cause a problem for that. In fact, I think we just simply maybe in some ways needs to tighten it up, and you can look at that and work with us if you would. But the other philosophical question, I guess, that I have, is that I had a business in my district, a for profit business, that found itself in competition with a, I'm not sure if it was really one of these types of concerns, but it was a government sponsored type of business that ran them out of business. And would we be risking putting any for profit businesses, that are currently in the state, at risk by this Bill, in your opinion?"

Speaker Daniels: "The Gentleman from Saline, Representative Phelps. Whoops, I'm sorry. Representative Krause."

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Krause: "Thank you. No, I believe that the way it is written, it still requires before that State Use Committee a competitive bidding, so that we would not put other small businesses into any type of a risk by having...they lose business."

Speaker Daniels: "Representative Hannig."

Hannig: "Thank you, Representative. You've been very helpful, and again, you have a very good concept here. I think our side of the aisle maybe has only concerns as to making the Bill better, and we'd like to work with you as the Bill moves to the Senate later on. And I thank you."

Speaker Daniels: "The Gentleman from Saline, Representative Phelps."

Phelps: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I merely rise in favor and support of this Bill and commend the Sponsor for trying to work this through the process. I know that...I know of no other workers that the state compensates that is more worthy and deserving, the type of people that they serve, than the home care workers. If many of you have experienced what I have and have gone to the home visits and see the kind of work and the dedication that these folks put forth, you would understand that this is why this Bill is so important. So I rise in favor and I hope that we can see real funding come about."

Speaker Daniels: "Representative Krause to close."

Krause: "Thank you, Mr. Speaker. Again, I would ask for support of this legislation. But in addition, I would like to extend my personal thanks to Representative Phelps who is the Minority Spokesperson of Health Care and Human Services, has long lent his support in this type of legislation and he has done it again and I appreciate deeply his commitment to this legislation. I ask for a

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'yes' vote on House Bill 2070."

Speaker Daniels: "The Lady moves for the passage of House Bill 2070. All those in favor signify by voting 'aye'; opposed by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question there are 115 'aye', 0 voting 'no', 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. House Bills, Second Reading. House Bill 901. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 901. The Bill has been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2 offered by Representative Persico, is approved for consideration."

Speaker Daniels: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker, Members of the House. Amendment #2 to House Bill 901 was approved for consideration earlier this week by the House Energy and Environmental Committee. And basically this is additional cleanup language that we need to be in compliance with the federal underground storage tank or as this side of the aisle is calling it, the LUST program. And basically what this Amendment does is deletes the rebuttable presumption and empowers the Pollution Control Board to establish criteria for reopening a site for further investigation if needed. It also allows for final action regarding removal or abandonment of a site appealable to the Pollution Control Board. And lastly, it makes federal rules regarding lender liability applicable to the state LUST program and I'm happy to answer any questions."

Speaker Daniels: "Gentleman from Kankakee, Representative Novak."

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Novak: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Representative Persico, I'm glad to see your name up there. You really do have lust in your heart, don't you, about this Bill? Well, I have...I have one or two brief questions. With the requisite number of hands from my colleagues, I might like to take this Bill off Short Debate. But, I would like to...I would like to...I'm hungry too. But I would like to ask just a few short questions. 1993..."

Speaker Daniels: "Representative Novak..."

Novak: "...we passed the House Bill 300."

Speaker Daniels: "Representative Novak, this is an Amendment, Sir. So you didn't need to do that."

Novak: "Oh, sorry, Speaker."

Speaker Daniels: "Okay."

Novak: "It's getting late in the evening, I guess."

Speaker Daniels: "Yes, Sir."

Novak: "But in 1993 we passed House Bill 300 and which was a rewrite of the Underground Tank Program. And this is a cleanup of some of the objections that the Federal EPA indicated after the law was sent to Washington for review. Is that correct?"

Speaker Daniels: "Representative Persico."

Persico: "That is correct, Representative."

Speaker Daniels: "Representative Novak."

Novak: "Now are there any new provisions in here dealing with lessening liability on owners of tanks or any new provisions in here that are concerns of the banking community or the business community that loosens the liability on contaminated sites?"

Speaker Daniels: "Representative Persico."

Persico: "Yes, Representative. The bankers had some concern

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about no further remediation letter, and basically, what this Amendment does or one of the aspects of this Amendment is to delete the rebuttable presumption part."

Speaker Daniels: "Representative Persico."

Persico: "Yes, Mr. Speaker. Thank you. Representative Persico, the risk assessment factors in here, the low risk, high risk and medium risk. That hasn't been changed. Correct? That risk assessment scheme of things that we put in 300, that's still in the current law. Correct? And then no changes are made to affect that. Correct?"

Speaker Daniels: "Representative Persico."

Persico: "That's correct, Representative."

Speaker Daniels: "Representative Novak."

Novak: "I have no further questions."

Speaker Daniels: "Okay. Representative Cross."

Cross: "Mr. Speaker, may I please, please move the previous question?"

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. The Gentleman, Representative Persico, moves for the adoption of Amendment #2. All those in favor signify by saying 'aye', opposed 'no'. The 'ayes' have it. Amendment #2 is adopted to House Bill 901. Further Amendments?"

Clerk McLennand: "No further Amendments. A Fiscal Note has been requested on the Bill, as amended, by Amendment #2."

Speaker Daniels: "He'll hold it on Third Reading...Second Reading. Hold on Second Reading. House Bill 1277. Read the Bill."

Clerk McLennand: "House Bill 1277..."

Speaker Daniels: "Excuse me. Take that Bill out of the record. Representative Persico, what purpose do you rise?"

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Persico: "Thank you, Mr. Speaker. I'd like to move that the Fiscal Note on House...Amendment #2 to House Bill 901 is inapplicable."

Speaker Daniels: "You've heard the Gentleman's Motion, move that it's inapplicable. All those in favor of the Gentleman's Motion signify by voting 'aye'; opposed by voting 'no'. This is...the question is, 'Is the Note Act inapplicable?' Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question there are 66 'ayes', 48 'noes', and this question, having received a majority vote, is hereby declared adopted. And the ruling of the Chair and the vote of the House is that the Fiscal Act...Note is inapplicable. Now, Mr. Clerk, read House Bill 901 on Second Reading. This Bill has been read a second time previously, Mr. Clerk?"

Clerk McLennand: "Yes, Mr. Speaker."

Speaker Daniels: "And the Fiscal Note has been voted upon and ruled..."

Clerk McLennand: "Inapplicable."

Speaker Daniels: "...inapplicable. Third Reading. Now, let's go to 1277. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 1277 has been read a second time previously. Amendment #1 was adopted in committee."

Speaker Daniels: "Mr. Clerk, take House Bill 1277 out of the record. House Bill 1489. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1489 has been read a second time previously. No Committee Amendments. Floor Amendment #1 offered by Representative Stephens is approved for consideration."

Speaker Daniels: "Representative Stephens."

Stephens: "Mr. Speaker, the Floor Amendment 1 to House Bill 1489 clarifies a drafting error and allows that the powers

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granted in this section which have to do with quick-take for the Southwestern Illinois Development Authority, and any quick-take eminent domain powers granted by this law and the powers granted in this section, any quick-take eminent domain powers granted by the state law. Basically what we want to do is, the Southwestern Illinois Development Authority had quick-take authority when it was first formed several years ago. It had sunset legislation in it. The Legislature has not seen fit to restore that quick-take authority. Having met with the new president and members of the board, we have determined that what we'd like to do is to build public confidence in this group. That is an important development tool for southwestern Illinois. This year we want to add, that when they come to the Legislature and get...seek quick-take authority and we grant it to them, that the local communities in which the project is located, also sign off. But we think that that's going to be a natural occurrence anyway. But we'd like to, again, in the name of building public confidence in the Southwestern Illinois Development Authority, add this language to the statute. I would be glad to answer any question and I move adoption of Floor Amendment 1 to House Bill 1489."

Speaker Daniels: "Any questions? The Gentleman from Cook, Representative Lang."

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

Speaker Daniels: "Indicates he will."

Lang: "I just want to make sure I understand this, Representative. You're taking away quick-take powers or you're adding quick-take powers?"

Speaker Daniels: "Representative Stephens."

Stephens: "Neither. What we...Right now, when they want a

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project, they have no quick-take power. They...If they have a project that's an expansion of a highway or whatever, they want to do it through the Development Authority or a light rail, for instance. They come here, we grant them quick-take for that project, and at the same time we're asking then that they...to assure the public trust, also get the local community, if it's in a municipality, or the county, if it's in the unincorporated areas, to approve it through the local elected authorities, be it the county board or the municipal elected officials. Just a local safeguard. And I've met with the folks involved in the development authority and they are in agreement with this language."

Speaker Daniels: "Representative Lang."

Lang: "And what...how is that authority determined? Is it by a majority vote? A three-fifths vote? What provisions do you have in your Amendment as to how that county would take up the proposition of whether to allow the quick-take?"

Speaker Daniels: "Representative Stephens."

Stephens: "In the case of a municipal interaction, municipal project, it would be by a vote of the city council. In a case of the unincorporated areas, it would be by approval by the county board. So it would be a Motion on the county board floor and approved through that normal legislative process."

Speaker Daniels: "Representative Lang."

Lang: "By a majority vote, Sir?"

Speaker Daniels: "Representative Stephens."

Stephens: "Yes, a simple majority."

Speaker Daniels: "Representative Lang."

Lang: "Now are there not some Bills pending that have been Sponsored by your side of the aisle to take quick-take

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authority away from certain units of government?"

Speaker Daniels: "Representative Stephens."

Stephens: "I'm sure that we have. Probably on both sides of the aisle. I've probably seen that over the years. I'm sure that we have."

Speaker Daniels: "Representative Lang."

Lang: "Well, how are we supposed to determine as a Legislature which quick-take authority we should allow and which we shouldn't?... Are we going to play God in that way? Why don't we have a general philosophy that covers all of these? Why does your Amendment simply cover SWIDA and not every other elected board in this state that does quick-take currently?"

Speaker Daniels: "Representative Stephens."

Stephens: "Representative, I am working to eventually give SWIDA quick-take authority back. One of the first steps that we believe is necessary is to restore the public trust in this organization. That is, and we hope can continue to be, an important economic development tool in Southwestern Illinois. At the current time, this Bill does not deal or does not grant or take away quick-take. They have no quick-take authority at this time. When...the way they get quick-take is on a project by project basis. They come to the Legislature and as you know, we can grant them on a project by project basis quick-take authority. In order to enhance the public trust in that step, we are saying that we want the local communities or the local county to sign off on this. Again, I have met with the president. I've met with the executive director. We...They understand what we're doing. They are in concurrence. This is just the first step in restoring quick-take authority eventually to an economic development tool in our area. As to how we

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should do that publicly to other organizations of similar nature, if people in a certain part of the state that have a similar authority are outraged by the abuse of quick-take and the Legislature decides to take that away, I think those should all be judged on an individual one by one basis."

Speaker Daniels: "Representative Lang, you have 24 seconds."

Lang: "When this unit of government originally got it's quick-take, if you in the General Assembly...Did you vote for that or against that?"

Speaker Daniels: "Representative Stephens."

Stephens: "I'll have to research my record. I don't remember."

Speaker Daniels: "Okay, Representative Lang, you're out of time, Sir. The Gentleman from Kendall, Representative Cross."

Cross: "Mr. Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it. And the Gentleman, Representative Stephens, moves for the adoption of Amendment #1. All those in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it. Amendment #1 is adopted to House Bill 1489. Further Amendments?"

Clerk McLennand: "No further Amendments. A State Mandates Note has been requested on the Bill, as amended, and has not been filed."

Speaker Daniels: "Representative Stephens."

Stephens: "Mr. Speaker, I would move that the State Mandates Note Act, as amended, is inapplicable."

Speaker Daniels: "The Gentleman's Motion is, the State Mandates Act is inapplicable. All those in favor of the Motion signify by voting 'aye'; opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Take the record,

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Mr. Clerk. On this question there are 62 'aye', 47 'no', 1 voting 'present' and the Gentleman's Motion prevails. Representative Hoffman, for what purpose do you rise?"

Hoffman: "Just...I wanted on the last vote because of a potential conflict of interest, I was voting 'present'."

Speaker Daniels: "Thank you, Sir. Further Motions or Amendments? Third Reading. House Bill 1490. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1490, a Bill for an Act concerning the grain industry. Second Reading of this House Bill. No Committee Amendments. Floor Amendment #1 offered by Representative Noland is approved for consideration."

Speaker Daniels: "Representative Noland."

Noland: "Mr. Speaker, Floor Amendment #1 amends the Grain Code rewrite. This is language that's been agreed upon by all of the parties; Community Bankers, Illinois Bankers, Feed and Grain Association, Farm Bureau, Farmer's Union. It's about a two year process. It's agreed upon language."

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

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Noland, we discussed this in the Agriculture Committee. When we passed the Bill out of committee to get to the House Floor, you indicated negotiations would continue. I assumed that why you said that all of the groups, the Illinois Banker's Association and the Community Bankers are in agreement with the substantive changes in the Bill, there is no known opposition to the language, which is reflected in your Amendment?"

Speaker Daniels: "Representative Noland. Representative Noland."

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Noland: "That is correct. Representative Woolard and I, as well as Senator Woodyard, were in negotiations with the banking community, the farm community. There is no known opposition."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Representative Noland. We will ask further questions on Third Reading, but there is no opposition to the Amendment. We have no objections at this time."

Speaker Daniels: "Any further discussion? Representative Woolard. Okay. The Gentleman's moved for the adoption of Amendment #1. All in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it. The Amendment's adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 2251. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2251. The Bill's been read a second time previously. Amendment #1 was adopted in committee. Floor Amendment #2 offered by Representative Rutherford has been approved for consideration."

Speaker Daniels: "The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2251 actually consolidates two or three other Bills on behalf of the Comptroller of the State of Illinois. There would be three primary areas. First of all, it would actually define in statute what the appropriation...reappropriation components are, here in the State of Illinois. It would also change the lapse period expenditure time for appropriations from three months to two months. And it would change the time for the receivables from state agencies to go to the Comptroller's

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Offset Program, from a one year period to a six month period. And it would also require that the Debt Collection Board for the State of Illinois established time tables and procedures to go about the debt collection in the State of Illinois."

Speaker Daniels: "Any discussion? The Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Rutherford, on the first provision in the Amendments dealing with the tier...the change in the lapse period. Why the change? Why did the Comptroller recommend the change from three months to two months?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "Actually there's a couple of reasons for it. First of all, the ability to be able to put together all of the process to be able to process the paper here in the State of Illinois because we've got more of a computerized system than we used two decades ago is one, and secondly, by cutting it down to two months, it also allows us to be able to close the books for the State of Illinois, to be able to have our end of the fiscal year reports to us here at the General Assembly earlier."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. As to the second provision, Representative. I think you allow the Office of the Comptroller to retain outside collection agencies. Is that correct?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "I'm not sure it's the second provision, if we're talking the same sequence. That authority already exists."

Speaker Daniels: "Representative Granberg."

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Rutherford: "If I could. That authority already exists for the Debt Collection Board here in the State of Illinois. And for clarification purposes, the Debt Collection Board is made up of the Director of Central Management Services, the Comptroller and the Attorney General of the State of Illinois."

Speaker Daniels: "Representative Granberg."

Granberg: "This is not an expansion of that existing authority. This would not allow the Comptroller to go outside the Attorney General's Office to obtain or to retain a collection agency's services that they cannot currently do now. Is that correct?"

Speaker Daniels: "Representative Rutherford."

Rutherford: "Yes, Representative, you are correct. This does not allow the Comptroller to go outside of an existing structure that is in place today, made up of the members that I just told you. What this does do though, by statute it would require that this board actually establish the timetables and procedures to go about sending this out. As well, it would require a unanimous...it would require a unanimous vote of these three members to be able to implement that timetable and procedure."

Speaker Daniels: "Representative Granberg."

Granberg: "I assume, Representative, that the Attorney General is in agreement with this provision and that Mr. Ryan has no problem with his Debt Collection Division in the Office of Attorney General. He's in complete agreement with the Comptroller. Is that all right? Okay, thank you."

Speaker Daniels: "Representative. Okay. The Gentleman moves for adoption of Amendment #2. All those in favor signify by saying 'aye'. Opposed 'no'. The 'ayes' have it. Amendment #2 is adopted. Further Amendments?"

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Clerk McLennand: "No further Amendments. A Fiscal Note has been requested on the Bill, as amended by Amendment #2."

Speaker Daniels: "Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. I would move that the Mandates Note..."

Speaker Daniels: "Fiscal Note, Sir. It's a Fiscal Note, Sir."

Rutherford: "That the Fiscal Note is inap...as amended, is inapplicable."

Clerk McLennand: "The Fiscal Note for the Bill, as amended by House Amendment #2, has been filed. Just filed."

Speaker Daniels: "Amazing. So the Fiscal Note has now been filed. Any further notes? Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. For what purpose does the Gentleman from Cook arise, Representative Morrow?"

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm glad that the Gentleman did not proceed with his Motion on whether the Fiscal Note is inapplicable. Can we have some order in the chamber, please?"

Speaker Daniels: "Can the Gentleman please have your attention? Representative Morrow."

Morrow: "Now I am in a minority and you are in the majority. But never in my nine years of being in the General Assembly have I seen more Motions that a Fiscal Note is inapplicable. What's the problem in getting a Fiscal Note filed so we can at least intelligently vote on a Bill as to how much of a cost it will be to state government? You have the votes to pass the Bill anyway. So what is the delay...what is the delay of finding out how much of what we're voting on is going to cost? What are you hiding? It takes one day to find out what the cost of your Bill is to state government. I think that's the right thing to do."

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It's the most intelligent thing to do and I would implore the Members on the Majority side of the aisle, that in order for us to vote intelligently on your Bills, that we just want to know the costs. You've got the votes to pass it whether it costs 10 million or a 100 million. But to say that Bills have no fiscal impact is ridiculous."

Speaker Daniels: "Thank you. House Bill 2445. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2445 offered by Representative Zabrocki. The Bill has been read a second time previously."

Speaker Daniels: "Any Amendments?"

Clerk McLennand: "Floor Amendment #6 offered by Representative Tom Johnson has been approved for consideration."

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Yes. House Bill...Floor Amendment #6 merely deletes what a provision of this Bill which...and the portion being deleted used to be contained in House Bill 161, which provides for automatic transfers of juveniles in certain cases. I had agreed that before this Bill would go forward I would eliminate that section from the Bill, due to the fact that we have a task force on juvenile justice at work and I do not want to move this type of automatic transfer provision ahead of the recommendations of the task force. So what this does is just eliminate a portion of that Bill. Would ask for 'do adopt'."

Speaker Daniels: "Any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. I have a couple questions of the Sponsor and I'd ask for a Roll Call on this Amendment."

Speaker Daniels: "If you wish."

Dart: "The Sponsor yield?"

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Speaker Daniels: "You have a bunch of people waving on your side.

Representative Johnson (sic - Dart)."

Dart: "Representative, the thrust of this is that you're removing from those offenses which are automatically transferred; attempt first degree murder, aggravated battery with a firearm and aggravated vehicular hijacking. Is that correct?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Representative Dart, we're not removing anything from existing statute. We had previously...I had previously introduced House Bill 161 at the beginning of this Session that would have increased provisions of automatic transfer to cover the offenses that you just listed. In light of the fact that the juvenile task force is working, we had a subcommittee in the Criminal Law Committee dealing with precisely these issues and this inadvertently was inserted into a roll up Bill. And so I do not want to violate my word that I am not going to go ahead of that task force."

Speaker Daniels: "Representative Dart."

Dart: "Thank you. I understand, Representative, you're not removing anything from current law. But we all know how things get spun by different people and I appreciate the fact you're keeping your word to people who are working on something. That's an honorable thing. I just wanted Members on my side of the aisle to be aware of the fact that this is something that's removing some things from your original Bill, which was...your original Bill, which was adding things that were automatically transferred for juveniles. And now...it's...pursuant to your commitments, it's pulling out those things which were automatically transferred and I just wanted people to be aware of that.

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Thank you."

Speaker Daniels: "Further discussion? Representative Hoffman, are you seeking recognition? Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Now, Representative, this...this would take away...What was the number of the Bill that you had that this takes out?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Representative Hoffman, the original Bill was House Bill 161 that was rolled into this Bill along with several other Bills."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Okay.. That's...I wanted to be sure of that."

Speaker Daniels: "Okay. The Gentleman moves for the adoption of Floor Amendment #6. On this question a Roll Call has been requested. All those in favor of Amendment #6 vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? It takes a majority vote. Have all voted who wish? All voted who wish? The Clerk will take the record. On this question there are 65 'aye', 40 'no', 2 voting 'present'. The Amendment is adopted. Further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Daniels: "Third Reading. House Bill 1109. Read the Bill, Mr. Clerk. We have this Bill and then we have two Resolutions and then we'll adjourn."

Clerk McLennand: "House Bill 1109. The Bill's been read a second time previously. No Committee Amendments. Floor Amendment #1 offered by Representative Kubik is approved for consideration."

Speaker Daniels: "Representative Kubik. Representative Black in the Chair."

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Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Floor Amendment...what Floor Amendment #1 would do would amend the water...the Metropolitan Water Reclamation District Act and the Code of Civil Procedure. To eliminate the water reclamation district's quick-take powers, this...what this Amendment seeks to do is to remove the carte blanche that we currently give the water reclamation district on...on quick-take and we would request that they would come to the General Assembly on a project by project basis to get quick-take powers. I move adoption of the Amendment."

Speaker Black: "Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Representative, does this apply to every sanitary district in Cook...in Illinois?"

Speaker Black: "Representative Kubik."

Kubik: "Just the Metropolitan Water Reclamation District."

Speaker Black: "Representative Lang."

Lang: "Why do you feel it necessary to do this? What heinous acts have they undertaken to require that you take this power away from them, that every other such district in Illinois has?"

Speaker Black: "Representative Kubik."

Kubik: "Well, Representative Lang, I don't believe that every other sanitary district in Illinois has quick-take power. This was granted by the General Assembly...this power was granted by the General Assembly, and they have abused the power and our...our position is that they should approach us on a project by project basis to allow for quick-take. As you know, often times local units of government, whether they be authorities or what not, come to the General

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Assembly for quick-take and we provide them quick-take. But we provide them very small windows of opportunity for quick-take, and because it is an extremely...extremely formidable legal process."

Speaker Black: "Representative Lang."

Lang: "Well, if they have to approach the General Assembly on a project by project basis, how will they be able to do their business? If a...if a project comes to them on June 15th and we're not here to do their business until the following Spring, should the wheels of government stop while they're...we're waiting to do their business for them?"

Speaker Black: "Representative Kubik."

Kubik: "Representative, these are not projects that...that just arise on a week by week basis. Most of these projects are planned long in advance. They are...are legally litigated, et cetera. So there is plenty of time to plan these projects. It's not as though these things happen on a...on emergency basis. Most of these things are done on long term plans over a period of years. So they will be allowed to come to us and...and ask for this...this power and...and we'll have plenty of time to do so."

Speaker Black: "Representative Lang."

Lang: "Well, I could ask numerous questions, but due to the lateness of the hour and due to the fact that I want to say something about this Bill, I'll stop asking questions. Mr. Speaker, Ladies and Gentlemen, I rise in opposition of Floor Amendment #1. And before I proceed, Mr. Speaker, I would ask for a Roll Call Vote and would ask for a verification should it receive the requisite number. Do you acknowledge the Roll Call and the verification, Sir?"

Speaker Black: "You've exercised your right to acknowledge a vote on verification...a verification on a vote of the Amendment

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and a Roll Call. It will be granted."

Lang: "Thank you. Ladies and Gentlemen, I rise in opposition. This is simply another effort at a power grab. It's not a power grab where the Majority Party is going take power and use it, but it's clearly a power grab where they're trying to take away a power of a sovereign body of this state that's elected by people in this state. There's no showing whatsoever by the Sponsor that there's been any abuse of the quick-take power that this unit of government has. Apparently, the only weakness in their argument is that they're from Cook County. Now we can continue an effort in this General Assembly to attack Cook County in every way possible, the City of Chicago in every way possible and take any and all powers that any of the folks have in that county or in that city away from them. But eventually the people of Illinois are going to figure out that all the Majority Party wants to do is take away power from people. Sometimes they give it to themselves. Sometimes they don't. In this case, they just simply want to take away the power that elected Representatives in...in this district were given by this General Assembly without any showing that that power's been abused. This is a very poorly drafted and poorly conceived Amendment and I would recommend 'no' votes."

Speaker Black: "Thank you very much. Further discussion? The Gentleman from Madison, Representative Davis. The Gentleman from Madison, Representative Davis, he isn't in his seat. Must be an inadvertent light. The Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "To the Amendment."

Granberg: "To the Amendment, I'm sorry. Ladies and Gentlemen of

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the House, again, we know why we're here, why we're debating this Amendment. It's clearly in retaliation over the third airport. That's why it's here. No other reason. So once again we're seeing this vindictiveness because the General Assembly leaders, the suburban area leaders were upstaged because the mayor made a deal to try to save the road fund in downstate and try to avoid a \$5 billion boondoggle in Peotone. That's what we're doing with this. I would point out to my friends who live in the collar counties, who live in Cook County. If you take a...you take away the quick-take powers, what you're going to do is to drive up the cost substantially and that means the Cook County property taxes will increase. The quick-take provision saves money in imminent domain. That freezes the rates. That freezes the rate of the property values when the quick-take process is initiated. If you take this away, you are going to then say, increase my local property taxes, if you are in Cook County, because you don't want to freeze the fair market value of the property that needs to be taken. So when you vote for this because of political reasoning and show that you're against the city, you are going to be telling your Cook County residents you would rather have them pay higher property taxes. By eliminating quick-take, you're forestalling the process. Your lengthening the process and that's going to drive up the whole...the whole judgement cost, the cost of the take in itself by hundreds of thousands and millions and millions of dollars. So you're going to be telling your constituents you'd rather have them pay higher property taxes. So if you want to do that and you want to do your partisan thing to show you're dissatisfied with what happened with the third airport, fine, go ahead. We know

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this is a scam. So continue your deal and send out your press releases, but tell your constituents you also want their property taxes to go up in Cook County, because that's what you're doing."

Speaker Black: "And for further discussion, the Lady from Lake, Representative Gash. You don't wish to speak? All right. Further discussion on the Amendment? The Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this. In the...in the past 20 years the MSD, or Metropolitan Water Reclamation District, has used quick-take almost 500 times. That means they would have had to come to Springfield, we would of had to process 500 different pieces of legislation. There are many projects that are very, very critical and important to those of us who live in the south suburban part of Cook County and I think tinkering with the quick-take powers of this district is unwise and should not be done."

Speaker Black: "With no one else seeking recognition, the question is, 'Shall Floor Amendment #1 be adopted to House Bill 1109?' All those in favor signify...Ladies and Gentlemen of the House, please, I have years of experience in doing this, believe me, from the other side. The Gentleman asked in due time and in accordance with the House Rules for a Roll Call Vote which will be granted, and he also asked for a verification which will be granted. The only thing I forgot to do was to go to Representative Kubik to ask him to close on the Amendment."

Kubik: "Thank you, Mr. Speaker. Let me...let me clear up a couple of misconceptions on this Amendment. First of all, with respect to my good colleague on the other side, Representative Granberg. This Amendment has nothing to do

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with the airport. I don't know if many of you know what quick-take power is. You know what quick-take power is? What quick-take power is, that you come to a community, they take your home first and then they negotiate with you afterwards. They take your home and your property first and then they negotiate. We're not taking away imminent domain power, which is their right, and that's a right they all have. What we're saying is, they ought to negotiate with people before they take their home, their property, their businesses. Now, that's what this Amendment's about. And for somebody to get up and say that this is got something to do with the airport is absolutely ridiculous. Now, secondly, I might point out that what this Amendment seeks to do is to say to the Water Reclamation District, who I might point out is the only entity other than the City of Chicago, that has quick-take power throughout the state. So all of you people from other parts of the state have to go through imminent domain. You don't have quick-take power, but the MSD has quick-take power. So that also should be placed into the debate. And I might also point out that I have spoken with some of the members of the Board of Water Reclamation District Commissioners who have told me that they were not even aware as a board that quick-take power was being used on homes, that they...they didn't even go to the board for authorization for it. So, clearly this is an agency that has a little bit of a problem with communication and...and the expansive use of legal power. Now we're not taking away their ability to have quick-take if they come to the General Assembly. And if you look at the Amendment my friends, and I've read the Amendment, you will notice that there are literally dozens of exceptions or...or that we have given

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to local government for quick-take. All we're saying is, you ought to do the same thing. So for those of you in Cook County who...who might be in the way of the Water Reclamation District in the future. When your constituents come to you and say, Representative, they're taking my home, they're not going to negotiate with me. They're taking my home. They're going to send me a check after the project is done. Then we'll see how you feel about quick-take power. So, Ladies and Gentlemen, this can affect you as well, all of you fine folks from Cook County. Mr. Speaker, I move for the adoption of the Amendment."

Speaker Black: "The Gentleman has moved for the adoption of Floor Amendment #1 to House Bill 1109. And on that question, all those in favor will signify by voting 'aye'; those opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all...I'm sorry. Representative Brunsvold, were you seeking a Democratic Caucus? Yes, Representative Brunsvold, are you seeking recognition?"

Brunsvold: "Well, Mr. Speaker, I was going to just call a caucus, Democratic Caucus for supper."

Black: "Okay. Have all voted who wish? Mr. Clerk, take the record. And all this...and on this question, Floor Amendment #1 having received 50 votes, 50 'aye' votes, 64 'no' votes, 1 voting 'present', the Amendment...the Amendment is declared passed...or failed. We'll proceed with the verification. Yes, Representative Lang, you're recognized. Verify the negative. Representative Lang withdraws his request for a verification. I'm shocked, Sir. Mr. Clerk, hold the Bill on Second Reading. Clerk will proceed now to Supplemental Calendar #1. Read the first item on the Calendar, please."

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Clerk McLennand: "House Resolution 34 offered by Representative Churchill. Resolved, by the House of Representatives of the Eighty-Ninth General Assembly of the State of Illinois, that pursuant to House Rule 3-7, the following legislative measures are recommitted to the Rules Committee: House Bills 123, 135, 257, 313, 360, 367, 371, 372, 411, 526, 538, 633, 635, 784, 791, 891, 937, 949, 1086, 1147, 1235, 1311, 1312, 1325, 1508, 1528, 1533, 1595, 1642, 1652, 1655, 1661, 1743, 1795, 1796, 1929, 1933, 1974, 2207, 2209, 2153, 2231, 2247, 2249, 2250, 2350, 2411, 2423, 2449, 2455, 2456, and House Bill 2469."

Speaker Black: "The Chair recognizes the Gentleman from Lake, Representative Churchill on the Consent Resolution...on the Resolution, I'm sorry."

Churchill: "I just move for passage."

Speaker Black: "The Gentleman from Lake, Representative Churchill, has moved passage on House Resolution 34, committing the Bills...recommitting the Bills to the Rules Committee that the Clerk read. All those in favor signify by saying 'aye'. Opposed 'nay'. In the opinion of the Chair the 'ayes' have it. House Resolution 34 is adopted. Mr. Clerk, please read the next item."

Clerk McLennand: "House Resolution 35 offered by Representative Lang."

Speaker Black: "And on this Resolution, the Gentleman from Cook, Representative Lang is recognized."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Resolution 35 was filed in a response to the heinous and despicable acts in Oklahoma City yesterday. These are acts that we all deplore. We all know what they were about, and of course, the House of Representatives of the State of Illinois mourns the tragic loss of human life

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there, and praise for the victims and the families. This Resolution indicates that it is our desire that the Congress of the United States know that we believe that this act was an act against all Americans, not just those in Oklahoma City. And that now that we've seen here and in New York not too long ago, terrorism coming to our country, we believe that it's time the Congress of the United States act. As you know, we passed a Bill over to the Senate last week, House Bill 667. Some of you had some problems with it. Maybe it will be reworked. And there's a Bill in Congress that does a similar thing to get at terrorism, and that Bill will probably be reworked as well. And the Resolution doesn't ask you to endorse any specific Bill, Ladies and Gentlemen. It just simply says that the General Assembly, the House of Representatives of the State of Illinois, believes that Congress should act at once in an emergency fashion to start dealing with the issue of terrorism as it's now in our country. And we have a responsibility to make these statements. We can't affect it very much, except the kind of Bill we passed last week. But we have a responsibility not only to tell our constituents that we need to have something done about this, but that we respect the loss of human life all over the world. And now that it's in our country, we've probably waited too long to make this statement, but now certainly is the time for us to act. And so I would ask for a unanimous vote from my colleagues, on this Resolution that discusses this as a criminal act against all Americans and ask Congress to finally begin the process of doing something about terrorism in our country. And Ladies and Gentlemen, as we deal with terrorism in our country, we'll be starting to deal with terrorism around the world because

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some of that money that foments that terrorism across the oceans comes from this country and we need to start doing something about it. We need to start doing it now. And, Mr. Speaker, I would ask that all Members of the House be joined as Cosponsors."

Speaker Black: "Thank you, Representative Lang. The Gentleman from Cook, Representative Lang, has moved passage of House Resolution 35. Any discussion on that? The Gentleman from Cook, Representative Parke."

Parke: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I certainly rise with Representative Lang in supporting this Resolution. It's a message that I think has to be sent from the legislative bodies throughout the nation to recognize that terrorism is now on our doorstep. It is something that cannot be ignored. We all need to protect our citizens. The atrocity of this act cannot be ignored and we must step forward, because yesterday it was in Oklahoma, tomorrow it could be in Illinois and the next day it could be in Texas. We are concerned, our citizens are concerned, and we want to send a message to Congress to let them know that action must be taken. And certainly not only here in our home front, but action should be looked at throughout the world. Now it's our problem and I think we should take action on it, and I certainly agree with Representative Lang."

Speaker Black: "Any further discussion on House Resolution 35. The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very much, Mr. Speaker. I rise in support of this Resolution. Even though this isn't Oklahoma City, the danger is very real here. And I just learned this evening..."

Speaker Black: "Excuse me, Representative Klingler. The

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Gentlemen down here to the right of the podium, take your conversations out in the Speaker's hallway. If you've seen any of the pictures of this tragedy in today's paper, I think we need to shut up and pay attention. Proceed, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. I learned just this evening that today there, in fact, was a threat phone in to the Springfield federal building. Which is just a few blocks from this building. And, in fact, an arrest has been made. In fact, I know the individual who made the threat because this is a person that's come to the Springfield City Council where I have served, and has made many threats to us. He made a threat against the Governor of the State of Illinois at a meeting...at a luncheon in which I was at and went right up to him, and had he had a gun, in fact, the Governor could well have been killed. I think in a city like this where we have a federal building, we have the state building, the state complexes, city buildings, schools. I think there's a very real danger to us here. And what's frightening, in Oklahoma City, is you didn't have a situation there of an underground garage where you could monitor how cars are parked and the screening that was done in New York City. And, in fact, in Washington, D.C., I remember when they closed underground garages at the Smithsonian for fear of bombs. This was a car that was parked simply outside. It could have been any car left idling. And the bomb destroyed a nine story building. I think we do have a threat here and I think we need to support all of our Congressional Representatives, our federal agents investigating this, to do what we can to see that this horrible tragedy does not have happen here or happen elsewhere. I'm concerned now. As we were talking

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tonight, we've now had two acts of terrorism in this country and New York City at the World Trade Center and just yesterday at Oklahoma, and obviously, numerous other lesser acts, but major acts. And we certainly don't want this country to be like other countries we hear about where bombs are routinely going off. It's something that needs urgent attention so that we don't have an epidemic of terror and I certainly would do anything in my power to help curtail this."

Speaker Black: "With no one else seeking recognition, Representative Lang has moved with all Members of the House being added as Cosponsors, the passage of House Resolution 35. And on this question, all those in favor will vote 'aye'; all those opposed will vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, 116 voting 'aye', 0 voting 'no' and 0 voting 'present'. This Resolution, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, are there any announcements?"

Clerk McLennand: "Committee announcements. The following committees will meet immediately upon adjournment: Appropriation for Education in Room D-1. Appropriation for Human Services, Room 118. Higher Education, Room C-1. Registration and Regulation, Room 114. Judiciary - Civil Law, in the Speaker's Conference Room. Fifteen minutes after adjournment, Health Care and Human Services will meet in Room 114."

Speaker Black: "Representative Churchill now moves that the House stand adjourned until Friday, April 21st, 1995, at the hour of 9:00 a.m. All those in favor signify by saying 'aye'. Opposed 'nay'. In the opinion of the Chair the 'ayes' have

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it and allowing Perfunctory time for the Clerk, the House now stands adjourned until Friday, April 21st, 1995, at the hour of 9:00 a.m."

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