

STATE OF ILLINOIS  
89TH GENERAL ASSEMBLY  
HOUSE OF REPRESENTATIVES  
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45th Legislative Day

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Speaker Daniels: "The House will be in order. The Members will be in their chairs. Speaker Daniels in the Chair. The Chaplain for today is Reverend Jason Garcia of the Meadowbrook Community Church in Champaign. Reverend Garcia is the guest of Representative Rick Winkel and Representative Tim Johnson. Guests in the gallery may wish to rise for the invocation. Reverend Garcia."

Reverend Garcia: "Let's bow our head for a word of prayer. Heavenly Father, today our hearts are still saddened by the brutal attack on the innocent men, women and children in Oklahoma City. And our prayer is that You would extend Your strength and Your love and Your healing to the families of the victims, the surviving victims and their family. Father, we pray that You would extend Your wisdom and discernment to the wisdom and the...to the rescue workers that are in search for survivors even as we speak. We pray for those survivors that are unfound at this time. Give them strength, hope and determination. Father, we would pray that You would also administer justice to the perpetrators of such an inhumane act, an act that most of us have a hard time even think would be capable of a human being. Now heavenly Father, as we turn our attention on this day's legislative session. We would pray that on a world that's looking for a model of integrity, we pray that they would find it in the lives of those that chose to represent them, those that are in this hall. And in a world looking for a model of justice, I pray that they would find it shining through the legislation written in this great hall, legislation that is marked with relevance and compassion and prudence. And may the 89th General Assembly be known for smart government, which doesn't necessarily mean a lot of government. We pray this in Your

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most precious Name. Amen."

Speaker Daniels: "Thank you very much. We'll be led in the Pledge of Allegiance to the Flag by Representative Judy Erwin."

Erwin 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 Daniels: "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 Representatives Frias, Lopez, Martinez and Schoenberg are excused today."

Speaker Daniels: "The Journal will...so show that. The Gentleman, Representative Tom Cross is recognized for any excused absences on the Republican side of the aisle."

Cross: "Thank you, Mr. Speaker. If the Journal and record would please reflect that Representative Wait is excused today. Thank you."

Speaker Daniels: "The record will so reflect. Mr. Clerk, take the record. There are 113 Members answering the Roll and a quorum is present. The House will come to order. The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. I would request that the record show that I would have preferred to have voted 'no' on House Bill 2236 yesterday."

Speaker Daniels: "The record will so reflect. Representative Ronen."

Ronen: "Thank you, Speaker. I would also like the record to reflect that I would have voted 'no' on House Bill 2236."

Speaker Daniels: "The record will so reflect. House Bills -

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Third Reading. Mr. Clerk, read House Bill 1106."

Clerk McLennand: "House Bill #1106, a Bill for an Act that amends the University of Illinois Act. Third Reading of this House Bill."

Speaker Daniels: "The Gentleman from Champaign, Representative Winkel, is recognized on House Bill 1106."

Winkel: "Thank you, Mr. Speaker. Ladies and Gentlemen..."

Speaker Daniels: "Can the Gentleman have your attention, please? Representative Winkel."

Winkel: "Thank you. Consistent with our long standing proud tradition, House Bill 1106 would amend the University of Illinois Act and declare that Chief Illiniwek is and shall remain the honored symbol of a great university, the University of Illinois at Urbana-Champaign. Illiniwek is a proud Illinois tradition and recalls a tribe of Native Americans from our area, the now vanished Illini tribe. That tribe vanished in 1760 at the hands of another tribe of Native Americans, the Iroquois. Just as the name of our state does, the symbol of Chief Illiniwek honors the legacy of the Illini tribe. Many years ago Raymond Dvorak began the chief legacy. As was said in an article in December 1982 in the University of Illinois Alumni News, Mr. Dvorak was the Assistant Director of Illinois bands when Illiniwek was born in 1926. Mr. Dvorak got the idea from Coach Bob Zuppke, who talked to his players about Illiniwek and the coach would explain that the term referred to the true and full Indian, including physical, intellectual and spiritual. Mr. Dvorak had taught at Urbana High School when Lester Ludeweiler was a student there."

Speaker Daniels: "Excuse me. Ladies and Gentlemen. Ladies and Gentlemen of the House. Ladies and Gentlemen. Representative Winkel."

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Winkel: "Thank you, Mr. Speaker. Mr. Dvorak had taught at Urbana High School when Lester Ludeweiler was a student there, and Mr. Dvorak was aware that Ludeweiler, an Eagle Scout, was very interested in Indian lore. So he introduced Ludeweiler as Illiniwek at a half time game at the Illinois/Pennsylvania game while the band played 'March of the Illini'. And as Loren Tate correctly put it in his column in the Champaign News Gazette on October 6, 1993, the chief isn't a mascot. Illiniwek is never a sideline cheerleader. Chief Illiniwek is a tradition and for tens of thousands of Illinoisans is a revered symbol of the Illini spirit. And I would ask for passage of House Bill 1106 and I would be glad to take questions."

Speaker Daniels: "The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the Committee...of the House, sorry. Mr. Speaker, Ladies and Gentlemen of the House, I just had the opportunity to speak to a Gentleman who happens to be an Indian and if it's...and he'll soon be joining us in the balcony. But he wrote a letter to me that I would like to read to the Members. And it says, 'The tradition originated in 1926, at that time, which almost all of the students at the University were white.' It was also a time when students dressed in black face and body paint, wore grass skirts and pretended to be natives from Africa. We have found pictures of this custom in the Archives of the University's Library. This stereotype and derogatory symbol of African people was presented at an event called the Inner Scholastic Circus. The chief was the red counterpart of this University tradition. Bluntly put, the chief was created at a time when black and red people were not considered fully human. Our people have yet...have not yet

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escaped that time. Do not be misled by the Bill's Sponsor, when they say that Indian people support the University's mascot or find nothing offensive about it. That is simply false. If this Bill passes, it will put the State of Illinois in direct opposition to the policies of the duly elected tribal governments. In 1990 the United Indian Nations of Oklahoma passed a Resolution, the United Nations of Oklahoma passed a Resolution against the use of Indian mascots and identified Chief Illiniwek as a mascot, offensive and harmful to Indian people. How can we prostitute another racist culture? The United Nations of Oklahoma is composed of elected tribal leaders from 28 tribal governments. The National Congress of American Indians, the largest national organization of elected tribal governments, passed two Resolutions: Specifically naming Chief Illiniwek as a derogatory symbol of Indian people and demanded the abolishing of not only a mascot, but also the recreational vehicles with Indian names and films with typical Hollywood images of Indians running around saying woo, woo, woo, woo. That are all harmful to native people. The reason Indian Health Service Survey revealed that one out of five Indian children will attempt suicide, and some will be successful, the survey showed a link between these attempts of suicide and low self-esteem. Even University Counsel, Byron Higgins, had admitted in pleading before the Human Rights Commission, that these Hollywood like images create low self-esteem in Indian people and are partly responsible for the plight Indian people face today. And other University administrators have admitted the dance and drum music that constitute the mascot's performance are Hollywood movements and beats. We have found these statements in documents given to us in

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Freedom of Information Requests. We are further concerned that no Indian people were provided opportunities to testify about this Bill as it passed out of committee. We discussed this Bill in committee. There was not one Indian representative to speak to this legislation. I don't think that we, as Representatives of the State of Illinois, should be in the business of prostituting anyone else's culture for the sake of our own enjoyment, entertainment. I think a people are their culture. You take away a people's culture and what do you have left? Nothing. I respectfully request and I'm joined by the author of this letter in the balcony, who's standing there, who is the head of the tribal nation, who said that he did not have the opportunity to speak to this legislation, that their whole race is being jeopardized as a result of this kind of portrayal of their culture, and they find it offensive and disheartening. And I respectfully request a 'no' vote on this legislation."

Speaker Daniels: "The Gentleman... The guests in the gallery are reminded that there will be no demonstrations in the gallery. The Gentleman from Macon, Representative Noland."

Noland: "Mr. Speaker, I rise in support of this Bill. Chief Illiniwek is a honored hallowed part of our rich history in the University of Illinois. I'm a graduate of the University. And I was curious if current students consider the chief with such respect, that I had when I was a student, and I've been to various games and events, and they do. My children have gone with me to football games and basketball games and they know the chief is respected and they honor the tradition, they honor the Indian culture, the Indian tribe. They know it's a part of our history and our state. I think we're making a...a mountain

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of a molehill here. This is an outstanding tradition. It should continue and I rise in support. Thank you."

Speaker Daniels: "The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I rise to oppose House Bill 1106. However, I must tell you, I rise in great support of the University of Illinois. I rise to support and honor, in fact, the tradition of the University of Illinois. I may be, I'm taking a guess here, but I may be the only Member of this Chamber who is a student at the University of Illinois. It takes me a little longer than the rest of you, but I happen to be a student at the University of Illinois at Chicago in a graduate program. I am proud of the University of Illinois' tradition of excellence in education, excellence in education at the undergraduate level and at the graduate level. I'm proud of U of I's tradition of excellence in research. Very, very significant research is done at the University of Illinois that betters and improves the economy of the State of Illinois and, indeed, the country. I'm proud of the University of Illinois' tradition of cultural diversity."

Speaker Daniels: "Excuse me. Could you please give your attention to the Lady? Thank you. Representative Erwin."

Erwin: "Thank you, Speaker. University of Illinois has a tradition of cultural diversity in its student body and in its faculty, one of which I'm very proud of. University of Illinois at Chicago has significant programs of outreach in the minority community in the City of Chicago, recruiting kids who might not otherwise have the opportunity for an excellent public education. So this is a tradition, Representative Winkel, that I would suggest to you that we stand here today, and although I may appreciate and understand what your motives may be here, I'm afraid that

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what we are really doing is belittling and demeaning the tradition of excellence in education that we should, indeed, be honoring at the University of Illinois. This is not public education and the quality of public education is not about half time entertainment. It is about providing opportunities for the people of our state for a quality public education. I would remind the Members of this chamber, in addition to that, that this issue really, indeed, has no place in this Chamber. There is an elected board of trustees at the University of Illinois, at least elected until the end of this summer, but elected by the people of this state. They can decide for themselves what they want to do with half time entertainment, with mascots. I mean, I think that the Representative is demeaning and belittling what we ought to be doing, which is supporting a tradition of excellence at the University of Illinois. So, I strongly, strongly urge my colleagues, even if you're an alum of the University of Illinois, which I hope to be myself. Honor the tradition of the University of Illinois by supporting quality public education and not demeaning this tradition by voting for House Bill 1106. I urge a strong 'no' vote."

Speaker Daniels: "The Gentleman from Will, Representative Wennlund."

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I want to point out to all the Members that what Representative Winkel's Bill says, is that it is and shall remain an honored symbol, not a mascot. This honored symbol, when I attended the University of Illinois from which I graduated, this honored symbol won more praise than the Iowa football...than the Illinois football team won games. Even at the hands of the Hawkeyes of Iowa, in great



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defeat, it was Chief Illiniwek that brought the fans to the game, who came year after year, just like Cub fans. What I'm particularly concerned with, is if we start talking about personal mascots. That's not the case here at all. We're talking about honored symbols, such as the Fighting Irish of Notre Dame, the alumna mater of the Minority Leader. Would one even think about eliminating the words, 'The Fighting Irish'? Not at all. We're talking about an honored time after time symbol of the University of Illinois football team and sports teams. This is something that is as close to the fans from Illinois as Wrigley Field is to the Cubs. I urge all the Members on both sides of the aisle and particularly the alumni of the University of Illinois, to preserve this honored symbol and let's vote for this Bill."

Speaker Daniels: "The Lady from Cook, Representative Shirley Jones."

Jones, S.: "Mr. Speaker, I would like to yield my time to Coy Pugh, please."

Speaker Daniels: "The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I ask each and every Member of the General Assembly to consider, have we done enough to the Indians? Have we taken enough from the Indians? Do we now want to hold up what we have done to the Indians for the world to see and throw darts at them and run around and portray negative images of people who have a spiritual connection with the universe? Have a spiritual connection..."

Speaker Daniels: "Excuse me. Ladies and Gentlemen of the House. Ladies and Gentlemen of the House. Representative Pugh."

Pugh: "This Bill is being opposed because it would have the effect of legalizing what is really a racist tradition."

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Are we anti-racists? I know that the coin...the term we want to be anti-semitic, but are we going to be anti-racist? The definition of racism is the physical, so that we'll know, so that we won't have to plead ignorance to being racist or anti-racist, the definition for racism is the physical or psychological subordination of one race over another for the purpose of maximizing political or economic exploitation. In this case, we're exploiting a race of people, not for political gains, but for our own individual entertainment. We're taking an individual and we...it may allude... They've alluded to the fact about the mascot, the Irish, the Fighting Irish. The Fighting Irish gave that mascot. The Fighting Irish are the ones that initiated the use of that termination, the Fighting Irish. Did the Indians have anything to do with allowing the use of their name to be used as a mascot? I say, no. Did the Indians have anything to do with allowing this piece of legislation to hit the House floor? No, they were not even allowed to testify to this piece of legislation in committee. I don't think that the Illinois Legislature is the place for this kind of decision to be made. If this is going to be done, this is an administrative decision to be made. This should be done within the University. Let the University take the ramifications of this legislation, which is going to result in adjudication. This is the kind of legislation that needs to be in the Supreme Court because we're talking about a race of people. We're not talking about a football game. We're not talking about a basketball game. We're not talking about somebody going on a drunken binge. We're talking about the culture, the very nature of a people. And is it our decision to make whether or not these people should be held up and ridiculed and

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made fun of just for our entertainment, just for the entertainment that we will receive as a result of a baseball or football victory? I say, no. I say that this is not...this is not a decision that should be made in the Illinois General Assembly. This is a decision..."

Speaker Daniels: "Excuse me. Excuse me..."

Pugh: "...that should be made..."

Speaker Daniels: "Representative Pugh. Ladies and Gentlemen. Will you please give the courtesy of letting your colleague speak? Representative Pugh, I'm going to add a minute to your time. But, Ladies and Gentlemen. Thank you. Representative Pugh."

Pugh: "Thank you, Mr. Speaker. I'll never forget that. This piece of legislation is not a piece of legislation that we should just idly pass. I think we should look and search deep inside of ourselves and say, would we like for our children, can we take this message back to our children? Can we justify this? Can we justify a 'yes' vote on this to our children? Can we tell our children that this is what we think of a human being? That this is not a civil rights issue; this is a human rights issue. These individuals are human beings and we should be...they should be respected. These are the original people of America; these are the indigenous natives of America. They should be revered, not denigrated. And we're working to denigrate this race, instead of revering them. They should be held in high esteem, not low esteem, and we're acting in reverse. But we must remember, that whatever we do to others shall be done to us at some point in life, and that's God's law, and that will not fade. So whatever you decide to do with this piece of legislation, be prepared to suffer the ramifications."

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Speaker Daniels: "The Gentleman from Coles, Representative Weaver."

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

Speaker Daniels: "He indicates he will."

Weaver: "Representative Winkel, there's been some accusations here, made about racism concerning this Bill. Is it your intent that this Bill act as a racist piece of legislation?"

Speaker Daniels: "Representative Winkel."

Winkel: "Absolutely not. Representative Pugh, obviously, has never seen Chief Illiniwek in action. Chief Illiniwek is a revered and honored symbol at the University of Illinois. He obviously doesn't know what he's talking about and it's one of the principles, he talks about one of God's principles. It ought to be a principle that you have something to say that somewhat resembles the truth. Absolutely not, has nothing whatsoever to do with racism. Indians actually..."

Speaker Daniels: "Excuse me. Excuse me..."

Winkel: "...the Indians have provided us with the costume."

Speaker Daniels: "Excuse me, Representative Winkel. Excuse me. Representative Pugh, I made very, very careful attention to your comments. I would expect you to give the same courtesy to your colleague on the other side. You may, if your name is mentioned in debate, when he is completed, Representative Pugh. Representative Winkel."

Winkel: "Representative Pugh, let's get it right. This is an honored and dignified symbol. It's not a mascot, it's not a sideline cheerleader. If you've ever seen Chief Illiniwek, you'd know what I'm talking about. You'd know just what thousands, tens of thousands of alum and other

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people who are interested in the Chief throughout the state, know it to be an honored and revered symbol. You don't know what you're talking about. You're listening to somebody who's not a student, has no idea what's going on over there, and you're making things up as you go."

Speaker Daniels: "Representative Weaver."

Weaver: "Thank you, Representative and Mr. Speaker. To the Bill.

Ladies and Gentlemen, the very heritage of Illinois, that's where we got our name, Illinois, from the Indians. They have been a part of our heritage...a part of this great state of ours since before its beginning. Listen to these names, Wauconda, Algonquin, Mackinaw, Oquawka, Oswego, Utica, Pontiac, Peoria, Cahokia, these are some of the dozens of names of the communities in the State of Illinois that proudly bear the names of Indian tribes. To imply anything other than that and to try and use a race card, a worn out race card, is nothing more than a joke. It's time that we put this issue to rest. I grew up in the northwestern part of Illinois, in the Blackhawk region. We have a statue up there several, probably 60 or 70 feet high, honoring Chief Blackhawk, one of the greatest leaders of the Indian nation of that area. We did that out of honor, nothing more. And I think we need to continue honoring the American Indian, not only for the heritage of our various communities throughout Illinois, but for our very state itself. This absolutely deserves a 'yes' vote. Thank you."

Speaker Daniels: "Representative Pugh, you have one minute to respond. Your name was mentioned in debate."

Pugh: "Thank you, once again, Mr. Speaker. Representative Winkel stated that, and he just finished saying that...that he was...that this symbol was not a mascot, that it was not

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some kind of sideline trickster. But what's the purpose? What is Chief Illiniwek? Is he or is he not a mascot?"

Speaker Daniels: "Representative Pugh, it is not there for a line of questioning. Your name was mentioned in debate. You have the time in which to respond to that."

Pugh: "We talk about...we talk about the race card. The race card never plays out. The race card is constantly used. This is a racist piece of legislation. And if it's not, then the definition for 'racism' should be deleted from the dictionary. But under the definition of racism, this is a racist piece of legislation, and we should not be in the business of promoting racism. We should be in the business of promoting unity and fair and honest government."

Speaker Daniels: "Representative Pugh."

Pugh: "This Bill has nothing to do with government. This is a decision that should be made on an administrative level and let the administrators of the University of Illinois bear the jacket for carrying this piece of legislation."

Speaker Daniels: "Okay. Thank you, Representative Pugh. The Lady from St. Clair, Representative Younge. The Lady please have your attention."

Younge: "Yes. I would like to give my time to Representative Pugh."

Speaker Daniels: "Representative Pugh, you're on again."

Pugh: "Thank you. Representative Winkel, did you state that this piece of legislation was or was not designed to make Chief Illiniwek the mascot?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative, as I said in the opening, House Bill 1106 is consistent with the long-standing tradition at the University of Illinois. We want to, by this...by this statute, if you will listen to me, Mr. Pugh. I've listened

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very patiently to you, Sir. And I would like to answer your question. House Bill 1106 would make Chief Illiniwek the honored symbol of the University of Illinois at Urbana-Champaign."

Speaker Daniels: "Representative Pugh."

Pugh: "I think that...I think we just...we just have our priorities misplaced. We talked about, and Representative Weaver mentioned, that we have, since Illinois was originated, that we have made the Indian a part of our...of our culture. But the Indian was here long before Illinois was ever developed, so we should not be making them a part...we should be trying to be a part of their culture. We should be...if it is an honor and if it is an honored symbol, it should be honored in a way that is due honor. And this, making them a mascot or some kind of sideline entertainment is not my interpretation of honoring anybody. I don't think that...that the Fighting Irish would take kindly to an individual outside of their ethnic group making slurs and talking about how they behaved in public. I don't think that any group outside of the group that is being portrayed, is going to allow for anybody to make fun of their ethnic roots. And I don't think it's our job to run into developing ideas to take away a people's culture. When you take away an individual's culture, what more do they have, Representative Winkel? If you take away a people's culture, you take away an Irishman's culture, what more does he have? You take away the culture of a Jew, what more does he have? It is not...it is... We're not in the business, we're not in the business of promoting entertainment. That should be left up to the Department of Commerce and Community Affairs. We're in the business of promoting legislation. If we want to promote...if you

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would like, maybe you can take Mr. Whetstone's place at the Department of Commerce and Community Affairs. This is the...we're in the business of promoting legislation. This is not entertainment."

Speaker Daniels: "Further discussion? The Lady from DuPage, Representative Cowlshaw. Oh, I'm sorry. I thought you were through, Sir. Excuse me, Representative Cowlshaw. Was that a question you asked him? All right, Representative Winkel."

Winkel: "With all due respect Representative Pugh, you went on for about three minutes there, and honestly I'm not sure what the...ended up being the question. I'd be glad to answer your question."

Speaker Daniels: "Could you repeat your question, Representative Pugh?"

Pugh: "My question is, as Members of the General Assembly, are we in the business of developing entertainment activities for colleges and universities?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative, certainly we, on many occasions in the General Assembly, have made the determination of what will be and what will not be an official symbol. The University of Illinois is the flagship university of this state. Certainly it's within the scope of the authority of this General Assembly to consider what the official symbol will be of the University of Illinois. That decision, Sir, does not belong to the students. It doesn't belong to the faculty or the staff, nor does it belong to the Board of Trustees. Rather, it belongs to the people of the State of Illinois. It's our University and there are over 200,000 University alumni scattered throughout this state and tens of thousands of other people who are interested in Chief



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Illiniwek becoming the honored symbol of the University of Illinois. And what better place than the General Assembly to debate this issue and decide it today, Sir?"

Speaker Daniels: "Representative Pugh, you have 30 seconds left, Sir."

Pugh: "Representative Winkel, I would think that we would be spending this time developing ideas on how to better the educational facility of the State of Illinois, as opposed to developing ideas on how to entertain or miseducate our students, because our students are being miseducated. We're sending out a message to say that racism is okay. We're telling our children that it's okay to denigrate another race of people. We're saying that it's okay to run around making fun of..."

Speaker Daniels: "Representative Pugh, you need to bring your remarks to a close. Representative Pugh, bring your remarks to a close."

Pugh: "Representative Winkel, what ethnic group are you?"

Speaker Daniels: "No, Sir. Representative Pugh, your time is out. You need to bring your remarks to a close."

Pugh: "I have one last question, Sir."

Speaker Daniels: "All right."

Pugh: "Representative Winkel, is it not true, that in...in spirit...in periods of jubilation that the individual students at Illini, at University of Illinois, jumps up and say, 'Skin em'. Is that not true?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative Pugh, I can...I can answer that question very easily. Of course that's not true. I don't know where you're getting your information but obviously, Sir, you're grossly misinformed about what Chief Illiniwek is and always has been and will always be to the University of

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Illinois."

Speaker Daniels: "Okay. Representative Cowlshaw, the Lady from DuPage."

Cowlshaw: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise as a graduate of the University of Illinois to say that one of the sources of my pride in that superlative education is, of course, that the University of Illinois is the state's premier university, is one of the premier universities of the entire world. That is a great source of pride for Representative Winkel, for every graduate and for every citizen. But there is something more to a university than just the academics. A university is about loyalty. I know a lot of graduates of the University of Illinois and all of us, almost but not quite, match the fierceness of the loyalty to that University of State Representative Rick Winkel. Part of that loyalty is entwined with our experiences over many, many years of attending the University of Illinois home football games, cheering for the Illini and seeing Chief Illiniwek, who is given as a symbol of everything to be revered about the history of this state and its diversity. I think that anyone who has every attended a University of Illinois home football game, and I would point out to you, Mr. Speaker, my husband and I attended those games every season, ever since I was graduated, even during all those years when we never won a single game. We have always enjoyed the fact that that sense of loyalty, that is every bit as much a part of a university as its academics, that sense of loyalty is thrilled, it is inspired by Chief Illiniwek. I stand in strong support of this legislation. I stand in strong support of Chief Illiniwek and of the University of Illinois and of Rick Winkel."

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Speaker Daniels: "The Lady from Lake, Representative Gash."

Gash: "Mr. Speaker, I rise in opposition to this Bill. To the Bill. Who should say, Native Americans are opposed and offended? With the major issues that are affecting our state right now, I have a question about why we are talking about retaining a mascot that is so controversial at this point and why this is not properly debated at the University of Illinois? I think that Representative Pugh has very eloquently stated what this legislation is at worst, and I agree with him. I would like to say that this legislation is unnecessary, at best. I think that our time would be far better spent debating the real issues that the State of Illinois right now has in front of it and I would like to ask, can we discuss the Medicaid budget right now? Can we discuss what is happening in Illinois? Can we discuss what we need to be doing?"

Speaker Daniels: "The Gentleman from Vermilion, Representative Black."

Black: "Yes. Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The Gentleman on the other side of the aisle and his colleagues are I'm sure quite sincere in their concern and their feelings about the symbol of the University of Illinois. And I for one think that the debate on this symbol that's been going on for past three or four years, probably even longer than that, but most of us have only been really made aware of it in the past three or four years, has been a healthy debate. And it has caused many of us to focus on what has happened in the history of not only our state, but of our country. And the debate has been healthy and I think it has raised many of our...our consciences to the level that it should have been perhaps, several years ago. But in all due respect to you,

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Sir, I...giving attribution to the latest issue of the Illinois Blue Book on page 374 in the year 1673, it mentions the Illiniwek, an Indian confederation consisting of Cahokias, Kaskaskias, Mitchacomies, Peoria's, Tamaroas and counter French explorers who were referred to the people and country as Illinois. And the Illiniwek means tribe of men. Now I...I have no doubt of your sincerity and your sense of moral outrage over an issue, but I differ, I must differ with you. You know, we can...we can, I guess, if we let ourselves become so concerned with being politically correct today, that perhaps we should go back and change the meaning of what I assume was an Indian term, Illiniwek meaning tribe of men, to say perhaps that it should mean tribe of persons, I don't know. There comes a time when we must respect the diversity of this state and, in fact, the diversity of this country. It is one and the same. It can be our greatest strength as a state and country, and it can be, if we allow it to be, one of our greatest distractions and one of our greatest points of contention. I simply would say to you, Sir, in all due respect, I have never regarded Chief Illiniwek as a mascot, as a mascot of the University of Illinois. To me...to me, if he was a mascot running around the field during the entire game, wearing an Indian outfit rented from 'Costumes Are Us', carrying a rubber tomahawk and acting as if he was going to scalp the opposing cheerleaders and/or team, I would join with you in saying that is a mascot who no longer should be allowed to prowl the sidelines of any university in this country. But that is not what he does, Sir. That is not what he does. I, for one, never leave the half time ceremony at the University of Illinois simply so I can see his presentation, which I think is given in a

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very dignified and honorable way, and I'm not ashamed to say it brings a lump to my throat every time I see the Chief perform. He doesn't run around the field in some hokey Indian outfit with a rubber tomahawk and a chartreuse breechcloth. That would be an outrage, and I would stand with you if that were the case. And you mentioned the Fighting Irish of Notre Dame, an outstanding University known the world over. And yet I've been to a game at the University of Notre Dame and they have somebody dressed up. I don't know whether it's supposed to represent a Fighting Irishman or a leprechaun. But that individual is dressed up in some hokey costume, running around chomping on a two bit pipe. And I don't think that's the image of the Fighting Irish or a leprechaun or whatever that mascot is supposed to be, but you seem to think that's all right. In all due respect to you, Sir, I do not believe that Chief Illiniwek in any way, shape or form, has ever meant to be or ever been construed as a mascot of the flagship university of the State of Illinois, and as long as his presentation is continued to be allowed in a dignified manner, with a presentation in which he comes on the field and leaves thereafter, doesn't ride around the field on a horse, as some universities do, doesn't throw a spear and doesn't have some hokey bow and arrow or rubber tomahawk, then I think that symbol should be kept and should be revered, and Representative Winkel has stated why he thinks the venue can be addressed in this Body. I think we need to distinguish between a mascot and a symbol. And I think we need to come together to recognize the cultural diversity that created the State of Illinois and that makes this state what it is. And I do share your concerns and I do hold your views in the highest regard, but I cannot in

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all good conscience, Sir, agree with you on this issue."

Speaker Daniels: "The Lady from Kane, Representative Lindner."

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

Speaker Daniels: "He indicates he will."

Lindner: "To the Bill. About a month ago, my husband and I attended a performance at the Auditorium Theatre of the American Indian Dance Theatre, and we sat for about three hours and watched Indian dances and heard the music, and it's part of the heritage of our country. And it struck me how unfamiliar I was with some of that heritage. I think it's important that we have someone like Chief Illini keeping that heritage going at the University of Illinois. Certainly the dictionary definition of racism and a rational belief in the superiority of a given people or nation cannot be applied to anything in Representative Winkel's Bill or Chief Illini at the University of Illinois. I agree with Representative Black. when as a child, my parents took me to the University of Illinois and Chief Illini came out during the half time. It was a thrill; it was something that you did get choked up, and rightly so. It cannot be in any way, shape or form construed as racist. I think this is something that we all admire and look forward to, and I would urge an 'aye' vote on this Bill."

Speaker Daniels: "The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, what other universities' symbol or mascots will we be passing legislation to decide upon? What about Chicago State, Northeastern, what are their symbols?"

Speaker Daniels: "Representative Winkel."

Winkel: "Representative, House Bill 1106 deals exclusively with

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the symbol at the University of Illinois at  
Urbana-Champaign."

Speaker Daniels: "Representative Davis."

Davis, M.: "Why? Why? My question is, why are we dealing with  
this in a Legislative Body about what a university chooses  
to do? Why are we doing it here, Representative Winkel?  
There has to be a reason."

Speaker Daniels: "Representative Winkel."

Winkel: "Representative, the genesis of this Bill occurred last  
fall when the Chancellor had a special committee that was  
studying the curriculum at the University of Illinois into  
the next century, and they got distracted and sidetracked  
with this notion that they were going to retire Chief  
Illiniwek. And it was at that time that I gave my pledge  
that I would introduce legislation to make sure that that  
would not happen, that Chief Illiniwek would remain the  
honored symbol at the University of Illinois at  
Urbana-Champaign."

Speaker Daniels: "Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. But they were going to  
retire this symbol because the people from whom you got  
this symbol objected. Is that correct? The Indian people,  
who are standing all around the balcony, object to your use  
of their Chief. Similarly, too, perhaps you objecting if  
they used your priest for a symbol. I mean think about it.  
Suppose the Indians decided, we're going to have a symbol  
for merriment and joy and we're going to use a priest  
dressed in his priestly garb. Would that be offensive to  
some of us here?"

Speaker Daniels: "Is that a question, a..."

Davis, M.: "It's a question, Mr. Speaker."

Speaker Daniels: "Representative Winkel."

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Winkel: "Representative, with all due respect, your question shows a lack of understanding as to where this, this symbol came from. The symbol, as I've mentioned and as I believe Representative Black and others have mentioned, Illiniwek comes from the Illini tribe. The Illini tribe were wiped out in 1760, and I believe that was at Starved Rock. And they were wiped out by other Native Americans of the Iroquois nation, and there are no Illini today. And but for the name of this state and the other great traditions such as Chief Illiniwek, their rich legacy would be lost to future generations. And by the use of this time honored, dignified symbol at the University of Illinois, we help to remind our children and our grandchildren into the future of the rich legacy of the vanished Illini tribe."

Speaker Daniels: "Representative Davis."

Davis, M.: "To the Bill, Mr. Speaker. I'm wearing a button that was given to me by one of the Indians this morning. And I think, regardless to the names of those tribes, there is some cohesiveness with their relationship with different tribes; they're still Indians. And this button says, 'Racial stereotypes dehumanize'. And this is a Bill that dehumanizes a group of people, based upon what some of you perceive to be your learning about their culture, being entertained. I believe in 1995, people should be intelligent enough, aware enough, have traveled enough, have read enough, to know that when one certain group of people in this so-called melting pot that we live in object to what we do in reference to their race, their culture, it should wave a red flag and we should stop it. I think we should stop it. The University will go on, if we continue to fund it. The University will not fall apart if you find yourselves another symbol. And I do know that in the State



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of Wisconsin, there was a school that had a name for its team as Indians. And the students becoming learned and intelligent, wise and respectful of other people's culture decided to change their names to Indians...I'm sorry, to Eagles. They changed their names from Indians to Eagles."

Speaker Daniels: "You need to bring your remarks to a close."

Davis, M.: "But... Thank you very much. I believe this should be a 'no' vote. I want the Indians who are in the balcony to know that this is the Republican side of the aisle. This is the Democratic side of the aisle. We're going to..."

Speaker Daniels: "The Gentleman from Knox, Representative Moffitt."

Moffitt: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I think we need to all stop and take a look, lower the rhetoric and just stop and look what's really...we're considering. We need to determine if the presentation of Chief Illiniwek is done with respect, with dignity, with honor and reverence. And if it is, then I think it's proper that it be kept as a symbol. As an alum of the University of Illinois, I've watched the Chief at half time many times, and it certainly is done in the manner that I referred to. It is not derogatory the way that it is presented. I've asked myself, once this issue came up, would I want my ancestors respected, honored? Would you want your own way of life remembered after you're gone? And I think the answer is certainly, yes. You know, many groups we see in Illinois, they want their leaders, they want their ancestors remembered and honored. We name buildings after people that we respect; we named some buildings yet this Session. We name holidays after people whose memory we want to continue on, as a way of respecting

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those individuals, and that's what's really done with Chief Illini. It's been mentioned the very name of our state, many of the towns throughout the state are named after Native American tribes, and I think it's important that that's done. Representative Weaver did a good job of mentioning many of those names. He did leave out Maquon, which happens to be in my district, but it has a proud tradition of Native American heritage. If we had ignored the native American heritage of our state, if we had refused to acknowledge the culture, their contribution, then I feel confident that there would probably be a movement to honor, to raise the awareness of the Native American heritage of this state. That is exactly what we have with Chief Illini, that we are preserving this heritage and this culture. I think we need to really stop and take a look at what the Chief does. I think it's done in a proper manner. I stand in support of this Bill that (sic - of) Representative Winkel, plan to vote for it, and I hope that others will, too. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I find it ironic that people said that they want to honor our Native Indian Americans with symbols. Well, you wouldn't have to honor them with a symbol if you hadn't murdered and slaughtered and starved their ancestors hundreds of years ago. Of one of the colleagues on your side of the aisle mentioned all the tribes that we've had in this state. Where are those tribes now? They've been wiped out. Your forefathers came and took their land, starved them, murdered them, slaughtered them. Just like with the outrage in Oklahoma City, that's what was

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happening, a bomb was dropped on them. And now you sit up here to hide your guilt, to hide your guilt, you say that you want to honor them with a symbol. Well, someone just brought some facts about the so-called Fighting Illini. If you know about the tribe, Illini, they were not a tribe of warriors. They were an agricultural tribe. They were a tribe of peace. They lived in a peaceful existence, and somebody came and wiped them off, wiped them off of the face of the earth. This is an issue that we've fought at Dixon Mounds with the bones of their ancestors. And what happened? The state had to spend millions of dollars, millions of dollars to remove those bones and bury them in an honored way. And the most ludicrous part of this Bill is, anytime anyone is offended, we should be offended. If the mass...if the mascot of the University of Illinois was a Jewish symbol and the Jewish people in this state were upset, that mascot would be gone. If the mascot was a...was of female persuasion and the women of this state were to get upset, that mascot would be gone. But because we have wiped out the Native American and he has no history and the history that we have given him is false, that he was a warrior and he was a fighter. First of all, we need to correct ourself on what a real Native American is. They fought because they wanted to defend their land that was being taken from them. Why is it that they live here hundreds of years, peacefully, amongst all the tribes that were here? And as I've been told, when the Pilgrims came here, if it wasn't for those same Native Americans, many of your ancestors would have never lived that first winter. Now, I wasn't going to speak on this Bill because I'm like some of my other colleagues, we should be dealing with other more important issues. And I've heard people say,

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'yes, I've been to the University games.' We all get free tickets to the football games. Maybe we need to pass a Bill that the General Assembly no longer gets those \$20 tickets. That's a lot of revenue being taken away from the University of Illinois. But I feel no honor, I feel no pride, I feel no loyalty when I see the Chief Illiniwek come out on that football field. I feel guilt and I shouldn't feel guilt because my ancestors didn't come over here and wipe them off the face of the earth. I don't feel any guilt. But anytime anyone's offended, that's the purpose of why we were elected to serve here. We were elected to serve those who don't have a voice. There is not an elected Native American in this General Assembly, so they don't have a voice here. So, if I have to be their voice, so be it. But we should be...how can many of us shave in the morning knowing that, oh, to hide the guilt of my ancestors, I'm going to give them a symbol. Well, don't give me any symbols for my ancestors when you brought them over here 400 years ago in a ship. Don't give me any symbols; give me equality and economic development and economic success in this country."

Speaker Daniels: "You want to bring your remarks to a close?"

Morrow: "If you want to honor...I'm about to finish. If you want to honor the Native Americans, let's get them off the reservations where they live in poverty and starvation and mental and physical disease. If you want to honor the Native Americans, that's how you honor them. You don't honor them with a symbol. You honor them by reversing history and correcting the history that has been put...perpetrated as a lie upon them for hundreds of years. If you want to honor them, honor them by knowing that the fact that they have done their part to make this country

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great. That's how you honor somebody. You don't honor them with a dance. You don't honor them with a symbol."

Speaker Daniels: "You need to bring your remarks to a close, Sir."

Morrow: "Because my time is up, I'm going to bring my remarks to a close. But I tell you, you know a lot of you guys think I'm crazy, but as I said the other day, it doesn't take much to be a politician. All you have to do is have a heart, all you have to do is have a heart."

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

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

Speaker Daniels: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed, 'no'. The 'ayes' have it. The main question is put. Representative Winkel, the Gentleman from Champaign, to close."

Winkel: "Mr. Speaker. I yield my time to my good friend, Representative Tim Johnson, for closing."

Speaker Daniels: "The Gentleman from Champaign, Representative Johnson, to close. Ladies and Gentlemen. Representative Davis. Representative Pugh. Representative Johnson, to close."

Johnson, Tim: "Thank you."

Speaker Daniels: "He is a Sponsor of the Bill and he may close. All right. A Member...a Member may...Representative Davis, we expect you to comply with the same Rules of this House as everybody else. Okay. Okay. Representative...Representative Jones, you sound great today. Let the record reflect that Representative Jones is in great mood today. Representative Johnson has been

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yielded in debate by Representative Winkel. It is within the Rules. A Member may yield his time to another Member. Representative Johnson is also a listed Sponsor of the Bill. He is a...Representative Davis, you will comply with the rules of this House. Representative Johnson is a Sponsor of this Bill. Representative Johnson, to close."

Johnson, Tim: "Thank you, Mr. Speaker, Members of the House. I wasn't aware that my...my closing would cause such controversy, but I appreciate the ruling of the Chair and the courtesy of my good friend, Representative Pugh and Representative Davis in allowing me to close on this issue that affects all the people of Illinois and obviously has a dramatic...dramatic impact on people around the Champaign-Urbana area and throughout the state, Representative Winkel's and my district, and for that matter every district in the state who are concerned about putting finality to this issue. And this Bill puts finality to this issue. Representative Gash mentioned in debate, why are we dealing with an issue of this sort when we have other issues to deal with? And clearly we do and clearly we're going to deal with those issues. I would simply point out a couple of Bills that have been introduced over the last few years that...that are of some significance to the people that introduced them. My predecessor, my good friend who I respect, Representative Satterthwaite introduced a Bill calling for the telemonster to be the state fossil. Representative Richmond introduced House Bill 3117 designating the square dance as the official folk dance of the State of Illinois. I could name a series of others, but that's not the point. The point is, this puts finality to an extremely important issue. We are giving...Mr. Speaker, I realize people in the gallery

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have feelings about this issue, but I would appreciate the courtesy of people in the gallery listening to me as they have to the opponents as well."

Speaker Daniels: "Our guests in the gallery are reminded that there will be no demonstrations. Representative Johnson."

Johnson, Tim: "Thank you, Mr. Speaker. This is a tradition that is a long and storied tradition of the University of Illinois. Chief Illiniwek and with all due respect, Representative Pugh, it's not Chief 'Illiniwek', it's Chief Illiniwek, is a honored tradition of the University of Illinois."

Speaker Daniels: "Representative Johnson, you mentioned Representative Pugh's name in debate. When we take the record, he will given a minute to respond."

Johnson, Tim: "I'll certainly do that."

Speaker Daniels: "So please refrain from mentioning Members names in debate."

Johnson, Tim: "I'll certainly do that. I apologize Representative Pugh. I was just correcting the pronunciation, no, no. You and I are good friends and I understand that. This is a Bill that gives honor to Native Americans. To those of you who have watched for decades, who have watched for nearly a century, the performance of Chief Illiniwek, would recognize that what Chief Illiniwek is to the University of Illinois and to this state, honors Native Americans. What do we want to do? Do we want to eliminate Native Americans from our history at all? Do we want to totally ignore their relevance to this state or to other states and to this country? Of course not. And what this symbol does and what this represents is not only a proud tradition of the University of Illinois, but gives honor to great people in the Native American community."

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Scores of professional football, basketball, pro and hockey teams, as well as colleges and high school teams have Native Americans as their symbols. The Shiloh Indians, for example, the Florida State Seminoles, the Chicago Blackhawks, the Washington Redskins. The list is endless and each one of those cases gives honor to a people who deserve to have honor bestowed upon them. A half a million alumni around the university...around this state and around the country look to Chief Illiniwek and the ceremony that accompanies that as a honored tradition, a storied tradition, something that really means something to a great university, a great state and a great community. There are many people who, for sincere reasons, including Representative Pugh, including my good friend Brian Savage, who is an attorney at home and has led the opposition to this Bill, who is a fine, sincere individual, who opposed this Bill for sincere reasons. They have honor...they have legitimate reasons in their mind for opposing it. But I happen to believe, as Representative Winkel and I think a majority of the people in this chamber and a vast majority of the people of the State of Illinois believe, that this is...is something that they're simply wrong on. This is a Bill that puts finality to an issue once and for all. We don't have to dump it on the trustees; we don't have to dump it anywhere else. We have to deal with it as the policy makers of the State of Illinois. The University of Illinois, Chief Illiniwek is our symbol. He brings great pride to this University. He brings great, great pride to this state, as many others do throughout the country, and I urge a 'yes' vote in favor of Representatives Winkel, Cowlshaw, Noland, Weaver and Johnson's Bill, along with many others who join in believing that this Bill is



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something that's long overdue, will put an issue to rest, and is something that not only brings honor to Native Americans, but does great honor to a tremendous University, a tremendous state and a tremendous people. I urge a 'yes' vote."

Speaker Daniels: "The Gentleman, Representative Pugh, is recognized for one minute. His name was mentioned in debate."

Pugh: "Thank you...thank you, Mr. Speaker. With all due respect to the Representatives that have spoken in regards to this legislation, and I understand the need and the desire of...time honored University to have such a symbol as Chief...as the Chief, but I fail to understand how we can talk about revering an individual and denigrating at the same time. That's called an oxymoron and if we deal with oxymorons, we become oxymoronic. So, we have a problem with...with another term that they call cognitive dissonance. We can't have our cake and eat it, too. Either we're going...if we're going to revere him, if...then we should not only allow the Chief to run up and down the field during half time, we should allow him to be at the head of the table at alumni meetings. We should allow Indians to be on the Board...of the Board of the University..."

Speaker Daniels: "You want to bring your remarks to a close, Sir?"

Pugh: "...and to be respected economically. We should allow them to have..."

Speaker Daniels: "You need to bring your remarks to a close, Sir."

Pugh: "Thank you. Do I have three minutes or one minute, Sir?"

Speaker Daniels: "No, one minute. Your time is expired, so will

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you please bring your comments to a close."

Pugh: "Thank you. If we're talking about allowing an individual or a nation or a race of people, if we're talking about revering, the definition of reverence means to love and respect. Are we loving and respecting the heritage of...of a nation, of people who founded this great nation, who were here and have a time honored tradition? Are we respecting them by..."

Speaker Daniels: "Representative Pugh?"

Pugh: "...submitting them to this kind of inhumanity?"

Speaker Daniels: "Thank you. The Lady from Lake, Representative Gash, is recognized. Her name was mentioned in debate by Representative Johnson. Representative Gash, for one minute."

Gash: "Mr. Speaker, my name was mentioned in debate. Representative Johnson mentioned that there were several Bills that he says in the past that have been unnecessary. I did mention that I feel this is unnecessary at best legislation. I just want to point out that this is legislation that hurts people. This is more than just unnecessary legislation. This is legislation that hurts people, and I believe that a 'no' vote is critical on this, and I urge my colleagues to vote 'no'."

Speaker Daniels: "The Gentleman, Representative Winkel, has moved for the passage of House Bill 1106. The question is, 'Shall House Bill 1106 pass?' All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? All right. Everybody voted? The Clerk will take the record. On this question, there are 80 'ayes', 26 'noes' and 7 voting 'present'. This Bill, having received the

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Constitutional Majority, is hereby declared passed. The Gentleman... What's the next...1209. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1209, a Bill for an Act that amends the Illinois Motor Vehicle Theft Prevention Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Pedersen. The Gentleman please have your attention. Representative Pedersen. Representative Churchill in the Chair."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1209 amends the Motor Vehicle Theft Prevention Act. This Act created a council of people who served on it, whose purpose was to...do something about the problem of theft of automobiles in the State of Illinois. We have... This particular Act is up under sunset this year and we would like to...we are renewing that, but we're making some changes in the make-up of the council. There have been a number of Representatives that we have talked to about this, and everyone is in agreement on the changes. It changes the membership of the council, but the total number of members would not change. It removes the Director of the Department of Insurance; provides for seven, rather than six, gubernatorial appointees and provides that five, rather than three of these appointees be representatives of insurers; provides that all representative insurers, rather than a minimum of two, must be representative of insurers who are domiciled in Illinois, eliminates a gubernatorial appointee who must be a representative of purchasers of motor vehicle insurance; provides that the insurers must collect, rather than just pay, the fee that is paid into the council's trust fund. And as I said, extends the Act's repeal date from January 1

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of 96 to January 1 of 2000. As I said, these...all the parties that are involved in this have signed off. It's a worthwhile change, and I would urge an 'aye' vote."

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

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

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

Dart: "Representative, as far as the council goes, how many of the number of members changing or are we just changing around the membership itself? But the number is staying the same?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "The number remains the same. We are just changing the make up."

Speaker Churchill: "Representative Dart."

Dart: "And, Mr. Speaker, I'm joined by appropriate number of colleagues in taking...in asking to take this off of Short Debate.. Representative..."

Speaker Churchill: "I'm sorry, Representative Dart, the Chair did not hear you."

Dart: "I'm sorry. I was asking take this off of Short Debate, and I was joined by the appropriate number of colleagues here."

Speaker Churchill: "I hear a number of people just shouting 'hands', so there must be enough people out here. It's off Short Debate."

Dart: "Thank you. Now, Representative, what is the impetus for changing the membership? I understand we aren't increasing or decreasing the number of people physically on the board, but what is the impetus for changing who is on the board?"

Speaker Churchill: "Representative Pedersen."

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Pedersen: "Well, I think the... We're talking about automobiles that are insured by...under the comprehensive coverage, under automobile insurance policies. And the money comes from those who pay those premiums, if they have that coverage on their policies. And I think the feeling was that, that there should be more input from people who are familiar with the problems of automobile theft and that this rearrangement would make it more effective."

Speaker Churchill: "Representative Dart."

Dart: "Who...who is it that we're taking off of the board and why?...or off the council."

Speaker Churchill: "Representative Pedersen."

Pedersen: "We're taking off the Director of Insurance, who approves, and this so-called public member, who is not suppose to have any ties with the...with the automobile insurance and the...and that sort of thing, who is supposed to be a member of the public, but of course, all of the members that are appointed by the Governor are technically members representing the public. So... In addition to that, we have increased the number of insurance industry members, primarily because they are familiar with the problem. They work with it day to day. They're experts on how to deal with it. We have the state police, of course, and others and as a consequence, I think the feeling was that this would be a more knowledgeable and more experienced group, that it would be able to improve the work that they do."

Speaker Churchill: "Representative Dart."

Dart: "What is the purpose of this council?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "The purpose is to address the problem of automobile theft in the State of Illinois and to try to devise

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programs and other ways of minimizing it."

Speaker Churchill: "Representative Dart."

Dart: "Can you cite to me statistics as to... We're extending the life of this agency. Can you cite to me the statistics that show that this is a council that is worthy of being extended? The statistics mainly being, how this is...how many car thefts this has stopped and how much money this has saved the state?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "I don't have specific statistics. This, of course, is funded by the insurance companies who collect the premium on comprehensive insurance. And as you know, the...private businesses are not anxious to spend money on something that isn't effective. I think overall there may have been some concern for a time that they weren't being especially effective. But I understand that in recent years, they feel that it's improved and they are willing to support its continuance."

Speaker Churchill: "Representative Dart."

Dart: "Representative, my concern is, is that I'm all for stopping vehicle theft and the like, but before we go extending a council, which people get their per diem and their travel, whatever, who sit on these councils. Before we go on extending the council, I would really like to think the reason we're doing it is because it's doing such a bang-up job. Is there any data, any reason we have to believe this is such a good idea, we want to keep doing it? I mean, I really would like to think before we extend something, we're doing it because we have a reason to do it, other than just it's there, let's extend it."

Speaker Churchill: "Representative Pedersen, for the answer."

Pedersen: "There are no per diems or any expense to the state."

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This is really funded by the people who buy comprehensive auto insurance in this state. And the people who have made up the council, including the...all the public members and the insurance industry have felt that, that it is worthy of continuing. I'm sure that if they felt it was not doing a good job, they'd want...they would want to get rid of it. After all, it does cost them some money and it does increase the premiums by a dollar."

Speaker Churchill: "Any discussion? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

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

Hoffman: "Yes, Representative, what happens if we don't do this?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "Well, the Act has to be extended because it sunsets, and so it would just disappear, I suppose, if it wasn't continued."

Speaker Churchill: "Representative Hoffman."

Hoffman: "It's my understanding, is this... Does this motor vehicle, this council, does it have individuals throughout the state or anti-theft units throughout the state that it funds?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "I'm not sure what you're asking. Would you repeat?"

Speaker Churchill: "Representative Hoffman."

Hoffman: "It's my understanding that this council funds throughout the State of Illinois various, various anti-theft units that look into motor vehicle theft rings, such as...things such as that. Is that was this does? Does it provide funding for those specialized units throughout the state?"

Speaker Churchill: "Representative Pedersen."

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Pedersen: "Yes, they do that sort of thing."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, that's sort of...I guess I'm trying to figure out exactly...Do we need this in order to continue that work? That's the question. What happens now, it's my understanding is, is that insurers or when you buy insurance, a portion of that money goes into a pot. That pot is then distributed for units to work on motor vehicle theft prevention and they're throughout the state. My question is, is that what this deals with? Is that what this thing deals with? If you need a staff member to help you out, maybe we can ask that, because I think that's a good program. I'm not...If this is just another study group, it would be different. I don't know if this is the thing that funds those units? That's what my question is."

Speaker Churchill: "Representative Pedersen."

Pedersen: "The council is authorized to combat auto theft by making grants to public and private entities; conducting impact analyses on criminal justice policies; developing and implementing statewide strategies and plans and coordinating and implementing plans and strategies relating to inter-agency or inter-governmental cooperation."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Representative, what I'm trying to figure out, I think as it presently exists, these units who go after motor vehicle thieves are good, and they are being funded by a fee that is paid by insurers of motor vehicles...vehicle insurance. They funded, grants are given. What I'm asking is, will this allow that to continue? Is that the purpose of this? If it does, it's a good Bill. If it doesn't allow that to continue, it probably isn't worth anything. That's my question."



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Speaker Churchill: "Representative Pedersen."

Pedersen: "The answer is, yes."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Then that brings me to my next question. House Amendment 1 revises the Bill, my understanding, to allow, rather than require insurers to collect the fee that goes to the trust fund for the council. How is that a change in current law? My understanding is now it is required. The concern is, if we extend this and only allow them to do it, they won't do it and then these units that go after thieves, motor vehicle thieves, would no longer be in place. How does this change current law?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "It provides that insurers must collect, rather than just pay the fee that is paid into the council's trust fund."

Speaker Churchill: "Representative Hoffman."

Hoffman: "That's not my understanding of the Amendment. Maybe we could find out. My understanding of the Amendment #1, is it changed the wording from, 'shall collect and pay' to 'may collect and pay'. 'May collect'...to 'may collect' and 'shall pay'. The question is, what does that do to the funding for this very needed organization? Does it dry up the funding for these units that go after motor vehicle thieves?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "My understanding, it is not 'may', that it is 'shall'."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Now, Representative, I hate to tell you this, but I'm trying to help you out here. I want to keep what's currently in place, but House Amendment #1 may not do that."

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That's my concern."

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

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

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

Parke: "Yes, Representative Pedersen, is it your understanding that the Motor Vehicle Theft Prevention Act is working well in Illinois?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "Yes."

Speaker Churchill: "Representative Parke."

Parke: "Is it your understanding the most...all this Amendment does is fine tune and clarify it?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "Yes, that's correct. And it pretty much just kind of makes some changes in the make-up of the council."

Speaker Churchill: "Representative Parke."

Parke: "Thank you, Representative Pedersen. To the Bill. Ladies and Gentlemen."

Speaker Churchill: "To the Bill."

Parke: "This legislation was a Bill that I introduced a number of years ago. It is...started off...it was based on the Detroit model, which was extremely...the Michigan model, which was extremely successful. My understanding of talking to people who have served on the board, that this board works fairly well, but we are fine tuning it. The Director of Insurance does not choose to be on this board anymore. We're going to change it over. It is not a big deal, Ladies and Gentlemen, and I think that this is a good Amendment. I would ask...Amendment to the Bill...and I would ask that Members of this Body to vote 'yes' on House

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Bill 1209."

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

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

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

Black: "Representative Pedersen, in the law you're...in the proposed legislation you're carrying, in the reappointment process, can you tell me whether there will be a member of the public appointed? Is there anyone...Will anyone serve on this board that simply represents the consumer or the public? Not affiliated with a law enforcement agency or insurance company."

Speaker Churchill: "Representative Pedersen."

Pedersen: "The... We have... It provides for seven, rather than six gubernatorial appointees; provides for five, rather than three appointees representative insurers; and it does not have this so called public member any longer; and it no longer has the Director of Insurance. But the current law really kind of provides that this public member not have any special understanding of the problem. It just suppose to be some public member, and I...I feel and I think the people involved in this, feel that the members that are representing the state police, and what have you, are really public members."

Speaker Churchill: "Representative Black"

Black: "Thank you. And I'm not in disagreement with that interpretation. But to the best of my knowledge, the board used to have one member, I think it was stated, that would represent the consumers of those who purchase automobiles, or something to that effect. I just want to make it clear in my mind, that position along with the Director of the

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Department of Insurance, would then be eliminated on the board, correct?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "That's correct. And I think there was a feeling that the people...the insurance people that really pay for this, feel that they need people on the council who are knowledgeable about the problems of automobile theft.."

Speaker Churchill: "Representative Black."

Black: "Yes, thank you very much, Representative. I appreciate your patience in answering that question."

Speaker Churchill: "Further discussion. The Gentleman from Effingham, Representative Hartke, wins the battle. You're next."

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

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

Hartke: "Representative Pedersen, I had not planned on in speaking to this issue, but... but Representative Hoffman raised a very interesting question and I don't think you answered the question. As I read this piece of legislation, House Amendment #1 changes the word from 'shall' to 'may'. Now we, over here, are for what you're trying to do. But we think that there's a problem with this Amendment, unless you can explain it to us. We're going to be opposed to this because it reverses and drives up the fund to accomplish what this council is purported to do. Let me give you an example. Representative Pedersen, you 'may'; you 'may' pay my Master bill, Master Card bill at the end of this month. Would you be willing to pay my Master Card bill at the end of this month?"

Speaker Churchill: "Representative Pedersen, international banker, to answer the question."

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Pedersen: "I do not have that wording that you're talking about 'may'. My understanding of this Bill is, if the...the insurance companies, who write automobile insurance in the State of Illinois, charge a dollar under the comprehensive premium for car insurance and that dollar goes into this fund."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, Representative Pedersen, the House Amendment #1 to House Bill 1209 replaces the word 'shall' with 'may' collect. Now, that means that they don't really have to pay if they don't want to. But the word 'shall', which you're taking out, requires them to make this deposit. Now, if House Amendment 1 should be tabled, fine, then we can still support this Bill. But House Amendment #1 is on the Amendment, then it is defeating what you're trying to do."

Speaker Churchill: "Representative Pedersen. Representative Pedersen, you're up."

Pedersen: "I'm looking at the Bill. Just a minute."

Speaker Churchill: "We'll pause for just a second while Representative Hartke and Representative Pedersen work this out. Representative Pedersen, are you prepared to answer that now? Representative Hartke, you have 2 minutes left, so we'll give you 2 minutes. One at a time."

Pedersen: "Mr. Speaker, I don't... I don't think what they're talking about here is a problem. We don't care how they collect the money. If there is a problem and this has never come up, in any of our discussions, with the insurance industry people or any of the other parties. If there's a problem with this wording, we'll correct it. But I'd like to go ahead with it. I don't think there's a problem because we don't care how they collect it."

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Speaker Churchill: "Representative Hartke."

Hartke: "Well, I think that the language as he just explained to me, is... is very ambiguous. And... and I think that somehow, way, shape or form, our legal eagles around here could... could fix that some way, so that it is indisputable. Right now, we feel that the way the language is written..."

Speaker Churchill: "Representative Hartke, you have one minute left."

Hartke: "Thank you. The way the language is written in Amendment #1, it's totally permissive. And we're concerned that the funds will not be there to continue this program because of House Amendment #1. So I think we better take another look at this and try to correct that language."

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: "Representative, are you going to be discussing this issue, if the Bill gets over to the Senate? Because it seems to be a potential major issue. To change it from 'shall collect and pay' to 'may collect'. So I assume that you're going to be working with the parties to make sure that your provision is adequate for the funding of this fund, is that correct?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "My understanding it, this is not a problem. That the companies have to come up with the money but we do not tell them how they're going... how they're going to collect it. If this is a problem, which I doubt, we will certainly address it in the Senate."

Speaker Churchill: "Representative Granberg."

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Granberg: "Okay, thank you, Representative. As Representative Hartke indicated, we just thought that it could be a problem if you take out the mandatory requirement on payment. Representative Black discussed a provision, Representative, that I'd like to pursue. You are taking the one consumer member off this board, is that correct?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "Yes."

Speaker Churchill: "Representative Granberg."

Granberg: "So the insurance companies, at their request, don't want a consumer on the board. Is that...is that correct?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "I think they...I think they feel that there ought to be people that have some knowledge and expertise in the area. We have 7 public members, that are a part of this council and that ought to be adequate for protection of all parties."

Speaker Churchill: "Representative Granberg."

Granberg: "Well, Representative, how long had a consumer been a member of this Board?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "Well, I assume it's been the 4 years that it... that the law has been in place."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, the current members of the Board, can you tell me where these members reside?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "I do not have a list of the members."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, aren't they in charge of distributing the proceeds from the fund to various areas of the state? Is that correct?"

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Speaker Churchill: "Representative Pedersen."

Pedersen: "Well, they distribute it to places and to programs that they think are worthwhile. Where ever they may be."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, do you know where those funds are currently given? What areas of the state?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "I do not have such a list. All we're saying, is that the parties involved, including the insurance companies, feel that this is worthy of continuing. And they have made these as modest recommendations and the change in the make-up of the council, which they feel will make it more effective. And I agree."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, my concern is, I think there might have been only one downstate member on this board and I think that your legislation might have removed that one downstate person. And I think also, that most of the funds that are distributed through this process, do not go to downstate. So, I'm very much concerned of the downstate person, if these are being generated from down state insurance agents, down state insurance companies and no downstate members are on this Board, and no funds go to downstates, it's important to me and I think the other downstate members, no matter what party, to know where those funds go. Where they come from and who the board members are who make that determination as to where those funds shall go. So, has your staff or Representative Parke indicated to you, where the members reside and where the fund... the proceeds from the fund are distributed currently?"

Speaker Churchill: "Representative Pedersen."



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Pedersen: "Well, I appreciate you're bringing this...point to our attention. I think the people that do the appointing will take that into consideration. But you've got to remember, that theft is a question of where it happens and where the serious problems are. I mean, from what I understand about a...in general, about downstate, I mean, they have much less problem. And so, maybe that explains part of the...part of the reason why they don't have to address it."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, you're saying that there are no downstate funds distributed by this board?"

Speaker Churchill: "Representative Pedersen."

Pedersen: "No, I'm not."

Speaker Churchill: "Representative Granberg. Representative Granberg, I believe he said, 'No, he was not'."

Granberg: "Thank you, Mr. Speaker. To the Bill. I understand what the Gentleman is trying to do, fran..."

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

Granberg: "Thank you, Mr. Speaker. I understand what the Gentleman is trying to do. But frankly, I have a couple of concerns. One of which, I don't know why we're continuing a board, when we're supposed to be decreasing a size of government. Even though there is no per diem involved. And secondly, downstate contributes to this fund. We don't know where the members of the board reside. We don't know how the funds are distributed. It's my understanding, most of the funds, the vast majority, do not go to downstate. So we have downstate companies contributing to this fund. We don't know if there are any downstate members on the board. In fact, I think the only downstate

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member has just been removed, with this legislation. So the one downstate member, the one consumer member, is now being sought to be removed. We don't know where the funds are going. We do know that the money is coming out of downstates. But we don't...

Speaker Churchill: "Please bring your remarks to a conclusion."

Granberg: "We're not sure if the money is going back to downstate at all. So I have very serious concerns and until we can find some answers, Representative, I just reluctantly, have to abstain from voting 'yes'."

Speaker Churchill: "Further discussion, the Gentleman from Kane, Representative Hoeft."

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

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

Pedersen: "Thank you, Mr. Speaker. I think in the previous comments that were made about continuing a program, that's costing the state money. This is completely privately financed. It is... it is those people who are involved in it and are an expert in it, believe that these modest changes in the make up of the council, would make it more effective. And for that reason, I think we should go ahead. We're not costing the State of Illinois any money. They're doing a good job. All the parties that are involved in this, all the agencies and so on, are signed off. And I recommend an 'aye' vote."

Speaker Churchill: "For what purpose does the Rep... the Gentleman from Cook, Representative Lang, rise?"

Lang: "Thank you, Mr. Speaker. If this Bill receives the

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requisite number, we would request a verification."

Speaker Churchill: "A verification has been requested. The question is, 'Shall House Bill 1209 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? Clerk, take the record. On this question there are 67 voting 'aye', 39 voting 'no', and 4 voting 'present'. There has been a request for a verification. Representative Lang, do you persist in your request for a verification? The answer is 'yes'. Mr. Clerk, please read those voting in the affirmative."

Clerk Rossi: "Poll of those Representatives voting in the affirmative: Representatives Ackerman. Balthis. Biggert. Biggins. Bost. Brady. Burke. Capparelli. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hoffman. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Kotlarz. Krause. Kubik. Lachner. Laurino. Lawfer. Leitch. Lindner. Lyons. McAuliffe. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Salvi..."

Speaker Churchill: "Excuse me, Mr. Clerk. Mr. Capparelli, were you seeking leave to be verified? Representative Lang, Representative Johnson was seeking leave to be verified and Representative Cross was seeking leave to be verified. And I think, Representative Hoffman, were you seeking leave to be verified, too? Oh, okay, you're here. Representative Lang, will Representative Cross, Representative Johnson have leave to be verified? Yes.

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Okay, I'm sorry, Mr. Clerk, please proceed."

Clerk Rossi: "Saviano. Skinner. Spangler. Stephens. Tenhouse.  
Turner, John. Weaver. Wennlund. Winkel. Winters.  
Wirsing. Wojcik. Zabrocki. Zickus. And Mr. Speaker."

Speaker Churchill: "Representative Lang, would you like to  
request any names for your verification?"

Lang: "Representative Laurino?"

Speaker Churchill: "Representative Laurino. Is Representative  
Laurino in the chamber? Chair does not see Representative  
Laurino. Please remove him. Further names?"

Lang: "Representative Burke?"

Speaker Churchill: "Is Representative... I think Representative  
Burke was standing there with Representative Capparelli  
when a... perhaps they may have ducked off the floor."

Lang: "Well, I'm going to verify Representative Capparelli next,  
Sir."

Speaker Churchill: "All right, well, I don't see Representative  
Burke. He doesn't seem to be on the floor. I don't know  
where he is. He's one of your Members. You ought to keep  
them on the Floor if you could. He's not here... We'll  
verify Representative Burke off. Please take Representative  
Burke off, Mr. Clerk."

Lang: "Representative Capparelli."

Speaker Churchill: "I thought Representative Capparelli was  
trying to get my attention for leave to be verified, when  
he was standing by the door. But perhaps, perhaps he had  
something else..."

Lang: "Take him off, Sir. He didn't get leave. Take him off."

Speaker Churchill: "All right, and Representative Capparelli  
should note that you've taken him off the Roll. Take him  
off, Mr. Clerk. Further names, Representative Lang?"

Lang: "One moment, Sir. Representative Bost."

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Speaker Churchill: "Representative Bost. Representative Bost, are you in the Chamber? The Chair does not see Representative Bost. Mr. Clerk, please remove him. Representative Lang, Representative Brady would like leave to be verified, he's standing right in front of the well. May he have leave? Okay, he's granted leave."

Lang: "Representative Black."

Speaker Churchill: "Gentleman's in his chair and he's also voting 'no'. I assume you can see that from over there, could you not?"

Lang: "Bear with me, Sir. Bear with me. Representative Biggins? Oh, Representative Biggins is right here. Representative McAuliffe?"

Speaker Churchill: "Roger McAuliffe is standing..."

Lang: "I should have known, he's waiting for Ralph to return."

Speaker Churchill: "He's waiting for Ralph to return so he can talk to him about that quick escape he just made. He's in the Chamber. And Representative Bost, I believe, just came back in. Mr. Clerk, please return Representative Bost to the Roll Call."

Lang: "Representative Tenhouse?"

Speaker Churchill: "Representative Tenhouse. One second, Representative Lang, Representative Maureen Murphy asks leave to be verified. She's standing down here in front. Leave is granted for Representative Maureen Murphy. Representative Tenhouse. The Chair does not see Representative Tenhouse. Mr. Clerk, please remove Representative Tenhouse from the Roll."

Lang: "Representative Kotlarz."

Speaker Churchill: "We saw him here a minute ago. Oh, Representative Tenhouse is in the center aisle. Mr. Clerk, please put Representative Tenhouse back on the Roll."

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Representative Kotlarz, where are you? Representative Kotlarz, the Chair does not see Representative Kotlarz. Mr. Clerk, please take Representative Kotlarz off the Roll."

Lang: "Representative... excuse me. "

Speaker Churchill: "Anything further, Representative Lang?"

Lang: "Well, we're working on it. Bear with me, Mr. Speaker."

Speaker Churchill: "We'll give you a couple more minutes."

Lang: "No further, Sir."

Speaker Churchill: "Representative Lang, you and I had a conversation about this yesterday. I tried to remind you and I'll try to remind you again, today. The Republicans are here in their seats, voting, ready to go. So, on this question, there are 63 voting 'aye', 39 voting 'no', and 4 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1334."

Clerk Rossi: "House Bill 1334, a Bill for an Act Amending the Property Tax Code. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker. House Bill 1334 is a compilation of what House Bill 1334 was to begin with, along with two other pieces of legislation that have been incorporated into this one. So let me explain each of them briefly, please. The original of House Bill 1334, simply permits a taxpayer to prepay his or her property tax obligation for the current year and for an additional year, if the taxpayer so chooses. It does limit that prepayment for the additional year to an amount that does not exceed the taxpayer's current year obligation. And then it provides that the prepayment will be shown as a

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credit on the bill for the tax year for which the prepayment was made. It appears that there is a... a definite federal income tax advantage for people who are able to prepay their property tax for an additional year. So that they can take that as an itemized deduction one year and the next year they simply take the standard deduction. That's all that House Bill 1334 does. The next item is what began as House Bill 1460, sponsored by Representative Kubik, which permits a taxpayer to pay property taxes according to a payment schedule, such as, partial payment or installments or installments, as determined by the ordinance of what ever is the appropriate county board. Representative Kubik says that he believes that burdened property taxpayers throughout deserve the right to satisfy property tax obligations according to a payment pay that offers partial payment opportunities. Low income individuals, such as senior citizens, who must struggle to pay their property taxes, should be allowed the option to pay them in payments, with interest, if they so choose. That's all that the second portion of the Bill does. The third portion began as House Bill 932, Sponsored by Representative Churchill. It provides permissive language, that allows a taxing district to provide the reason for the proposed increase in the extension limitation, if that issue is being presented in a referendum. It stipulates the description shall not be more than 100 words in length and shall appear directly above the referendum question on the ballot. This proposal was brought to Representative Churchill by the Lake County government and was... it was believed that this would make referendum questions of this type, more readily understandable to the voters. That's the three Sections of

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what is now House Bill 1334. I would be glad to answer any questions."

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

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

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

Deering: "Representative, if the legislation should pass and become law... I have a question concerning two parts. If we allow an individual to prepay the upcoming year's taxes, will the taxing districts that disperse that money or that use that money, be limited or will they be required to hold that money until the next year, to use in the next year's operating budgets? Or can they use that... can they use that money that they would receive for next year's taxes in a current year?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "This Bill does not address that issue."

Speaker Churchill: "Representative Deering."

Deering: "Well, Representative, if we're going to let people prepay taxes for the following year, what's to say that a taxing district won't pool that money together and spend the money a year before it... before the next annual operating budget comes out? What is the taxing districts going to do for operating money, if we allow them to use that money in the prior year?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Deering, this is entirely a matter of whether you trust those local units of government to manage their own affairs or whether you don't. Now I served on a school board for 10 years. And I will tell you, that we paid very, very close attention to every source of revenue



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when it came in and how and when it should be spent. Consequently, first of all, it is highly unlikely that very many people are going to do this. Not a lot of people could even afford to do this. But for those units of government, that would receive some monies in advance of when they would normally have received them, they will simply have to take that into account in their planning. And I think we should trust them to do that."

Speaker Churchill: "Representative Deering."

Deering: "Representative, I find that very... your comments very odd concerning the trust in local election officials and local government, considering you were one that voted the other day to take away powers of local government to set their operating budgets and do what they see fit at their... at their local level. Nonetheless, that's already happened, but the next question. On the... pertaining to the Section which will allow a property owner to pay his or her property taxes in payments, is the county treasurer then going to have to distribute payments throughout the year? Will they be required to disperse that money at quarterly intervals or are they going to be required to do that up front and borrow money to make those warrants, and then collect the money later?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Deering, I would like to answer your question. But quite frankly, I do not know the answer to your question. What you are asking about began as House Bill 1460, Sponsored by Representative Kubik. I do not know whether Representative Kubik wanted that issue addressed in this legislation or whether that, like the provisions of my original House Bill 1334, is simply left to units of local government to make those determinations."

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Speaker Churchill: "Representative Deering."

Deering: "So, if a unit of local government... well, let's go to the county treasurer. If the co... if the unit of local government is expecting money, tax payment from the county treasurer and the county treasurer only has a partial payment, that say a school district would receive at the beginning of a school year, and the treasurer only pays them a partial payment, then you're telling me that's it's going to be an additional cost to the taxpayers of that county or that taxing district to have more forms mailed out, more checks cut, more paperwork, possibly more bureaucracy. I think when you said that... to the Bill, Mr. Speaker. I think..."

Speaker Churchill: "To the Bill."

Deering: "I think that when you said you can't answer these questions and that Representative Kubik, it's part of his Bill. And you didn't know what his intentions were, I think we ought to wait until we get something in concrete and make sure that everyone in the General Assembly knows and everyone that is in the public sector knows what our intent is before we pass this half-hearted legislation. And then have to come back with Trailer Bills later on in the Session."

Speaker Churchill: "Further discussion, the Gentleman from Knox, Representative Moffitt."

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

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

Moffitt: "Representative Cowlshaw, just had some questions on this Bill. As a former county treasurer, I was just concerned about actually being able... how... how it would be applied around the state. Does your Bill specify, and

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I think Representative Deering raised a question on interest. Does it specify whether or not the county keeps the interest? Because they're going to be holding this money for quite some time, the way the Bill reads. Or would you indicate whether or not you would be willing for them to keep the interest that they earned?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Moffitt, I am sorry, but there is so much noise in this Chamber. And there are so many people standing in my immediate vicinity holding conversations, that for the life of me, I cannot hear a word that you have just said."

Speaker Churchill: "Will the Ladies and Gentlemen that are standing between the person asking the question and the person Sponsoring the Bill, please move so that the two people can chat on this Bill? Representative Moffitt, can you briefly ask the question again for the benefit of Representative Cowlshaw?"

Moffitt: "Representative, does your Bill spell out or guarantee that the county... the county treasurer's office would be holding this money then, if the taxes were paid in advance. Would the county be allowed to keep that interest that they would earn while holding those prepaid taxes?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Moffitt, there is a Section in the County's Code, which declares that the county treasurer may keep special funds from overpayments or prepayments from which the county board is to authorize payment by voucher between board meetings. The treasurer must account for such funds to the board monthly. This provision does not distinguish between property taxes paid early and those

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paid on time. And thus apparently, requires a county treasurer receiving prepayments, which of course would be in the same category as overpayments, to hold and invest all money the same way. The treasurer would owe interest on prepayments to varying taxing districts on the due dates for dispersing regular tax and interest payments. It would work no differently than it does now."

Speaker Churchill: "Representative Moffitt."

Moffitt: "Thank you, did you state the position of the Illinois County Treasurer's Association?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Moffitt, there was some gentleman, whose card I have since lost, and consequently I can't remember his name, who said he was a representative of the county treasurers. Who came to me right after this Bill was heard in committee and said that he and his group were in support of it? I can't remember the name of the group. But I believe he explained it to me as being the... some kind of an affiliation of county treasurers."

Speaker Churchill: "Representative Moffitt."

Moffitt: "Okay, it would likely be Mr. Foster, if it was with the treasures. One final question. Would this then automatically apply to all counties or would this be permissive? A county may adopt it, if they want to or would they be required to allow prepayments?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Moffitt, it is required. Every county treasurer in this state, would have to permit a taxpayer, who chose to do so, now the initiation of that, has to come from the taxpayer. Any taxpayer who chose to do so, could pay the property tax bill that is out for the current year and an equal amount for the subsequent year.

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Now, I think it's important to indicate to you, that the Internal Revenue Code, already allows a taxpayer, to deduct a property tax payment from federal taxable income for the year of the payment and at the same time, a deduction for property tax that was actually owed and paid that year, for the previous year. So, the Internal Revenue Code already permits this. The Property Tax Act of our state, however, is silent on the subject. And as a result of that, there has been a lot of confusion out there. Let me explain to you that right now, if you want to prepay your property tax for a subsequent year, so you get the deduction on the Federal Income Tax, for two years worth of property tax at once. You can do that. That is all ready the practice in Cook, Champaign, Jo Daviess, Lake, Madison, McHenry, Sangamon, St. Clair, Winnebago."

Speaker Churchill: "Please bring your answer to a conclusion, Representative Cowlshaw."

Cowlshaw: "I'm done."

Speaker Black: "Representative Black in the Chair. Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker. I am prepared to close if that is..."

Speaker Black: "I'm sorry. It was my understanding that you were answering a question and there are still several lights on."

Cowlshaw: "I think Representative Moffitt has concluded his questioning."

Speaker Black: "I see. Representative Moffitt. And you answered Representative Moffitt's question? In all fairness to you, Representative, there are several lights on. I'm sorry. Let me... On the further discussion, the Gentleman from Winnebago, Representative Scott."

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

Speaker Black: "She indicates she will."

Scott: "Representative, the State Mandates Act Fiscal Note indicates that this is a... an essentially an unfunded mandate on the counties, doesn't it?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "The fiscal note, as I have it here, on House Bill 1334 states, in the opinion of the Department of Commerce and Community Affairs, House Bill 1334 as Amended, creates a local government organization and structure mandate for which no reimbursement is required."

Speaker Black: "Representative Scott."

Scott: "And above that in the... in the paragraph right before that. I mean, getting to something that the Representative Moffitt was talking about. The officials in DuPage County have indicated they'd be required to do a lot of reprogramming to be able to do this. Which just makes sense. And I would assume that would be the case in many other counties as well. "

Speaker Black: "Representative Cowlshaw."

Scott: "Going back on... I'm sorry, that wasn't a question."

Speaker Black: "I'm sorry. Go ahead. I'm sorry."

Scott: "Going back on what Representative Deering asked you. Now this money is just going to be held by the county treasurer and then dispersed at the next... at the next time or how is that money going to be dispersed?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative, if you had been listening to my answers to Representative Moffitt, this money would be handled in exactly the same way that all of the monies that are collected by county treasurers and dispersed to units of local government, as property tax payments are

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handled now. And by the way, I was unable to finish. Among those counties that all ready permit this, is Winnebago."

Speaker Black: "Representative Scott."

Scott: "Permitted a payment a year in advance?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Let me read once again, the names of the counties in which this is already permitted and they already have a way to go about this and none of them are complaining that it is costing them a lot of money or that they can't manage it. Cook, Champaign, Jo Daviess, Lake, Madison, McHenry, Sangamon, St. Clair, Will, and Winnebago."

Speaker Black: "Representative Scott."

Scott: "Well, of all of these counties are doing this right now, many of which are Non-Home Rule counties, why do we need to legislate it? If all of them allow one year of prepayment of taxes for the next fiscal year, not prepayment for the year when the taxes are due, but prepayment for the year in which the taxes aren't yet due, if that's already being done and allowed in Non-Home Rule counties, why do we need to pass a law to allow that?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Because of the fact... because of the fact, that although the Internal Revenue Code clearly permits this, it does not require it. And because the Property Tax Act of our state is silent on the subject, county treasurers have used their own interpretations of whether or not they should have to do this if some taxpayer comes to them and wants it to be done. So there are some counties in Illinois, where the county treasurer has said, 'It doesn't specifically say in the statute that this is permitted. In the state statute. It doesn't require me to do this

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and consequently I am not going to do it.' Now it seems to me that the practices, particularly with something like this, ought to be uniform throughout the state. You shouldn't get a Federal Income Tax advantage, if you live in Winnebago County, that you can't get if you live in Ogle County."

Speaker Black: "Representative Scott."

Scott: "You'd indicated before that the County Tax Payers' Association, or someone who represented an association, was in favor of that. Our analysis shows the County Tax Payers' Association is listed as an opponent. Is that... do you have anything that would state that that particular organization is for it or against it?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I have no way of knowing that."

Speaker Black: "Representative Scott."

Scott: "I'm sorry, I misspoke. The County Treasurers' Association, not the County Taxpayers' Association. I'm not even sure there is a County Taxpayers' Association."

Speaker Black: "Representative Scott, your time is about to expire. Do you have another question?"

Scott: "Would your answer be the same for the County Treasurers' Association? That you wouldn't have any way of knowing?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No, I thought you said the County Taxpayers'..."

Speaker Black: "Representative Cowlshaw, he corrected that to say he meant the County Treasurers'. And if you could comment on whether or not you know about any opposition from the County Treasurers' Association. Representative Cowlshaw."

Cowlshaw: "To the best of my knowledge, and I am truly sorry that I can not recall the gentleman's name and lost his



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business card. To the best of my knowledge, the County Treasurers' Association, as an association, is in favor of this legislation."

Speaker Black: "Representative Scott, your time has expired. Further discussion, the Lady from Macon, Representative Julie Curry."

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

Speaker Black: "She indicates she will."

Curry: "Representative Cowlshaw, as a former county treasurer, from Macon County, I think I have some experience as to the problems with prepayments. Have you had the opportunity to speak to any county treasurers in this state about this Bill?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes."

Speaker Black: "Representative Curry."

Curry: "Can you tell me who?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I have spoken to the DuPage County Treasurer and the treasurers of all the other counties that I just mentioned have been talked to and have... information has been accumulated by the Legislative Research Unit, which did a whole research paper on this subject."

Speaker Black: "Representative Curry."

Curry: "Representative Cowlshaw, I've just been informed that the Illinois County Treasurers' Association is against this Bill. And... To the Bill, Mr. Speaker. As a former county treasurer, this is absolutely an additional mandate on counties in the State of Illinois and county treasurers. This is an accounting nightmare. To allow people to come in and prepay for an additional year of taxes is ludicrous. Let me tell you what happened in Macon County.

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When people would come in and prepay their taxes at the end of the year, it's solely for those individuals to get an additional tax break. Federal Income Tax break in the current year. It's an accounting nightmare for one reason, after the tax bills go out and there's already been a prepayment made, the county treasurers will have to issue another statement to those taxpayers. And my problems in the past, have been simply this, those individuals receive that statement, then they come back to my office and say, 'you've been holding my money for three or four months and we want interest on that money'. This Bill does not address the issue of who gets to keep that interest money. It's a nightmare for county treasurers. It's an additional mandate for counties..."

Speaker Black: "Excuse me, Representative Curry, bring your remarks to a close."

Curry: "Fir... I urge my colleagues to vote 'no' on this issue."

Speaker Black: "Ladies and Gentlemen of the House, if I could have your attention, please. The Clerk has asked for time to test the voting mechanism. This is not a vote. This is not a vote. Don't worry about your switch. The Clerk needs to test the voting mechanism before we go to the vote. Mr. Clerk, proceed. Have all voted who wish? Have all voted wo wish? With 118 not voting, the Chair is in doubt. The Clerk has said we can continue with debate. Further discussion on the Bill before us. The Lady from Cook, Representative Maureen Murphy."

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

Speaker Black: "She indicates she will."

Murphy, M.: "I know how noisy it's been, Representative, so I wanted to ask you a question for you to outline what counties already allow prepayment and will continue to do

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so with your legislation versus the counties that do not allow prepayment. For the Record?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes, Representative. The counties that already permit this to be done and apparently have had no... have not really found this a burdensome kind of thing. Maybe they have particularly adept county treasurers. Are: Cook, Champaign, Jo Daviess, Lake, Madison, McHenry, Sangamon, St. Clair, Will, and Winnebago."

Speaker Black: "Representative Murphy."

Murphy, M.: "And the number of counties not allowing prepayment are few and you have a list of those, I believe, Representative. Could you read them for the Record?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative Murphy, I do not want you to misunderstand this answer. We have not talked to every county treasurer in every county in the state. Mostly we only called the treasurers' offices of the larger counties, in population. To the best of our knowledge, however, at the moment, the only counties that have specifically said that they don't want to be bothered with this are; Effingham, Jackson, Kane, Peoria, Rock Island, and DuPage."

Speaker Black: "Representative Murphy."

Murphy, M: "To the Bill."

Speaker Black: "To the Bill, proceed."

Murphy, M: "This passed the Revenue Committee and while it was on a partisan vote, the partisans not voting in favor of this Bill voted a strong present in the number of 3, with only 1 being against. I think we should look out for those people who no longer have mortgage payments or who have made arrangements to pay their own taxes on an

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incremental basis. This is one of those good government Bills. It allows taxpayers to prepay their property taxes. What the amount of property taxes being what they are, with the concerns of people on tight budgets, when they have the ability to prepay, this is only good sense on their behalf. They can plan their year. They can plan for their returns. They can make the best fiscal judgement that they can. And in the end, if those property tax payers that are able to pay in advance can also take advantage of the Federal Income Tax Legislation that allows deductibility, well, God Bless them. They were able to have some honey with the vinegar when it came time to not only paying property taxes but to paying their Federal Income Taxes which as we all know, of late, are quite substantial. I commend Representative Cowlshaw for bringing this to our Assembly. As you see, good ideas continue to come back but we'd like to see them passed. Ideas about this legislation were in the 88th General Assembly, of which I was one of the cosponsors. I urge your due, diligence and approval and fair consideration and vote 'yes'. Thank you so much."

Speaker Black: "For further discussion, the Gentleman from Kankakee, Representative Novak."

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

Speaker Black: "She indicates she will."

Novak: "Representative Cowlshaw, I think you've heard some discussions from former county treasurers, Representative Moffitt, Representative Curry and I myself am a former county treasurer. Let me just give you a little history about this concept. It's an interesting concept and my... in my years as county treasurer I used to get a lot of requests from people. People who are financially wealthy,

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or financially independent, that would come to my office and say, 'Boy, I'd like to prepay a part of my taxes for the subsequent taxing year'. Even though the county clerk's office hasn't extended the taxes, nor we had collected. So, it was more or less... more or less an estimate, like some counties provide right now, from estimated taxes. And my response would be, 'I'm sorry we don't have the legal authority under the statutes to accept an advance or prepayment on taxes'. Most of these individuals that came to my office would want to do this to get the double whammy for the the Federal Tax Income Tax deduction. And I figured maybe if they were in the investment business, they needed a little bit more of a push to allow for a greater deduction to off set some tax liability, for that particular year. The question I have is you indicated all these different counties that are doing this now. To me implicitly, I think they're doing it illegally. They must be either voluntarily accepting a prepayment. They have to establish an escrow account because it can't be deposited into current tax collections because it's for a subsequent year. Then about ten years ago, to complicate matters, we had a major... Illinois Supreme Court case, dealing with the Pawnee Library District in Sangamon County. And that required all taxing or the county treasurer to prorate interest out, all the way down to the penny, to every taxing district. So if a person came... comes in and pays an extra thousand dollars for the subsequent year, before the taxes are... before the taxes are collected for the subsequent year, then they have... the treasurer has to fill out a new account, establish a new escrow account, prorate the taxes or the interest out. Let's say there could be 200 taxing

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bodies in this entire county. They would have to prorate that interest out. It could be a matter of two or three cents to each taxing body. So, if this was permissive, I would...I would in for... be in favor of it. Because I think the county board should be allowed to pass an ordinance and say 'yes', the county treasurer could do this. If they have the staff and the administrative wherewithal, to accomplish this. I think to accommodate certain people would be fine. But if this...in my understanding in talking to our staff gentleman, if this would become law, a taxpayer could go down to the county collector's office and demand that the county clerk in Whiteside County, say 'Look, you have to take my extra five hundred dollars or thousand dollars for a prepayment of taxes for the subsequent year. They have to bank the money. To me it's...it's an administrative burden. It should be permissive. County boards should be able to review this opportunity and make a decision on their own at the local level. And I would urge all my colleagues, not only the former county treasurers that are talking about this. But it really compounds matters. You really have to look at this very carefully. Thank you."

Speaker Black: "Ladies and Gentlemen, if I could have your attention. Once again, the Clerk is having trouble with the electronic voting mechanism. So he has to test it. Obviously those of you who have been here, know if we don't have an electronic voting system, we have to go to a verified oral Roll Call in every case. And in that case, I don't have enough laundry and neither do most of you. So if you'll just sit back and relax, we'll let the Clerk do his test on the electronic voting mechanism. Mr. Clerk, proceed. And further discussion, the Gentleman from Kane,

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Representative Hoeft."

Hoeft: "Mr. Speaker, I'd like to call the question."

Speaker Black: "The Gentleman from Kane has moved the previous question. The question is, 'Shall the main question be put?' All those in favor, signify by voting 'aye'; opposed vote 'nay'. Voting is open. Wait a minute, we can't vote. All right, the Clerk, the Clerk has informed me that the system is operational. The Gentleman from Kane had moved the previous question. The question before us is 'Shall the main question be put?' All those in favor will vote 'aye'; opposed vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 63 voting 'aye', 49 voting 'no', none voting 'present' and 6 not voting. The main question has been put. Representative Cowlshaw to close. "

Cowlshaw: "Thank you very much, Mr. Speaker. I am grateful to Representatives Kubik and Churchill for their contributions to this piece of legislation. I think essentially, Mr. Speaker, this is really a very simple Bill. It is pro-taxpayer and pro-senior citizen. It demonstrates that the taxpayers do not exist for the convenience of county treasurers. The county treasurers exist for the convenience of taxpayers. And on that note, I urge your support for House Bill 1334."

Speaker Black: "The question is, 'Shall House Bill 1334 pass?' All those in favor vote 'aye'; opposed 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, there are 49 'ayes', 58 voting 'no', 5 voting 'present'. Representative Cowlshaw."

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Cowlshaw: "Mr. Speaker, would you please put this Bill on Postponed Consideration?"

Speaker Black: "The Bill will be placed on Postponed Consideration. Committee reports, Mr. Clerk."

Clerk McLennand: "Committee reports. Committee report from Representative Tenhouse, Chairman of Committee on Appropriations for Public Safety, to which following Bills were referred, action taken on April 21, 1995, reported same back, the following recommendations: 'do pass as amended, House Bill 2487, 2486, 2481, 1009, and House Bill 2482. Committee report from Representative Saviano, Chairman for Committee on Registration and Regulation to which following Bills were referred. Bills Resolutions and Amendments were referred, action taken on April 20, 1995, reported the same back with the following recommendations: 'do approved for consideration' Floor Amendments #2 and 3 to House Bill 3, Floor Amendment #4 to House Bill 748, Floor Amendment #2 to House Bill 2348, Floor Amendment #2 and 3 to House Bill 1124, Floor Amendment #2 to House Bill 1153. Committee Report offered by Representative Krause, Chairman for the Committee on Health Care and Human Services, to which the following Bills, Resolutions, and Amendment were referred, action taken on April 20, 1995, reported the same back with the following recommendations: 'Do approved for consideration' Floor Amendment #1 to House Bill 950, Floor Amendment #1 to House Bill 1321, Floor Amendment #2 to House Bill 1755, Floor Amendment #1 to House Bill 2434. Committee report from Representative Wirsing, Chairman for Committee on Higher Education, to which the following Bills, Resolutions, and Amendments were referred, action taken on April 20, 1995, reported the same back with the following recommendations: 'do approve



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for consideration' Floor Amendment #1 to House Bill 258. Committee report from Representative Cross, Chairman for Committee on Judiciary for Civil Law to which the following Bills, Resolutions, and Amendments were referred, action taken on April 20, 1995, reported the same back upon recommendations: 'do approved for consideration' Floor Amendment #6 to House Bill 1023 and Floor Amendment #6 to House Bill 1237. Committee report from Representative Mulligan, Chairman for Committee on Appropriations for Human Services to which the following Bills were referred, action taken on April 20, 1995, reported the same back with the following recommendations: 'do pass' House Bills 1083, 55, 1082, and House Bill 2045. Attention Appropriation Committees that were recessed, have been adjourned. All Appropriation Committees have been adjourned."

Speaker Black: "Anything further, Mr. Clerk? Mr. Clerk, on page 19 of the Calendar, there appears House Bill 1437. The status of that Bill."

Clerk McLennand: "House Bill #1437, Bill's on the Order of Third Reading."

Speaker Black: "If see... Lady from Cook, Representative Lyons. What's your pleasure? You want this Bill...you want it moved back to Second Reading? Mr. Clerk, put the Bill on Second Reading. And on page 19 in the Calendar, appears House Bill 1456. Mr. Clerk, what's the status of this Bill?"

Clerk McLennand: "House Bill 1456 is on the Order of Third Reading."

Speaker Black: "Representative Stevens? Representative Stevens in the Chamber? You wish this Bill...placed on...put back the Order of Second Reading? All right, Mr. Clerk, put

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the Bill on Second Reading. On page 19 of the Calendar, there appears House Bill 1459. Mr. Clerk, what's the status of the Bill?"

Clerk McLennand: "House Bill #1459 is on the Order of Second Reading. On the Order of Third Reading."

Speaker Black: "Representative O'Connor wishes to move the Bill back to Second Reading, Mr. Clerk. Mr. Clerk, on page 20 of the Calendar, appears House Bill 1490. Read the Bill, please."

Clerk McLennand: "House Bill 1490, a Bill for an Act concerning the grain industry. Third Reading of this House Bill."

Speaker Black: "On House Bill 1490, the Chair recognizes the Gentleman from Macon, Representative Noland."

Noland: "Thank you, Mr. Speaker. House Bill 1490 is a complete rewrite of the laws governing the grain industry. Specifically it combines existing Acts of the Grain Dealers Act, Public Grain Warehouse and Warehouse Receipts Act and the Illinois Grain Insurance Act. This Bill has been negotiated, massaged and worked and reworked, has support of all interested parties. I would appreciate your support and entertain any questions."

Speaker Black: "Thank you very much, Representative Noland. I compliment you on your tie, we'll detassel that tie shortly. Further discussion? The Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I rise with a couple of questions for the Sponsor of this legislation and to also state that I commend the efforts of many, many people who were actively involved in this discussion and issue, for not just months but actually years. I think that everyone recognizes that this is something that is necessary for the continuance of the agri-business industry in this state."

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And it was something that the Department of Agriculture had recognized that there needed to be some major changes. And I commend Representative Noland in particular. Duane, if we may, I'd like to ask you a couple of questions. You gave a little bit of history but give us a little more background on a process that was taken place here."

Speaker Black: "Representative Noland."

Noland: "Representative Woolard, as you know since you were integral in this whole process. Over two years ago the Department of Agriculture convened a Grain Committee which involved the Illinois Grain and Feed Association, Illinois Farm Bureau, Illinois Farmers Union. Then later on they brought in the Illinois Bankers Association and Illinois Community Bankers with the intent of maintaining a very strong and viable grain insurance fund. And as you know, our fund is maintained at \$3 million, the idea being that if there should be an elevator failure, that those people, those claimants, would be made whole. This Bill includes a \$1 million cap per claimant. Also, it settles the question about an asset, storage and drying assets and storage... storage service charges, and so it clarifies an uncertainty about that. So this Bill, as you know, has been over two years. It was... we had a Bill last year where we passed the funding mechanism, this Bill comes back in and deals with the other parts of that statute."

Speaker Black: "Representative Woolard. Do you have questions, further questions?"

Woolard: "Just to refresh my memory. The Bill that was passed last year in regards to the funding mechanism. Was this GRF money or some other source, where did the money come from, Representative?"

Speaker Black: "Representative Noland."

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Noland: "The money... money comes from a funding mechanism, from the grain dealers and the grain warehousemen. It is a function of their... their size in terms of their storage capacity, their net worth. And in the case of the grain dealer also the number of dollars of grain that they buy and sell. So it is a function from anywhere \$500 of a minimum to \$5000 in their fees. Then also we assess them anywhere from, excuse me, from... we now have an annual assessment as much...on an annual basis."

Speaker Black: "Excuse me, just a second, Representative Noland. Ladies and Gentlemen of the House if we could have your attention. If you'd break up your caucuses and go to your chairs. This is a very important Bill for a significant sector of the Illinois economy. And with the number of lights flashing, what we're going to get into are the same questions being asked over and over again. We would all like to go home. If you'd just sit down and listen to the people discussing the Bill, we can move the process along in a very orderly fashion. We'd appreciate your cooperation. Representative Noland, please continue."

Noland: "Speaker, I believe I've answered the question. If Representative Woolard has another comment."

Speaker Black: "Representative Woolard."

Woolard: "Thank you again, Mr. Speaker. Representative Noland, I know that there have been significant numbers of individuals involved in this process. There's probably been representative group from all of the agri-business related industries in this state. Did they come to consensus on this issue? Are they in total agreement? Along with maybe even the banking industry, has the banking industry still got some concerns about this issue as well?"

Speaker Black: "Representative Noland."

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Noland: "Representative Woolard, the Amendment we offered yesterday and was adopted onto this Bill, now brings all parties to consensus. The Illinois Bankers Association and the Illinois Community Bankers are now in support of this Bill. So all parties affecting this issue are now together on this Bill in support."

Speaker Black: "Representative Woolard."

Woolard: "Thank you again for that answer. You know, I think that the people of this Body should recognize the significance of the piece of legislation we're dealing with today. There's probably no industry, any greater on the impact or has a greater impact on this state, than does the agri-business industry. And this is one of the major issues that has been dealt with in my tenure in this Legislature and I'm very proud of the fact that it has come to this kind of conclusion, with this kind of agreement. What about the Department of Agriculture? I know that they had some genuine concerns and they were actively involved in this process from its inception. Are they in agreement with this end result?"

Speaker Black: "Representative Noland."

Noland: "Representative Woolard, as you know, the director, Tom Jennings and Judy Lozier and Pat Fucik, have all been at all of the meetings. And their goal is to administer the program to the best of their ability. And I think they now are in agreement with the compromise and the language. So they will do the best they can to administer it and keep our grain funds stable and have the best grain industry in the State of Illinois. So they're on board as well."

Speaker Black: "Representative Woolard."

Woolard: "Thank you again. You know, I think that we probably could go on with this discussion and debate, and we want to

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make sure that we get everything in the record that needs to be in the record because of the significance and the impact and the future of the great agri-business industry in this state. I'd like to read into the record, if I may Mr. Speaker, a set of statements here that I think are pertinent to this issue."

Speaker Black: "Yes. Representative, is this for purposes of legislative intent?"

Woolard: "This is for the purpose of legislative intent. I think these..."

Speaker Black: "Proceed. Proceed, Sir."

Woolard: "...very important. One of the more important aspects of House Bill 1490 is the clarification and distribution of assets of a failed grain elevator. In the event of a failure the assets of the business can either be classified as grain assets and can be used to pay the farmers or as equity assets which typically would be used for the lenders having a secured interest in those assets. Under the old grain laws, this distribution of assets was confusing and unclear. Under the proposed code, grain assets are defined as, all grain stored in the elevator. Redeposited grain in another elevator and identifiable proceeds from the sale of that grain. These assets would be liquidated by the Department of Agriculture, under the contents of this law and used first to pay grain claimants. In the event that there are not sufficient funds available after the liquidation of grain assets, then the Illinois grain insurance fund would pay the remainder of those claims according to specifications outlined in this code. The back...the bank would be able to claim all drying, storage and price lettering...service charges as accounts receivable due and owing to them as well as all other

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equipment, cash, personal property, real estate, et cetera of the security interest in these assets. Both the Illinois Department of Agriculture and the bankers believe that under the definition of identifiable proceeds of grain assets, it is possible that the department could trace monies from a recent grain sale, that has been deposited into the checking account of a failed elevator and claim those as grain assets. Also, with regards to changes in the price-later contracts, a grain dealer purchasing grain by a price-later contract shall at all times own the grain. Rights in grain or proceeds from the sale of the grain, totalling 90% of the unpaid balance of the grain dealers price-later obligations. That amount shall at all times remain unencumbered. The aggregate sum of these assets must be free from any mortgage, lien or encumbrance until sometime... until a such time as the grain has been paid for. The new language is an attempt to be more specific and emphatic about those price-later grain assets. I think that this, for legislative intent, will clarify any problems that might arise in the future. Once again I would like to personally commend all of those people who've been actively involved in this process over the last two years. I know that there are many people on our side of the aisle who have worked diligently with those on that side of the aisle and this is the kind of conclusion in good government that we should all be about. I encourage everyone to support this Bill, whether you live in a metropolitan area or the rural areas where the farmers are prevalent. This is something that will not only help us but it will insure that this great industry continues to survive in the great State of Illinois."

Speaker Black: "Thank you, Representative. Further discussion?"

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The Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Speaker. I yield my time to Representative Hartke."

Speaker Black: "I did not recognize you for the purpose of yielding of your time. Any further discussion? The Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Black: "Indicates he will."

Brunsvold: "Representative Noland, I know you've got... you have worked on this issue for a long time and as a Member of the Ag Committee, we have tried to solve this problem and had some disagreements and finally come to resolve here in this Bill. My district incurred a grain elevator failure about three years ago and I've gone through that process. And can you tell me, how are the farmers different under this Bill than they were under the old Bill?"

Speaker Black: "Representative Noland."

Noland: "That's an excellent question. Number one, I suppose the best change that we've made is, if an elevator failed within 21 days of a farmer hauling grain in, that under the current law they'd only receive 85% of their money due them. Under this current... under this Bill they receive 100%. So that's probably the best... the best measure in there. Secondly, we've improved the claims process, so they'll get their money in a quicker, more timely fashion, which is very important. And then thirdly, we protected the fund by putting a \$1 million cap per claimant. And that way if a catastrophic loss will not deplete the fund and make sure there's money, adequate money, there for all... all claimants. So I think those are all issues that will help farmers in your district and in mine."

Speaker Black: "Representative Brunsvold."



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Brunsvold: "Thank you. Secondly, we had in our grain elevator failure, a situation where the owner of the elevator moved equipment out of that area so it could not be claimed as assets for the grain elevator. Is there anything in this new Bill that would... I think Mr. Woolard touched on something there about assets. Is there anything to keep the owner of the elevator from moving some of those assets, like trucks and things away from the elevator to protect them from the bankruptcy?"

Speaker Black: "Representative Noland."

Noland: "I think, Representative Woolard, read into legislative intent and clarified the difference between grain assets and equity assets. So there's no confusion over, over what asset is a grain asset that would go back to the Department of Agriculture versus what is an equity asset or collateral for the bank. This language does clarify the issue of related party and also we include in here the civil and criminal penalties, so if something like that happens, that person will be brought to quick and full prosecution."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Thank you, Representative Noland. Let me commend you and the Members of the Ag Committee for their efforts and all the parties that were... were and have worked on this Bill over the last years. Because that's what its been, its been a long effort to try to come to an agreement. And I think we've done that in this Bill and I want to commend everybody on the Ag Committee and all the parties involved and would ask everybody to support this legislation."

Speaker Black: "And further discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. I don't know if I'm going to need it or not but may I have

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Representative Schakowsky's five minutes, if I need it?"

Speaker Black: "You may not. Proceed."

Hartke: "Mr. Speaker, I'm not sure what I think of this piece of legislation. I know that it's not been a love fest, it's not been a love fest at all. This piece of legislation has been worked on for over two years, maybe three years. The... the genesis of bringing it about was the... I think the possibility that it could sunset this year. There were all kinds of sides to table and argue on this issue. The Department of Agriculture who was in need of a cap to be put on the grain fund because of the precarious condition of that. Because of a change in the grain industry in Illinois. It started out as a quarter of a million dollar cap and because of objections, by the bankers in Illinois, that cap is now set at a \$1 million. And that is a concern to me because if the fund is not adequate to pay all the farmers in the fund and so forth that will come back to haunt each and every Member of the General Assembly in the General Revenue Fund. It is hoped that, that no large major grain elevator does go under. There has been a lot of work done on deferred pricing. There has been a lot of work done on grain assets, which is a real stickler and argument between the Department of Agriculture. But I feel that this Bill could be much stronger than what it is. We've given too much. I'm going to support this piece of legislation, it's not going to do me a whole lot of good because after two and a half or three years of negotiating, those sides have come to an agreement. But I do believe in Illinois, we have one of the strongest grain insurance codes in the nation. Mr. Speaker, you and I live next to the border and close to the border and if grain deposited in elevator in Illinois, grown in Indiana, I suppose that

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is covered under this code as well. And I would like to ask Mr. Noland, if he would yield to a question?"

Speaker Black: "Representative Noland."

Noland: "You wanted to pose a question?"

Speaker Black: "Proceed, Representative Hartke."

Hartke: "Mr. Noland, if a farmer in Indiana raises his crop and brings it over across the border and deposits that grain in an Illinois elevator, is that grain covered under the Illinois Grain Insurance Code?"

Speaker Black: "Representative Noland."

Noland: "Representative Hartke, that's correct. If grain is raised and brought into Illinois for sale or storage or distribution, it is covered under this code."

Speaker Black: "Representative Hartke."

Hartke: "Is the reverse true?"

Speaker Black: "Representative Noland."

Noland: "No, it is not."

Speaker Black: "Representative Hartke."

Hartke: "What kind of insurances do the farmers in Indiana have on Indiana grain grown in Indiana, what kind of insurance program do they have in Indiana?"

Speaker Black: "Representative Noland."

Noland: "Representative Hartke, Indiana uses surety bonds but they do have legislation pending right now in their Legislature. So, we may see a change. They're probably asking the same question, 'why does Illinois have a better grain insurance fund than Indiana?' So they're asking that question. We may see an improvement in their grain fund."

Speaker Black: "Representative Hartke."

Hartke: "Then why did the bankers in Illinois threaten to withhold credit from bankers in Illinois or from grain elevators in Illinois, if we did not have a 100% coverage,

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so to speak, now under our warehouse receipts?"

Speaker Black: "Representative Noland."

Noland: "Representative Hartke, I cannot speak for the lending industry but I assume that they've had a pretty, a pretty sweet deal. You've heard that many times, that warehouse receipts are as good as gold. And I think they've had their cake and they want to eat it too. I don't think they want... I don't think they want anything less than what they've had, which has been outstanding in the Illinois Act."

Speaker Black: "Representative Hartke."

Hartke: "I think that's my point, which I'm trying to make. If each and everyone of us, Members of the General Assembly, take \$100,000 and deposit it the bank in Illinois, that is the limit on the guarantee. However, in a grain elevator, anyone, any banker, can loan a grain elevator up to \$5 million and receive a warehouse receipt for that grain from the elevator for the elevator's own grain. He has absolutely no problem with it. It is a guaranteed, 100% guaranteed loan by the State of Illinois, by warehouse receipts. We are guaranteeing him this loan under this program, that's my objection to this. It is absolutely ludicrous. And we ought to demand from the bankers that they check out the collateral of that grain elevator and its financial where... whereabouts, before they make this loan. When we're giving these warehouse receipts it is a 100% guarantee. That should be the cheapest loan that they make. If that elevator fails, that banker is going to be receiving from the Grain Warehouse Code and the Department of Agriculture 100%, except for maybe their little paperwork. They're going to be receiving 100% of that loan. They don't lose in this thing. They don't even pay

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the premium. The premium is paid by the elevator. It's paid by the elevator when they have their... the size and so forth, as Mr. Noland agreed. This fund is limited, Ladies and Gentlemen, it's limited by the dollars that are in that fund. If that..."

Speaker Black: "Yes. Representative Hartke. Representative Hartke, excuse me. Knowing of your personal concern about the Bill, I have given you one extra minute. Bring your remarks to a close, please."

Hartke: "If that grain eleva...or the grain insurance fund runs dry, the State of Illinois and the General Revenue Fund will back up those receipts. I disagree with what's been happening here and in this thing. I think the bankers should have given just a little bit on their program but they have not. They have come to the table, they have brought the Department of Agriculture, the Illinois Feed and Grain Association, Farm Bureau and Farmers Union dragging and screaming to the table on this issue. I don't think I'm going to be able to stop it with my arguments, but I think it was wrong, and I think that we ought to look at this and remember this in the future. Bankers are my friends, Farm Bureau is my friend but I also want to protect the integrity of the General Revenue Fund in the State of Illinois. Thank you very much, for allowing me this time."

Speaker Black: "And for further discussion, the Gentleman from Bureau, Representative Mautino."

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

Speaker Black: "Indicates he will."

Mautino: "Representative Noland, in my district I represent a... or I have one of my banks which is currently in litigation and it is over the issue of drying, storing fees which are

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being... they're in holding right now while the litigation is going on. The question is, under the... would this code have any affect retroactively and, who would have priority in that case, the departments or the banks?"

Speaker Black: "Representative Noland."

Noland: "Representative Mautino, the effective date of this Act is January 1, 1996. However, the effective date for the \$1 million cap on claims is July 1, 1998. So nothing in this Bill would affect your ongoing concern with your elevator."

Speaker Black: "Representative Mautino."

Mautino: "So, in the case pending with Union Bank, that...sorry about that...okay, on the case that's currently pending the... it would go under the old grain code. And then anything happening in the future beyond the '96 implementation of this code would go under the new Act. And in that case, who would have priority on the...on those fees?"

Speaker Black: "Representative Noland."

Noland: "Representative Mautino, you are correct. Your case would be administered under the old law. Anything after this would be under the new code. And your question was, in reference to the storage and drying assets, and those would become assets or collateral for the bank. That has been a confusion, there has been some litigation on that. That'll be settled, that'll be under this Act and Representative Woolard read that into legislative intent. That will now be an asset, an equity asset, for the bank."

Speaker Black: "Representative Mautino."

Mautino: "Thank you. I appreciate the response."

Speaker Black: "Further discussion? The Gentleman from Kane, Representative Hoeft."

Hoeft: "Mr. Speaker, I'd like to call for the question."

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Speaker Black: "Representative Hoeft has moved the previous question. Question before us is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair the "ayes" have it. Representative Noland to close."

Noland: "Ladies and Gentlemen, thank you for your interest and your questions. I'd ask for your support on House Bill 1490. Thank you."

Speaker Black: "Thank you very much. The question is, 'Shall House Bill 1490 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, 108 voting 'yes', none voting 'no' and 1 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. Representative Currie, what are you seeking? Are you seeking recognition?"

Currie: "Thank you, Speaker. I rise with a parliamentary inquiry. Earlier in the debate, on the Bill that just passed, Representative Schakowsky was called upon. She wished to allocate..."

Speaker Black: "Yes, I understand, Representative Currie, I understand. And I'm not going to sit here and engage in a debate with you, on a Friday, over something as ridiculous as this. Now let me explain to you the Ruling of the Chair. Any Parliamentary procedure, any prudent person theory, how can you upon being recognized, yield your time to someone who has not been recognized? Representative Johnson in the Chair."

Speaker Johnson, Tim: "The Chair intends... Representative, the Chair recognizes, the Lady from Cook, Representative

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Currie."

Currie: "Thank you, Speaker. As I read Rule 73(e), the Rule says that a Member may yield time to another. I believe that that rule is pretty clear on its face and I think it means that, if you call upon a Member, who wishes to yield time to another, then the appropriate decision for the Chair, is to let the yeldee, as it were, speak. Now in that same conversation, Representative Hartke, when he got up to speak, asked if at that time it was appropriate for him to take Representative Schakowsky's five minutes. The answer was 'no'. So the way you seem to be running this place, the way you seem to be ruling, there is no opportunity for Members' to yield their time, even though, 73(e) specifically authorizes that yield. And could I remind you of former practices, by this Chair, the one afternoon a few weeks ago, there was just general yielding from one Republican Representative to another. Representative Black, himself, was yielded time. Which he then yielded on to someone else who..."

Speaker Johnson, Tim: "Even if I could..."

Currie: "Who was then called on by the Chair. You, yourself, Representative Johnson, now as the incumbent in this Chair, this morning, you were offered the opportunity by Representative Winkel to close on his Bill. He yielded his time to you and... and before you were recognized and the then incumbent of the Chair, seemed to think it was perfectly appropriate to let him yield his time to you, even though it was not in debate but in closing on a Bill. So could you clarify for me and for all the members what the real rule is, with respect to how we handle 73(e) in your Rule Book."

Speaker Johnson, Tim: "Thank you, Representative, and it is



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certainly the intention of the Speaker, be my intention to yield time where it's requested. Representative Lang. Proceed."

Lang: "Thank you, Mr. Speaker. Will there be any response to Representative Currie's inquiry?"

Speaker Johnson, Tim: "If we could... if we could Representative Lang your attention. It would be helpful in my understanding his inquiry. Proceed, Representative."

Lang: "I may not have been hearing everything you said. Did you indicate to Representative Currie that she was correct and that you would recognize in your role as Speaker, people's right to yield their time if they so wish?"

Speaker Johnson, Tim: "I indicated that I would do so."

Currie: "And I said, 'Thank you.'"

Lang: "And we appreciate that. Perhaps we could have Speaker's lessons so that all the Speakers could... could get together on what the interpretation of the Rulings of the House would be. We would suggest, Mr. Johnson, that you lead that, because you seem to know what the rules are. Thank you very much."

Speaker Johnson, Tim: "We will now proceed to the order of House Bill's Second Reading. Mr. Clerk, read House Bill 314."

Clerk Rossi: "House Bill 314. This Bill has been read a Second time previously. No Committee Amendments, Floor Amendment #7 has been approved for consideration and is Sponsored by Representative John Turner."

Speaker Johnson, Tim: "The Bill will be removed from the Record. Mr. Clerk, read House Bill 1023."

Clerk Rossi: "House Bill 1023."

Speaker Johnson, Tim: "That will... Bill will also be removed from the House Record. Be at ease for just one moment. Thank you for your attention. Before we proceed to a

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different order of business, the Chair would recognize the Lady from Cook, Representative Schakowsky. Proceed, Representative."

Schakowsky: "Thank you, Speaker. I would just like the record to reflect that on House Bill 2236, my intention had been to vote 'no'."

Speaker Johnson, Tim: "The record will so reflect. Now we are going to return to the order of House Bills - Third Reading. House Bills - Third Reading. Mr. Clerk, read House Bill 1522."

Clerk Rossi: "House Bill 1522, a Bill for an Act amending the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "The Bill will be removed...or returned to the order of Second Reading. Mr. Clerk, read House Bill 1608."

Clerk Rossi: "House Bill 1608, a Bill for an Act amending the Trust and Trustees Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "On the Bill, the Sponsor, the Gentleman from Peoria, Representative Leitch on the Bill."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. This Bill has...comes to us from the corporate fiduciaries. It's their only Bill this year to my knowledge and it is essentially a technical Bill that provides some more flexibility. The first provision of it permits the investment in trust probate and guardianship accounts to extend to mutual funds as well as to the common trust funds that are common. The second part permits and actually encourages trustees to use other experts in...if necessary, in the execution and the carrying out of trust accounts. And the third part shortens the statute of limitations from 5 to 3 years, as far as information

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provided is concerned and to go from beyond that and essentially, that is the Bill, and I would ask for your favorable consideration."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Representative Hoffman."

Hoffman: "Yes. Will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will."

Hoffman: "Representative, I guess I have some questions and concerns about this Bill. House Amendment, I believe #1, was adopted and essentially becomes the Bill. My concern is with regard to the provision allowing a mutual fund manager to be compensated by providing services to the mutual fund and also, to receive a salary for managing the fund. Isn't this really double dipping...that individual would receive a fee for services and a fee from the mutual company?"

Speaker Johnson, Tim: "By the way, Representative Johnson in the Chair. Representative Leitch in response."

Leitch: "I'm sorry, Jay. I couldn't hear you."

Speaker Johnson, Tim: "If we could give the Gentleman from St. Clair your attention, Representative Hoffman, the Gentleman did not hear your question."

Hoffman: "The... My concern essentially is twofold. The first one is, it's my understanding that this would allow a mutual fund manager to be compensated by providing services to the mutual fund and then also to receive a salary for managing the fund. So, isn't he really receiving double compensation? One fee for services and another fee from the mutual company."

Speaker Johnson, Tim: "The Gentleman from Peoria, Representative Leitch."

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Leitch: "No, there isn't anything uncommon about that. Trust accounts...or administrators and executors of trust accounts are paid fees now and then mutual funds...there are fees in connection with mutual funds unless it is a no load fund and I think the common trust funds have fees on them as well. I don't think there is any difference than is presently the case."

Speaker Johnson, Tim: "Further questions, Representative Hoffman?"

Hoffman: "So, it is your interpretation that this really doesn't change current practice?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "No, the really big advantage of the Bill itself as I look at it, is that for one thing, it gives a flexibility to get into mutual funds and not be restricted to common trust funds because as you know, common trust funds are priced monthly instead of daily. Common trust funds are not SEC registered or supervised and the mutual fund today...community has so many different aspects of mutual funds that it is much easier and much better service to the client to be able to define what that client needs and do them with mutual funds as opposed to the more old fashioned common trust fund."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Okay. I understand that. Secondly, the concern was the information about...the way I read it, the potential of relieving certain responsibilities from trustees. It appeared to me that this Bill would really limit the accountability of trustees of a fund. How do you address that and why do we need it?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "No, the...it doesn't because there is a standard

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reasonable care which is already the standard. But what this does is, is define and actually make more clear that an administrator of a trust account has a flexibility to go to experts in the field. As you know right now and especially over the last ten years, there have been all kinds of very specialized trust accounts which have been developed to serve different parts of our population, ranging from parents to people who are trying to worry about the inheritance taxes, to you name it, and because of the sophistication that has been evolving over the last several years, it is very important that the trust account officer have the authority and have the encouragement to not be penalized for seeking out the very best tax accounts, the very best lawyers and state lawyers and so forth to service customers."

Speaker Johnson, Tim: "Proceed, Representative Hoffman."

Hoffman: "I guess my concern is, is that seems like a person...if you put something in a trust and you lose it all because of a bad decision by the trustee, that potentially this would limit that individual..."

Speaker Johnson, Tim: "Representative Leitch, I believe... We will give you one more minute, but if you could bring your questions and responses to a close, it would be appreciated. Representative Leitch in response."

Leitch: "He's asking some very good questions and they are questions that I would want to have answered as well were I on his side. The..."

Speaker Johnson, Tim: "Well, you better do it in a minute because that is what we have got. Go ahead."

Leitch: "Well... The point is, is that the Civil Procedures Act and the...code I should say, and the Fruadulent...Fraud and Concealment provisions which I think you are probably

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talking about are in this...specifically in this Bill and are not abridged."

Speaker Johnson, Tim: "On the Bill, the Gentleman from Peoria, Representative Leitch to close."

Leitch: "I simply would recommend this to you. With the world changing as rapidly as it is and as important as it is to individuals throughout our society that have the very best tailoring of their trusts and accounts, that this is a Bill would strongly recommend and I ask for an 'aye' vote."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1608 pass?' All in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'yes', 0 voting 'no', 12 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bill... Mr. Clerk, read House Bill 1711."

Clerk Rossi: "House Bill 1711, a Bill for an Act amending the Illinois Highway Code. Third Reading of this House Bill."

Speaker Johnson, Tim: "On the Bill, the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1711 is a proposal which originated from my district and my local township office. What the Bill does, is allows the township highway commissioner to participate in the funding of the Dollar Ride Program which is sponsored by the RTA and PACE. We started the program back in 1989. It has been extremely popular and successful over the last six years and our highway commissioner, feeling with the high popularity of the program which kind of, in a direct way, alleviates additional traffic on the township highway

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roads, felt that he would like to participate in the program in the subsidization with the township's supervisor's office and the PACE bus company. This Bill affects Cook County and the collar counties, wherever the RTA jurisdiction reaches out to. It's a good Bill. It helps seniors. It helps the disabled and I would ask for a favorable vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Effingham, Representative Hartke. Representative Hartke, proceed."

Hartke: "Thank you, Mr. Speaker. I was indisposed on that last vote and I would have voted 'yes', and I would like the record to reflect on House Bill 1608."

Speaker Johnson, Tim: "The record will so reflect..."

Hartke: "I would like to yield my time to Representative Dart."

Speaker Johnson, Tim: "Well, I was about to recognize Representative Dart on his own right. So, the Chair recognizes the Gentleman from Cook, Representative Dart, proceed." -----

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

Speaker Johnson, Tim: "Indicates he will."

Dart: "Representative, the...I agree with what you were talking about here. Is there...isn't there already some provisions for them to do this?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I know of no provision which allows the highway commissioner, at this point, to use his road and bridge funds. Now, let me emphasize that. His road and bridge funds which is the funds that he uses to maintain the roads. These are not motor fuel funds. I know of no provision to allow him to use his road and bridge funds to help participate in this program."

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Speaker Johnson, Tim: "Further questions, Representative?"

Dart: "What are they doing right now in regards to the attempts to purchase these types of things? Are they not...they just can't do it at all?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Currently, the program is strictly funded by the town fund under the township supervisor's office. That is allowed under the law. Currently, the highway commissioner is not allowed to use these funds...use his road and bridge maintenance funds for this...for this type of program."

Speaker Johnson, Tim: "Proceed, Representative Dart."

Dart: "Thanks. About how much money would you anticipate would be able to be used in this program by this change now?"

Speaker Johnson, Tim: "Representative."

Saviano: "I can't speak for other townships, but our current rate of subsidization under the agreement we have with PACE would...currently, it is about \$120,000 a year from the township. Now, as far as how much the highway commissioner would want to use to participate in a program, that would probably be worked out between his office and the office of the township supervisor."

Speaker Johnson, Tim: "Representative Dart."

Dart: "And what... You were mentioning how beneficial this would be to senior groups and the like, what exactly...how would it most impact them, as far as the benefit that they would get from this?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Currently, the program... We have four buses running throughout the township. A majority of the users of the service are senior citizens and the disabled. The buses are all handicapped equipped and it really provides an opportunity for the senior citizens and the disabled to



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maintain an independent living style because they could get throughout the township, whether they have to go to a doctor, whether they have to go to the grocery store. It gives them alternative for depending on somebody to take them there. They simply call up the Dollar Ride and it comes and picks them up at their doorstep and brings it to their appropriate place, and then picks them up whenever they want."

Speaker Johnson, Tim: "Representative Dart, further questions?"

Dart: "So, this would allow them to go from the bridge fund and utilize that for purchases of extra buses or things like that or... What would it...how would it... What would it be doing exactly for the seniors, I guess?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "The way the program is arranged, is that the bus...PACE bus company subs out to a local bus company. Those buses are not owned by the township. They are not maintained by the township. Everything is done by PACE through their approved subcontractors. We simply subsidize it and help administer the program."

Speaker Johnson, Tim: "Representative."

Dart: "And is both PACE and the RTA, they are in agreement with this measure?"

Speaker Johnson, Tim: "Saviano."

Saviano: "Yes, the Regional Transportation Authority, the township officials of Illinois and the Illinois Association of County Highway Engineers are in strong support of this because obviously, under the current scenario with tax caps and things like that, this is an alternative revenue source for the township to continue to provide a service which its residents dearly need."

Speaker Johnson, Tim: "Representative Dart."

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Dart: "And in the fund that they are now going to be taking this out of, from the bridge fund, is there any fear that there will be...that it will diminish so they won't have enough for that fund or how is it worked out so that we aren't robbing Peter to pay Paul type of thing?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I could tell you that that would be up to obviously, the discretion of the township highway commissioner on how much surplus he may have in his road and bridge fund, what his current availability of funds is. It's not like he is going to take over the program, he's just going to do it in cooperation with the township's supervisor's office and probably just make funds available to what he can afford or his budget could afford."

Speaker Johnson, Tim: "Representative Saviano. Representative Dart."

Dart: "Just a final question. Was Amendment #1 on here, and if it is, could you just explain to me what that did to the original Bill?"

Speaker Johnson, Tim: "Representative, your time has concluded. Just respond to the question and then we will proceed."

Saviano: "The Amendment was Committee Amendment #1 which was offered by the IML. The original Bill just included Cook County. The Amendment made it include all the collar counties where the RTA is also operational."

Speaker Johnson, Tim: "Thank you. The Chair recognizes the Gentleman from Madison, Representative Steve Davis."

Davis, S.: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Johnson, Tim: "Indicates he will."

Davis, S.: "Representative, I see that this Bill passed out of Committee 30 to 0. So, I'm sure it wasn't very controversial in Committee, but I do have a couple of

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questions because I'm unclear as to exactly how this works but... Who administers a program now? Does the township supervisor administer this bus program or is it administered through the county transit district, or exactly who administers it right now?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "As I tried to explain before, it is all administered by the RTA and the PACE. PACE is the portion of the RTA that runs the bus service."

Speaker Johnson, Tim: "Representative."

Davis, S.: "So, excuse me. Do the township...does the township supervisor now provide a certain amount of funds, and is it on a per capita basis that they pay to the RTA for this program through the town fund?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That is true. The three funding sources is the township, the revenue which is generated from the fares, and also from the general revenue fund of the RTA or PACE."

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "All this legislation does then, is give the highway commissioner the option, should he so choose, to participate in the program and use only road and bridge funds. Now, I am assuming that he cannot use oil tax funds, any other type of tax funds other than strictly road and bridge funds..."

Speaker Johnson, Tim: "Excuse me. If we could give Representative Davis your attention. Representative Davis, proceed."

Davis, S.: "My question was, I'm assuming that the only fund that the highway commissioner is in charge of...the only fund that can be used for this purpose is the road and bridge fund."

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Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That is true. It is strictly the operating funds from the road and bridge fund. No motor fuel funds are being used. No other funding source, strictly from his operational budget from the road and bridge fund."

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "We have a similar type program in Madison County. We have the Madison County Transit District and we have ACT buses that go around and pick up seniors and the handicapped individuals. But I am curious if you know this, if there is any provisions in the law now for townships and counties downstate that highway commissioners may be able to participate in a similar type program, if there is a law concerning that right now or if maybe sometime in the future, we can incorporate that for some downstate township highway commissioners?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I would love to cosponsor that legislation with you, Representative. Currently, I know of nothing else downstate. This is strictly within the RTA jurisdiction, so we limited it to this specific program."

Speaker Johnson, Tim: "Representative Davis."

Davis, S.: "I appreciate your offer to cosponsor a Bill. If you did, perhaps the Speaker would let me get a Bill out of Committee. That... Maybe that is the only way to do it is to have Representative Saviano on the Bill..."

Speaker Johnson, Tim: "On the Bill, Representative. Please, proceed with the Bill, Representative Davis. Do you have further questions on the Bill?"

Davis, S.: "To the Bill, Mr. Speaker. I don't see any problem with this Bill. As a former highway commissioner, I do understand township government and I'm aware of many of

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their problems in township government. This sounds like an excellent program and I would like to see it expanded down into my area. Thank you very much."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Kane, Representative Hoeft. Representative Hoeft."

Hoeft: "Mr. Speaker, I call for the question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. The Motion passes. On the Bill, House Bill 1711, Representative Saviano to close."

Saviano: "I would ask for a favorable vote. Thank you very much."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1711 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 100 voting 'yes', 3 voting 'no', 10 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. We have two announcements. First from the Chair, the request of one of the Representatives, the Chair would recognize the Percy Julian School Band from Oak Park here in the audience. Welcome to Springfield. Mr. Clerk... Mr. Clerk, further announcements?"

Clerk Rossi: "The House Rules Committee will meet at 2:00 p.m. in the Speaker's Conference Room. Repeating: the House Rules Committee will meet at 2:00 p.m. in the Speaker's Conference Room."

Speaker Johnson, Tim: "On House Bill 1840, out of the record."

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Returning. Representative Biggert is here. Mr. Clerk, read House Bill 1840."

Clerk Rossi: "House Bill 1840, a Bill for an Act amending the Housing Authorities Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "On the Bill, the Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1840 amends the Housing Authorities Act by permitting that the Housing Authority in any county having over 500 inhabitants may establish, by resolution, a reasonable salary or per diem allowance for the services of the commissioners and the chairman. Right now under current law, the statute provides that no commissioner shall receive any compensation, whether in the form of salary or per diem, in a county over 500,000 except for the commissioner...who is the chairman. This is to include all commissioners. And I would be happy to answer any questions."

Speaker Johnson, Tim: "On the Bill, the Gentleman from Effingham, Representative Hartke."

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

Speaker Johnson, Tim: "Indicates he will."

Hartke: "What county does this apply to exactly?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "This would apply to Housing Authorities from Cook, DuPage and Lake County."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So, just the three counties. How much commissioners are there in each county? Can you enlighten the assembly on that?"

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Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I don't have that number, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Where would the funds come from for the per diem that may be established?"

Speaker Johnson, Tim: "Proceed, Representative."

Biggert: "Representative, the funds do not come from state money or county money, but they come from monies that are received from the administration and from HUD."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So, they would come out of federal dollars then I suppose, right?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I'm sorry. I couldn't hear the question."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "They would come out of federal dollars then. Is that correct?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Yes, from HUD."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Are there any guidelines in the legislation as put a limit on the per diem or the allowance for the commissioners, so much for a year, so much for a meeting? What would be the limit?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "It is totally permissive, so there are no limits."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, it is permissive if the counties want to pay the per diem, but...so it is totally permissive. You are saying that if they wanted to have a... We are limited by the federal government on our per diem, but there is no limit on per diem members for the commission. So, if they

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wanted to put a \$200 a day per diem, that would be permissible. Is that what you are saying?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Yes. I think that... The way that it reads is that they will, by resolution, establish a reasonable salary or per diem allowance. So, that would then limit what they could charge."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "In your opinion, Representative, what would be reasonable for a commissioner? Would you suggest that \$81 a day is reasonable?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I would say that that probably would...depending on where the commissioners are going and the number of times that they would need the per diem, I would say that that would be reasonable. But probably less than that, I would favor, just because they are not traveling as far as we do to Springfield."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, yeah. You mentioned that traveling. Do they...how often do the commissioners meet to conduct their business? Do they meet on a weekly basis, monthly basis, or how often?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "That is all determined by the Housing Authority in each county. It could be once a month. It could be once a quarter. It could be four times a month. It would depend on the county and the business at hand at that time."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I understand this is totally permissive, as you said, right? And it's up to the county. I guess it is set by county statute or whatever, the number of commissioners



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that are appointed to this job. I guess they are appointed. They are not elected are they?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "They are appointed."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes. And they are appointed by the chairman of the county board or what?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I'm sorry. Each of these Housing Authorities is state created, it is not by counties. So...it is not that a county can suddenly hire many, many more or appoint many more commissioners."

Speaker Johnson, Tim: "Representative Hartke, if you could bring your comments and questions to a close."

Hartke: "Well, I would ask her to repeat that. I couldn't hear her answer..."

Speaker Johnson, Tim: "Well, perhaps if the chamber could give the Gentleman and the Lady your attention, we could hear the questions and the answers.. Representative Biggert in response, in re-response."

Biggert: "By the statute, and there is a distinction of 500,000 over and then the other...there is another part of the statute that includes the 25,000 and over. In a county where there is more than 500,000 but less than 3,000,000 population, the presiding officer of the county board of the county shall appoint seven commissioners to the Housing Authority, two of whom shall be members of the county board. So, for example, in DuPage County then, there would be seven commissioners and two of those would also serve on the county board."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Thank you very much for answering the questions. To the

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Bill, I guess this is a permissive Bill. I think we're kind of leaving it open-ended to allow the counties to set the salary or per diem and so forth, at will. I would think that it would have been prudent to us, I do believe, to put in guidelines then as to the amount of per diem overall or the amount of per diem per day that could be expended, such as Members of the General Assembly. But I suppose that that is not fit. Maybe we could make some suggestions to the Senate for them to add these, to make it a better piece of legislation."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Washington, Representative Deering. Representative Deering, proceed."

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

Speaker Johnson, Tim: "Indicates she will."

Deering: "Representative, in previous questioning, you said that these...the board members on these Housing Authorities were appointed by...or they were started by the state so that means they are appointed by the Governor?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "No, Representative, let me clarify that. What I meant was that, that within this statute, it determines the number of commissioners to be appointed by each county. It doesn't... The state does not...is not authorized to appoint those commissioners. Only by statute does the county have the number of commissioners...the statute. In other words, the legislature has determined the number of commissioners to be appointed."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Are these board members appointed for terms or are they just appointed indefinitely or life expectancy or whatever?"

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Speaker Johnson, Tim: "Representative Biggert, proceed."

Biggert: "This statute says, that the county members appointed to the authority shall serve such term until...or until termination of their county board service, whichever occurs first, it is the term that they are appointed to by the county."

Speaker Johnson, Tim: "Representative Deering."

Deering: "So it is determined by the county board their length of service. So, if a new county board comes in after the next election, they can reappoint new members to the Housing Authority. Okay. You don't have any ceiling in this legislation, as I understand, as to what the limit of salary or per diem can be. Why do you have that open-ended?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Statute for a county that is having over 25,000 inhabitants may establish a reasonable per diem allowance. So, again, the word 'reasonable' is what is the limit."

Speaker Johnson, Tim: "Representative..."

Biggert: "And I think it is just like any type of our laws where we use the 'reasonable', there is a definition that...what a reasonable man would consider a per diem and we just discussed whether \$81, which is what the General Assembly receives as a per diem, would be a reasonable amount and that would be... The reasonableness would be determined by the county."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Well, Representative, you keep referring to the words 'per diem'. Now, in the analysis in the Digest, it also says 'salary'. So, are we now allowing them to set a salary on top of their per diem?"

Speaker Johnson, Tim: "Representative Biggert."

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Biggert: "I believe it is that they may set a salary or a per diem."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Thank you for eating up some time in turning me on. Do the tax-payers have any recourse if they think the salary is set too high or their per diem is set too high?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "Well, for the other commissioners in the other counties, I don't...I have not heard of any suits that have been brought or any statements that there has been an unreasonable salary. I can't answer that."

Speaker Johnson, Tim: "Representative Deering."

Deering: "Will the salaries for the upcoming board have to be set 180 days prior to the election or will it be under the similar guidelines to legislation that we were...was forcefully passed out of this chamber yesterday regarding salaries for elected or appointed officials?"

Speaker Johnson, Tim: "Representative Biggert."

Biggert: "I think the difference in this is that these are appointees and not elected officials."

Speaker Johnson, Tim: "Representative Deering, if you could bring your comments and questions to a close."

Deering: "But they're still officials or appointees serving a public body, a unit of local government. Now, the arguments yesterday in the salary Bill was, we want to have the taxpayers' best interest at heart. This is a way to set these salaries before the election, so people know what they are going to be faced with in the future. I think if it is going to be good for one unit of local government, it should be..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Kane, Representative Hoeft."

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Hoelt: "Mr. Speaker, I would like to call for the question."

Speaker Johnson, Tim: "The question is... There has been a request for a Roll Call. The question is, 'Shall the main question be put?' All in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Motion, there are 61 voting 'yes', 50 voting 'no', 1 voting 'present'. The Motion prevails. Representative Biggert to close."

Biggert: "Thank you..."

Speaker Johnson, Tim: "Just one moment. Representative Lang, do you have a point of order or a point of personal privilege or an inquiry? Proceed."

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

Speaker Johnson, Tim: "Your request is acknowledged. Representative Biggert to close."

Biggert: "Mr. Speaker, this is not a mandate. This is permissive legislation and it affects three counties: Cook, DuPage and Lake County. Members of other counties do receive a per diem. This is just a permissive request and I would ask for your favorable consideration."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 18...shall House Bill 1840 pass?' All those in favor signify by voting 'aye'; those opposed by voting '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...on this question, there are 27 voting 'yes', 75 voting 'no', 11 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr.

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Clerk, read House Bill 1882."

Clerk McLennand: "House Bill #1882, a Bill for an Act concerning the Regulation of Financial Institutions by the Commissioner of Savings and Residential Finance. Third Reading of this House Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this Bill is a Bill that deals with financial institutions. It simply brings into compliance, state law with federal laws dealing with S & Ls. The purpose of this Bill is to continue to encourage financial institutions to maintain their state S & L charter and not switch to a federal S & L charter. The licensing fees brings revenue into the Department of Financial Institutions. I'd ask for a favorable vote."

Speaker Johnson, Tim: "On the question, the Chair recognizes the Gentleman from Clinton, Representative Granberg. Proceed, Representative. Representative Brady."

Brady: "I just ask for a favorable vote."

Speaker Johnson, Tim: "Granberg is apparently not there. Then our Chair would recognize the Gentleman from Effingham, Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. Could we take this off Short Debate with the requisite hands?"

Speaker Johnson, Tim: "We could take it off Short Debate if we were on Short Debate. It's not on Short Debate."

Hartke: "Okay. Thank you. I wasn't here. Will the Representative yield for a question?"

Speaker Johnson, Tim: "He indicates he will."

Hartke: "Representative Brady, could this lead to more bank failures?"

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Speaker Johnson, Tim: "Representative Brady."

Brady: "No."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I noticed on Amendment #4, that it allows the bank to invest in some real estate equal to its capital, is that correct?"

Speaker Johnson, Tim: "Representative Brady in response."

Brady: "What Amendment, Representative?"

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "That was an error. That is up to 50% of its capital into real estate investments and I'm concerned about that."

Speaker Johnson, Tim: "Representative Brady, do you wish to respond?"

Brady: "Representative, Amendment number what?"

Speaker Johnson, Tim: "The Gentleman is attempting to respond, Representative Hartke, if we could just have a moment."

Brady: "I asked the Representative what part of the Bill he is referring to."

Speaker Johnson, Tim: "Go ahead, Representative Hartke."

Hartke: "That is under Amendment #1. Is there more than one Amendment put on the Bill?"

Speaker Johnson, Tim: "Mr. Clerk, if we could have an announcement midway. Mr. Clerk for announcements."

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

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, there is only one Amendment. Amendment #1 allows state charter savings banks to declare dividends that excess 100% if its net profits for the year...of 100% of its net profits for the year with the approval of the C...of the Commissioner..."

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Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, do they have this authority now or do they have to go before the commissioners to get this authority?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "This simply allows them to do it with the commissioner's authority if this legislation is enacted and the purpose of that is to bring them in compliance with federal guidelines."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "When was that federal law put into effect? Is that recently or are we behind in that, catching up with the federal law?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I am not sure. We are just taking what is existing and trying to comply with that or parallel that."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I guess in your zeal to comply with federal law, we ought to look at approving of the motor voter as soon as possible, too, then. Right?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Was that a question?"

Speaker Johnson, Tim: "Was that a question, Representative?"

Hartke: "Well, I think I asked a question. I didn't get an answer."

Speaker Johnson, Tim: "Well... The question from Representative Brady is, 'Is that a question?'"

Hartke: "In your zeal to catch the State of Illinois up with federal law to make sure that everything is done, you are then supporting the federal motor voter law that we ought to be looking at as well."

Speaker Johnson, Tim: "Representative Brady."



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Brady: "Representative, I am simply supporting legislation which would encourage savings and loans to maintain their state charter which brings revenue into the state commissioner's office. It has nothing to do with motor voter. As far as I know, the motor voter law has nothing to do with savings and loans."

Speaker Johnson, Tim: "Representative, do you wish to proceed?"

Hartke: "Thank you. I... To the Bill."

Speaker Johnson, Tim: "To the Bill."

Hartke: "I think it did have some correlation there simply because if we...in our zeal to adopt federal laws to make sure that our laws are in standards with federal regulations in Illinois, whether it be banking or crime prevention, or whatever, we ought to be looking at being fair across the board. So, I guess you didn't want to answer that question. So, I am through. Thank you very much."

Speaker Johnson, Tim: "Further inquiry? The Gentleman from Bureau, Representative Mautino, proceed. Representative Mautino is not here. The Chair recognizes the Gentleman from Clinton, Representative Granberg, proceed."

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

Speaker Johnson, Tim: "He indicates he will."

Granberg: "Representative Brady, first of all, I might apologize for any comments you might have made. I was in the back of the chamber. But from my reading of this Bill, does it limit liability of a director of a savings and loan for a breach of fiduciary duty?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Within certain parameters and with certain tests that comply and are parallel to the federal legislation for savings and loans."

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Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Representative, what would be the rationale for relieving a director on the board of a savings and loan from liability for breach of his or her fiduciary duty?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "The rationale is very simple, Representative. It is so that we will not discourage state chartered savings and loans from maintaining state charter and switch to federal charter. This language is parallel with federally chartered S & Ls. Now, if you wish to continue to encourage S & Ls to jump from state charter to federal charter, costing licensing fees to the state office, you are there. But I think the legislation, if you have drafted it and you see the tests...if you have read it and you see the tests on page 3, you will see that they are pretty prudent rules for not eliminating that fiduciary responsibility."

Speaker Johnson, Tim: "Further questions, Representative Granberg?"

Granberg: "Representative Brady, you talk about that we want to parallel the federal regulations in regards to savings and loans, I'm not sure if that is a great idea. They have had such a great deal of success at the federal level with savings and loans, monitoring or regulations. I'm not sure if we want to follow that path, Representative. So, let me just give you a hypothetical. You are on the Board for a savings and loan. You breach your duty to the people who invested in that savings and loan. The savings and loan goes bankrupt and then you have in your bylaws that you are relieved totally from any liability for your actions. So you can invest, have the savings and loans assets, purchase oil well interests, real estate, whatever and then the S &

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L goes bankrupt. All the holders, all the investors lose all their money and then I could be relieved of liability because of that?"

Speaker Johnson, Tim: "Before we let Representative Brady respond, I would again ask that all the little caucuses on the floor break up so that we can hear the Representatives' questions and responses. The volume is too high. Representative Brady in response."

Brady: "Representative, have you read the Bill?"

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Yes, Representative, I am looking at...one of the conditions would be an act or omission that is grossly negligent. So, ordinary negligence, if you were ordinarily negligent, you can be relieved of liability. Is that correct?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, at the Section you are looking at, I believe if you read paragraphs 1, 2, 3, 4, and 5 of paragraph B on page 3, you will clearly see that we call for definite responsibility on the board of the directors. And I think this is fairly broad guidelines. If you would like for me to read them to you, I would be happy to. But I think they cover most cases and they simply, as I said before, draw a parallel to federal guidelines that I think are very reasonable and will hold directors responsible."

Speaker Johnson, Tim: "Further questions, Representative Granberg."

Granberg: "Representative Brady, I am reading these items and they say, 'for any of the following', grossly negligent. So, if I'm just negligent, I can be relieved of liability. I don't have to be grossly negligent. I'm just negligent. So then I can invest improperly in the savings and loans

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assets. The pension fund for retired teachers goes bankrupt because I'm negligent and I am relieved of any and all liability. Secondly, a breach of the director's duty of loyalty. Well, what does that mean? If I am negligent because I made a mistake and I bankrupted the entire assets of the savings and loan, these retired teachers don't have any money anymore. The people who invested their pension money, don't have any money anymore. I am relieved of liability. Act or omission not in good faith. Well, I acted in good faith, but I thought I made a great investment. I bought this land down in Grenada. I thought this property was going to go sky high. I made that act in good faith. I turned out to be negligent. Assets are gone. I have no liability. I'm reading these items, Representative. That is why I am very concerned. So, why don't we just follow the federal law? Let these savings and loans, let them go crazy. Let all the directors be absolved of any liability. Sure, we don't care. Let these pension funds be invested. We don't care what happens to these people. Representative, I don't know...obviously I know where this Bill came from, but I really disagree. This is not a good idea and I intend to vote 'no'."

Speaker Johnson, Tim: "On the Bill, the Gentleman from McLean, Representative Brady, to close."

Brady: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I appreciate the dialogue. I firmly believe that this will help the Illinois economy and bring in compliance, and I think it still holds responsible the state chartered S & Ls and I ask for your favorable vote."

Speaker Johnson, Tim: "The question is, 'Shall House Bill 1882 pass?' All those in favor vote 'aye'; those opposed vote 'no'. The voting is open. This is final action. Have all

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voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 77 voting 'yes', 21 voting 'no' and 14 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 1894."

Clerk Rossi: "House Bill 1894, a Bill for an Act amending the Retail Installment Sales Act. Third Reading of this House Bill."

Speaker Johnson, Tim: "Please return the Bill to the order of Second Reading. Representative Black in the Chair."

Speaker Black: "On page 23 of the Calendar, there appears House Bill 1910. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "House Bill 1910 is on the order of Third Reading."

Speaker Black: "The Lady from Cook, Representative Mulligan. What is your desire with this Bill?"

Mulligan: "To proceed. Thank you, Mr. Speaker. Ladies and Gentlemen of the House..."

Speaker Black: "Excuse me, Representative. The Clerk has to read the Bill."

Clerk Rossi: "House Bill 1910, a Bill for an Act concerning guardianship and advocacy. Third Reading of this House Bill."

Speaker Black: "And on that, the Lady from Cook, Representative Mulligan."

Mulligan: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 1910 amends the Guardianship and Advocacy Act, the Probate Act, in numerous ways and is the Bill this year for clean up of the Guardianship and Advocacy Commission. It has numerous parts to it. I can reference them briefly and then wait for any questions. The first part of the Bill which amended the Mental Health and

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Developmental Disabilities Code, has already been passed in another Bill and will be amended out in the Senate. The rest of it amends the Probate Act to provide guidelines for evaluation reports used in guardianship proceedings, to provide guidelines for the guardian ad litem to follow in preparation for the guardianship hearing, to provide a guardianship summons that describes the guardianship proceedings and the respondent's rights to provide inquiries the court shall make in a guardianship hearing, to provide that a plenary guardian shall be appointed only if limited guardianship will offer insufficient protection, to provide that the office of the state guardian need not have sureties as security bonds...a security on its bonds and to provide that notice of citation proceedings, claims against a ward's estate and claims of a representative or attorney for a representative must be given to the guardian. It would become effective immediately. Several parts of this are very advantageous to senior citizens as it prints out in large print, terms of a summons of the proceedings which has not done before. It has only been addressed in several lines. It does not make the guardianship and advocacy office responsible as the guardian ad litem in all cases, as their only intention was to be the guardian of last resort. And I certainly will stand for any questions if we could proceed."

Speaker Black: "And on House Bill 1910, the Gentleman from Cook, Representative Lang."

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

Speaker Black: "She indicates she will."

Lang: "Thank you. Representative, this is a very comprehensive Bill. This was for the Guardianship and Advocacy Commission. Is that correct?"

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Speaker Black: "Representative Mulligan."

Mulligan: "Yes, Representative."

Speaker Black: "Representative Lang."

Lang: "Are there any state agencies that are opposed to any portion of this lengthy Bill?"

Speaker Black: "Representative Mulligan."

Mulligan: "Not to my knowledge. It is my understanding that there are none that are opposed."

Speaker Black: "Representative Lang."

Lang: "There may be some parts of this Bill that have a cost. What would those parts be and what would the cost be?"

Speaker Black: "Representative Mulligan."

Mulligan: "To my knowledge, there are no costs. It would probably lessen some of the costs. The only difference would be in perhaps printing the summons in a little longer fashion so that it is readable, particularly to elderly people."

Speaker Black: "Representative Lang."

Lang: "Representative, in some areas, you are relieving the state guardian from certain duties to serve as guardian ad litem. Who is going to pick up these duties? And tell us why this is a good idea."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, in years, particularly the last two years, guardian ad litem has been used increasingly more by the court. Sometimes they do not look to family members or other people who could serve in this capacity. It goes to attorneys who may take money out of the estate and there is no reason not to have say, children who are in-state looked to first to do that function, rather than to always use the guardianship and advocacy office. When they were first commissioned, this was not their duty, to be the guardian ad litem for everyone. That has only come on recently and

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there is supposed to be a guardian of last resort not to be used or routinely just appointed by the court without searching for someone else to serve in that capacity."

Speaker Black: "Representative Lang."

Lang: "Representative, in another section of the Bill, you authorize a petition for the appointment of any other person other than the state guardian if the state guardian determines that the filing may avoid the need for state guardianship. By authorizing a petition for any person, you don't clearly indicate whether the person should be qualified or willing to act as the guardian. You seem to propose that the petition filing process alone may relieve the state guardian of any responsibility. Explain this to us."

Speaker Black: "Representative Mulligan."

Mulligan: "Sir, I'm not exactly sure what section you are referencing, but I would think absence of a specific number, that the court should be able to determine that and as an authority, they should be able to determine whether the person is qualified to serve."

Speaker Black: "Representative Lang."

Lang: "Well, I'm sorry you can't figure it out where it is in the Bill because it is on page 1, the very first section of your Bill, Representative. It's called Section 30 and it allows for the appointment of any other person if the state guardian determines that the filing may avoid the need for state guardianship. But you don't indicate whether that person, whose name appears on the petition, needs to be qualified in any way or needs to be certified in any way. You don't mean to create a situation where merely the filing of that document relieves the state guardian of that responsibilities do you?"



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Speaker Black: "Representative Mulligan."

Mulligan: "This is clarified in the next section. Representative, I am sorry that... There are numerous sections of this Bill, probably twelve, and that is why I just wondered which one you were referring to. In the following section, it does state that in all cases where the court appoints a state guardian, they would indicate that there was no other suitable and willing person. I would assume that that would also mean that the court would identify a suitable and willing person in the proceedings prior to that."

Speaker Black: "Representative Lang."

Lang: "Well, so if... The question was, do you feel that the filing process alone should relieve the state guardian of any responsibility or do we need a court order before that happens?"

Speaker Black: "Representative Mulligan."

Mulligan: "I'm sorry, Representative Lang, would you repeat that?"

Speaker Black: "Representative Lang."

Lang: "Yes. The Bill does not seem to indicate that a court order is necessary before the state guardian is relieved of that responsibility. It seems to indicate that merely filing the petition in court, before a court order would relieve the state guardian of their responsibility. I don't think you mean to do that and I would ask you to turn to the Bill and show me that it required the order to be entered before the state guardian is relieved of their responsibility."

Speaker Black: "Representative Mulligan. Excuse me, Representative Mulligan, the five minutes has run out. Will you get to your answer, please?"

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Mulligan: "Representative, if you could just give me the section you are referring to."

Speaker Black: "Representative Lang."

Lang: "Well, in the very first section of the Bill, Section 30, the underlined

section, it refers to the appointment of any other person, if the state guardian determines that the filing of the petition may avoid the need for state guardianship. That seems to indicate that merely the filing, gets the state guardian off the hook. I don't think you mean to say that. I think you mean to say, the filing and a subsequent order of court relieves the state guardian, but that is not what the Bill says. The Bill says that merely the filing, even if the court has not entered an order, even if the case languishes in court for years, relieves the state guardian of their responsibilities. I think you want to get the order entered before you relieve the state guardian of their responsibilities."

Speaker Black: "Representative Mulligan."

Mulligan: "It is my understanding from staff that this refers to when the state guardian was asked to petition in the OBRA proceedings."

Speaker Black: "Yes, Representative Lang."

Lang: "Well, thank you, Mr. Speaker. Representative, I think you want to take a look at this. I would invite you to clear this matter up by taking the Bill back to..."

Speaker Black: "Excuse me, Representative Lang. I have given you seven minutes. Will you bring your remarks to a close?"

Lang: "I would invite you to either hold this now on Third and take a look at this or move it back to Second and repair this area. It is not a serious breach. I understand what you are trying to do and I have no objection to it. I

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support the folks that you are trying to help here today. But I just mean...you don't want to create a situation where there is a gap, where the state guardian is relieved of his responsibilities, but no one else has the responsibilities either. And I think you need one more sentence in your Bill to clear that up."

Speaker Black: "There being no one seeking recognition, Representative Mulligan, what is your desire?"

Mulligan: "I feel, quite frankly, that a number of attorneys have put this Bill together and it was looked over in Committee and if the Representative has, out of a Bill that has twelve different sections and some far reaching points and it will be amended to take out one portion of it in the Senate, that if he would show it to me after it has been passed I will make sure that when they amend it in the Senate, if his sentence that he would like added is of merit and other attorneys look at it, I am not an attorney in the probate area, I would be more than happy to have that done. But since it is such a far reaching Bill and we have so many matters, I would certainly like to close and hope for a favorable vote on this, particularly since it is very favorable to senior citizens and I think it will help identify where the state guardianship office should be working and where they shouldn't."

Speaker Black: "Thank you, Representative. Have you closed on the Bill or do you wish time to close?"

Mulligan: "I think out of the twelve sections, there is only one sentence that the Representative is opposed to and every agency and everyone that I know came out of Committee with all votes. I would ask for a favorable vote and that would be my close. Thank you."

Speaker Black: "The question is, 'Shall House Bill 1910 pass?'"

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All those in favor vote 'aye'; 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. Mr. Clerk. Mr. Clerk, take the record. On this question, there are 104 voting 'yes', 0 voting 'no', 9 voting 'present'. This Bill, having received the Constitutional Majority, is hereby declared passed. On the order of Second Reading and on page 5 of the Calendar, appears House Bill 1023. And on that, the Gentleman from Kendall, Representative Cross. I'm sorry. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #1023 has been read a second time previously. Committee Amendments #1, 2, 4 and 5 have been adopted. Committee Amendment #3 tabled. Floor Amendment #6, offered by Representative Cross, is approved for consideration."

Speaker Black: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. Ten twenty three and this Amendment, primarily this Amendment, is...was an attempt through the Judiciary Civil Committee to consolidate a variety or several Bills and condense them down or consolidate them down in this Amendment, as well as some other former Bills that became part of 1023. These are primarily Bills that I sponsored and some others on behalf of the Chicago Bar Association, in many respects, their clean up...some clean up language in other respects. It's not... I'll try to go over the pertinent provisions right now and as quickly as I can. The first part of Floor Amendment #6 amends the Criminal Code that would provide that harassment of a person appointed to represent the interest of a minor, whether pursuant to the Marriage and

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Dissolution Act, the Uniform Child Custody Act or the Code of Civil Procedure, become a Class 2 felony, provides secondly, that we can use mail notice of a petition or motion to remove a decedent's representative rather than service a process as is the current procedure. With respect to actions on contracts to make wills, provides for a limitation or a statute of limitation period extending up to two years after the death of the decedent. And finally, it amends the Probate Act to provide that a person adopted as an adult, which would be someone over 18 years of age who never lived with his adoptive parents, is for the purposes of inheritance, a child of the adoptive parents. I'll try to answer any questions. This Amendment got out of Committee last night without any opposition. I don't believe there is any opposition. I am not aware of any. I have not received any statements of opposition from anyone or slips or letters, but I will be glad to answer any questions."

Speaker Black: "And on the Amendment, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, I have a couple questions. I was in the Committee last night too, and we went through this sort of a little bit quickly. Are the provisions in, that started on page 4...the bottom of page 4 on the Amendment, are those a CBA Bill or... The bottom of page 4 in the Amendment, is that a CBA Bill and if so, which one was that?"

Speaker Black: "Representative Cross."

Cross: "Tom, I cannot hear you. I am sorry."

Speaker Black: "Representative Dart."

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Dart: "Thank you. On page 4...at the bottom of page 4, that section that is being amended there, was that one of the CBA Bills and if so, which one was it?"

Speaker Black: "Representative Cross."

Cross: "Representative, it was part of another Bill that was in Judiciary 1 and I'm getting you the number of it. That Bill had some controversial language, so this was the compromised language. If you can wait one second, I'll give you that former Bill, but this is compromised language."

Speaker Black: "Representative Dart."

Dart: "Yeah. Let me throw in my concern to you, too, so maybe you could take a peak at it then. My concern is looking at that Bill, on its face, the language looks like we are disenfranchising adopted children so that they can't inherit from the descendants the people who adopt them after the age of 18. And I am trying to figure out why we would want to do that. It looks as if we are distinguishing people who are adopted after the age of 18 and saying that they cannot inherit from their descendants and... That is what it looks like on its face and that really concerns me a great deal if that is what we are doing. I don't understand why we would want to do that for these adopted kids."

Speaker Black: "Representative Cross."

Cross: "Representative, that is a good question. You still have the ability, after 18, to inherit from your parents, your natural parents. But what it says at the line below, the descendants after your parents is what we are talking about under the language of that Bill."

Speaker Black: "Representative Dart."

Dart: "I see that and I truly... I just don't understand why..."

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I don't understand why we would want to do that. Could they not...I mean a will or the like. I mean, this is an older child. They could, I mean, delineate all those things. I mean, I don't understand why we would want to treat a child who is adopted any different. As I understand, they would still be able to inherit from their parents, but their parents relations, they would now be barred from doing that. As I said, I'm just not sure if this is a case law we are codifying or something. But to me, it doesn't make sense why you would want to treat an adoptive child different in this situation."

Speaker Black: "Representative Cross."

Cross: "Representative, I think...just a couple of points in response. One, we are talking about an adult, not a child. And second, there is nothing that prohibits from in a will, any of these...any of the people you are talking about, from including this adult. And I think the distinction though, between a child and an adult is an important one."

Speaker Black: "Representative Dart."

Dart: "It's technically not a child because it is over 18 years of age, but when someone has gone to the extent of adopting an individual; 18, 20, whatever it is, quite often that might be the case of a relative or someone, somebody who passed away, whatever and they may have adopted the child. If in fact they don't have a will though, this would prohibit certain things. I see what it is doing here. I'm just trying to understand the rationales to what is the bigger picture, as far as why we are doing this. What is the societal reason? What is the reason we are doing this period? I just don't understand why we want to distinguish a child or an adult, someone who is over 18 who is adopted and there is no will, why they should not be able to

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receive something if someone passes away, via inheritance.

I don't understand the reasoning behind that."

Speaker Black: "Representative Cross."

Cross: "Well, Representative, once again and I don't want to be repetitive, but we are talking about an individual that is over 18 that has...most likely had no contact with the rest...whether it is an aunt we are talking about or an uncle or a sister or a brother that might be in line after the death of the adopting parent. If the adopting parent wants to include the minor...I'm sorry, the 18 year old or over in his or her will, then they have the right to do that. But to..."

Speaker Black: "Representative Dart, your time has expired. You have one more question? Proceed."

Dart: "Representative, I apologize for not more fully debating this last night when we had this in Committee. I didn't look through the entire Amendment to this particular section. I guess my point is, after the discussion on this, maybe you and I can talk about it and take a look. I just, as I say, if there is a CBA initiative that is based on case law and there is a reason for us doing that, I am very open in listening. But on its face, it looks as if an 18 year old who is adopted, whose parents either can't afford to or just don't know about wills, don't have a will, could be locked out of some situations and I just don't agree with that and I'd be happy to talk to you afterwards about it, though."

Speaker Black: "Representative Cross."

Cross: "I'm sorry. I did not hear that. Tom, Representative, if there is some things that we can continue to work on, either now or over...when it gets over to the Senate, if it does or once it gets to Third Reading, I'd be glad to talk



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to you. There is not an attempt here to try to trick you or anyone else in throwing this through. We thought we had some language that was agreed to by everyone and I know you worked part of it and I didn't know you had an interest. But I'd be glad to talk to you more and I know that, Representative, that Chicago Bar Association would be glad to talk to you, too."

Speaker Black: "Ladies and Gentlemen of the House, on behalf of Representative Giles, I would...I'm sure we would join Representative Giles in welcoming the Percy Julian High School Julian Ensemble in the Gallery. They have been playing some outstanding music down in the rotunda today. Welcome Percy Julian High School Jazz Ensemble. For further discussion on Floor Amendment #6, the Gentleman from Cook, Representative Lang."

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

Speaker Black: "Indicates he will."

Lang: "Representative, I have the same problems with the adoption provisions that Representative Dart did. Did I understand you to say that you were going to get back to us on this? I didn't hear what you planned to do with this problem."

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I said I'd be glad to work with them or work with others when it went over to the Senate or work with the Chicago Bar Association. This is a first... This thing went through Committee and was Committee Amendment #3 apparently and then we have since tried to clean up some opposition that others had in the Committee. I wasn't aware of any opposition up to this point. All I was saying earlier to Representative Dart, is that I would be glad to talk to you about it when we can. I haven't heard of any opposition ever until this time and there

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wasn't any in Committee. I'm not trying to slide anything through or trick you or Representative Dart, but I know that the CBA would be glad to work with you, as they have in the past and will continue to do that."

Speaker Black: "Representative Lang."

Lang: "Do you plan to run this on Third Reading today?"

Speaker Black: "Representative Cross."

Cross: "Representative, my understanding was we were just going to add this Amendment today and then we would stop at this point and get it on Third."

Speaker Black: "Representative Lang. Representative Flowers, are you seeking recognition on the question? The Lady from Cook, Representative Flowers. He is finished."

Flowers: "Representative Cross, I'm trying to understand and get clarity on this Bill and I don't have the Bill in front of me. But did I understand Representative Dart to say, that if an adoptee is 18 years or older, that he or she would not be entitled to their parents' inheritance?"

Speaker Black: "Representative Cross."

Cross: "No, Representative, that is not accurate. They still, under this Bill, would inherit...have the ability to inherit under their parents."

Speaker Black: "Representative Flowers."

Flowers: "Specifically, Representative Cross, what does this Bill do?"

Speaker Black: "Representative Flowers, this is not a Bill. This is Floor Amendment #6 and I believe Representative Lang has indicated it is not going to Third Reading. Do you want to persist in your questioning? Proceed."

Flowers: "Representative Cross, what does this Amendment do?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, it amends the Criminal Code to

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provide that...the harassment of a person appointed to represent a minor, but make that a Class 2 felony, trying to protect those that are in the role of representing minors. Two, it...when we have contracts for...to make wills, we have a statute of limitations of up to two years. When we are trying to move a decedent's representative, we can do that by notice...mail notice instead of service of process."

Speaker Black: "Representative Flowers."

Flowers: "Thank you, Representative Cross."

Speaker Black: "With no one seeking recognition, Representative Cross to close."

Cross: "I would just appreciate a favorable vote on the Amendment. Mr. Speaker and...we will work with Representative Lang and Dart and Representative Flowers if there are other questions before it moves on."

Speaker Black: "The question is, 'Shall Amendment #6 be adopted to House Bill 1023?' All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The Amendment is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments, but a fiscal note has been requested on the Bill, as amended, by Amendment #6."

Speaker Black: "The Bill will remain on Second Reading. If I could have the attention and indulgence of the Members, we also have another school group with us in the Gallery. The McKinley Elementary School from Elgin is with us. They are guests of Representative Doug Hoeft. McKinley Elementary School from Elgin, welcome to Springfield. Turn to the order of House Bills - Third Reading. House Bill 2240. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #2240, a Bill for an Act to create

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Patient Access to Treatment Act. Third Reading of this House Bill."

Speaker Black: "And on the Bill, the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker. Ladies and Gentlemen of the General Assembly, 2240 creates the Patient Access to Treatment Act. What it would do, it would provide that managed care entities may not deny or limit reimbursement to a member for dermatological services on the grounds that the member was not referred to the provider by a person acting on behalf of the managed care entity. Very simply stated, Ladies and Gentlemen, what this Bill would do is allow direct access to dermatologists by members who are members of an HMO."

Speaker Black: "And on that question, the Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "Indicates he will."

Granberg: "Representative Rutherford, why the necessity for this legislation? Do dermatologists differ than other practitioners, different types of medical services?"

Speaker Black: "Representative Rutherford."

Rutherford: "Thank you, Representative, for that question. It is very good in the fact that dermatologists serve diseases of the skin. And for that reason, you very obviously can tell physically, just by sight, that you have some type of a problem and a need for that specialty of a physician. So, that is different than let's say, some other type of special internists and the like."

Speaker Black: "Representative Granberg."

Granberg: "Representative, are you familiar with any studies or any previous experience with different types of companies

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where they've utilized this type of system to bypass the managed care policy?"

Speaker Black: "Representative Rutherford."

Rutherford: "Thank you, Representative. Yes, there are states that do that. In fact, I am trying to quickly leaf through my notes here. I know the one of them for fact, is our John Deere HMO program here in the State of Illinois, but there are...the Kaiser facility has that. Also, in Missouri, the Physicians Health Plan of Greater St. Louis and Wisconsin, the Middlefort Health Plan, in Wisconsin, the Green Bay Health Plan, Michigan Henry Ford Health Plan. So, there are a number of other health plans throughout the states as well as some here in the State of Illinois that do provide for direct access."

Speaker Black: "Representative Granberg."

Granberg: "Representative, we are talking about a large system in Illinois Managed Care and the need for a gate keeper on those services. From the studies with the experience you have indicated in other states, are they comparable to Illinois? Can they be easily identified here, as well as in Missouri or with the other policies?"

Speaker Black: "Representative Rutherford."

Rutherford: "I mean, obviously, that can be somewhat of a subjective question. But I do think that these studies do show that they are very comparable size and quantity populations within those."

Speaker Black: "Representative Granberg."

Granberg: "Representative, are you aware of any hypothetically...not hypothetically in reality, an HMOs that have utilized this practice or policy with the exception of certain types of treatment, as in the case with dermatologists?"

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Speaker Black: "Representative Rutherford."

Rutherford: "Just to clarify the question. You are asking if there is any other specialties that are using a direct access aside from dermatologists? If that is your question, there are none that I am aware of."

Speaker Black: "Representative Granberg."

Granberg: "Representative, let me rephrase that. Have any HMOs engaged in this policy previously, where we can...if we do this in Illinois, we know from their experience that dermatologists...this would be an accepted practice that they would no longer or they would not be needed...that policy would not need to go through a gate keeper that in fact, would work with some HMOs from previous experience?"

Speaker Black: "Representative Rutherford."

Rutherford: "Yes. Thank you, Representative. Yes, there are examples to that and one of them is our own John Deere Health Plan here in the State of Illinois, where they do have direct access to dermatologists and there are some in a number of other states, where this is a live example, that we can see this actually does go about helping to save money for the programs."

Speaker Black: "Representative Granberg."

Granberg: "Representative, I've been informed though, that a large HMO has previously utilized this policy. Is that the case?"

Speaker Black: "Representative Rutherford."

Rutherford: "Yes, Representative, thank you. It is the Kaiser HMO. It is the largest and most famous HMO in America. They went in... In 1981 they reviewed this practice to permit this and to allow this direct access. It has been quite successful with them as well."

Speaker Black: "Representative Granberg."

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Granberg: "So, in fact, that is the case that they have been successful in utilizing this procedure with this HMO and others. That is correct?"

Speaker Black: "Representative Rutherford."

Rutherford: "That is correct."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Representative Rutherford. I believe Representative Erwin has some questions. I believe she has some great concerns with this. I guess she addressed them in Committee. But from the information I have read and the answers to my questions, I stand in support of your Bill. I can certainly understand the reason why this would be the exception to the policy. It seems practical to me, a matter of common sense and I support your legislation."

Speaker Black: "Further discussion? The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. As the Sponsor knows, I did raise a number of questions in Committee about this Bill. Now it seems to me, Representative Rutherford, that when someone enters into an agreement with the managed care, whether it is an HMO, if you have the choice, like state employees do, or your employer gives you the option or your employer because they want to have their employees have health insurance, use managed care which I think is a good idea. We are...seem to be in agreement with that. There is a great benefit to the employee. One is, that most managed care and HMOs provide a great deal of preventive care that otherwise is frequently not covered. And I for one, am a most very strong proponent of that. From their perspective though, it seems to me, they have a right to be able to have someone be a gatekeeper, as others have referred to it. And I think it makes logical good common

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sense. Someone who is watching over you as a whole person, knows your medical history. And while I appreciate the fact that you are contending here, that dermatology is something that is visible to the eye, let me suggest to you that many of the diseases that might manifest themselves in diseases of the skin or come through in a visible way, may have their origin or their genesis in something far more serious: your brain, your heart, your liver. I mean there may be things that indeed a neurologist, a cardiologist or other specialists would need access to. So, I think that while I surely appreciate the great work that dermatologists do, my family has a long history of skin cancer and has seen dermatologists for many years, I think this is a bad idea. I also, just think that as this agreement that one enters into with a managed care or an HMO, that the employees' part of this deal is that they usually have lower health care costs. And I think that you are trying to have your cake and eat it, too. And I just...I don't think it is a fair thing. Let me also just finally say, that I find this very unusual in that we are really mandating, this is a new mandate on health insurance. I have sponsored mandates on health insurance. One of them was to provide the patient care costs and clinical trials for cancer patients. Now, I can think of some good things we ought to be mandating and in fact, I have sponsored some of those Bills. I was told, we are not mandating anything in health insurance these days. This is clearly a mandate. I think that we need to allow managed care and HMOs to voluntarily do this if they make the decision, but I really don't think we ought to be mandating it and I rise in opposition."

Speaker Black: "Further discussion? The Gentleman from Macoupin,



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Representative Hannig."

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

Speaker Black: "Indicates he will."

Hannig: "Yes, Representative, how does this affect the managed care plan that the State of Illinois currently has and is negotiating with the federal government in the waivers? Does this proposal that you have, if it is enacted, will that impact us and if so, how?"

Speaker Black: "Representative Rutherford."

Rutherford: "Thank you, Representative, for that good question. It actually would affect in the fact that, you know, if we were to add this into law, it would have to be a part of the contracts that we would have with the managed care providers for the State of Illinois systems as well."

Speaker Black: "Representative Hannig."

Hannig: "Now, I don't recall last year when we were putting that proposal together and trying to fine tune the Governor's proposal. And we had line by line discussions down in Room 114, I'm not sure this issue even came up. Can you tell me why this group would come in at a later date now and ask to become part of this program?"

Speaker Black: "Representative Rutherford."

Rutherford: "Representative, the Department of Public Aid is not opposed to this. The Department of Insurance is not opposed to this. It is actually coming as a piece of legislation that we have seen having been implemented in other states and felt it was time to have it here in the State of Illinois. If I could add one more part that I think may help your discussion here, Representative, and also would refer somewhat to Representative Erwin's comments earlier. What we are talking about here is, is the law would allow for the managed care provider to have

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in it a reasonable co-pay if the individual decided to go directly to the dermatologist. So, in regards to this being an individual's choice and in regards to cost for the provider, we do have provisions in here and there can be a reasonable co-pay to that. I did want to get that clarified, Representative. Thank you."

Speaker Black: "Representative Hannig."

Hannig: "When you heard the Bill in Committee, did any representatives from the HMO, did they testify one way or the other?"

Speaker Black: "Representative Rutherford."

Rutherford: "Representative, there was no opposition by any witnesses outside of Representative Erwin's good comments and concerns on it."

Speaker Black: "Representative Hannig."

Hannig: "And do you have any thoughts one way or the other, if this is enacted as part of the state's plan as to what the cost might be to the tax payers in Illinois?"

Speaker Black: "Representative Rutherford."

Rutherford: "Actually, Representative, all studies that I have show that it would actually save us money, that the number of studies have been done...have shown that this would not be a cost, but it would actually be a savings to the programs."

Speaker Black: "Representative Hannig."

Hannig: "Thank you. I appreciate your responses on those questions."

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

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

Speaker Black: "Representative Spangler has moved the previous question. The issue before us is, 'Shall the main question

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be put?' All those in favor signify by saying 'aye'; opposed, 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Rutherford to close. Excuse me. Representative Ryder, you're Cosponsor of the Bill. Does Representative Rutherford desire you to close on the Bill?"

Ryder: "Yes."

Speaker Black: "Proceed."

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen. It's obvious that this is a Bill on which a reasonable people can disagree; however, I would indicate to you that on...on something as obvious as a skin disease, that a dermatologist should be the first choice. And, in fact, in those HMO's that have used the dermatologist as first choice, they found that it saves them money because it does not cause the additional cost of the gate keeper to say, 'Yes, that looks like a skin cancer. You need to see a dermatologist.' It is something that you can see yourself. In the event that it's something that's indicative of further assistance from other specialists, the dermatologist is trained to do just that. As the John Deere HMO here in the State of Illinois and the Kaiser Program have indicated, we believe that it actually saves money. It's supported by several organizations, including the Medical Society and the Dermatologist Society. I would ask your support for this issue."

Speaker Black: "The question is, 'Shall House Bill 2240 pass?' All those in favor will vote 'aye'; opposed 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, there are 100 voting 'yes', 1 voting 'no', 8 voting 'present'. This Bill, having received the Constitutional Majority, is

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hereby declared passed. Ladies and Gentlemen of the House, with your indulgence, many people are coming to the well and asking about rumors that are going around the floor on the situation in Oklahoma City. The Clerk has been monitoring...having someone monitor CNN in his office and the Attorney General of the United States has evidently having a press conference. She indicates that one suspect has been arrested, I believe in Perry, Oklahoma. They have leads on another suspect and the case is evidently unwinding as we stand here, and that's all we know at this time. Committee Reports, Mr. Clerk."

Clerk McLennand: "Committee Report from Representative Churchill, Chairman of the Committee on Rules, to which the following Bills were referred, Bills, Resolutions and Amendments referred, action taken on April 21st, 1995, reported the same back with the following recommendations: 'do approve' for consideration Floor Amendment #3 to House Bill 630; Floor Amendment #3 to House Bill 884; Floor Amendment #5 to House Bill 1221; Floor Amendment #1 to House Bill 1807; and Floor Amendment #7 to House Bill 2230."

Speaker Black: "Returning to the Order of Second Reading on page 6 of the Calendar appears House Bill 1237. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill #1237, the Bill's been read a second time previously. Amendment #...Committee Amendment #1 was referred to Rules, Committee Amendment #2 referred to subcommittee, Floor Amendments 3, 4 and 5 have been referred to Rules. Floor Amendment #6, offered by Representative Cross, has been approved for consideration."

Speaker Black: "And on Amendment #6, the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. House Bill 1237 originally had

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dealt with aggravated stalking. The Amendment #6 replaces all of the original language and starts over with some new language that deals with the issue of jackrocks, also known as caltrops. And it provides that a person who knowingly, very important word there, knowingly sells or gives away, manufactures, purchases or possesses a jackrite...jackrock or knowingly places, tosses or throws a jackrock on public or private property commits a Class A misdemeanor. Many of you have seen the item or the objects...object that I'm holding up. It's a jackrock. These have been utilized throughout this state in numerous...or in a variety of locations where there have been some labor fights, and they've been used to damage vehicle tires, among many other...among other types of damage. This Amendment hopes to address that. Right now it's not against the law to utilize these jackrocks or possess them. This is an attempt to put an end to some very damaging, severely damaging, action on parts of many, and I'll try to answer any questions."

Speaker Black: "Questions on Floor Amendment #6? The Gentleman from Washington, Representative Deering."

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

Speaker Black: "He indicates he will."

Deering: "Representative, these jackrocks, can you tell me who makes these things?"

Speaker Black: "Representative Cross."

Cross: "Most of them, Representative, appear to be homemade. I'm not aware of any companies that manufacture these. The ones that I've seen and been exposed to are rather crudely made, appear to be made by individuals. I'm not aware of any manufacturers that actually make them."

Speaker Black: "Representative Deering."

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Deering: "And again, you say they are used for destruction of tires on vehicles. What types of vehicles?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, actually the...if you look up the definition of a caltrop, which is the true word here, the true definition, they were originally used in the wartime to hinder the enemy cavalry, as the dictionary says. Currently, they are used...they have been used to destroy people's tires that have been going into plants like Caterpillar. They've been thrown into the driveways of management people and strikebreakers. They've also damaged other people's vehicles, like school buses, and certainly these areas that have driven over. They're thrown on the driveways and on the streets in large quantities, so they can potentially damage any type of vehicle's tires."

Speaker Black: "Representative Deering."

Deering: "Has anyone been arrested? There's... Has there been any proof of who's using these types of devices?"

Speaker Black: "Representative Cross."

Cross: "Representative, I don't know any...I don't...I'm not prepared to talk about any specific cases. This Bill would, of course, require the State's Attorneys Office and the Sheriff's Office to analyze a case before they charged anyone and make sure they had witnesses to support their case. But I'm not aware of any...I'm not prepared to go on any particular cases."

Speaker Black: "Representative Deering."

Deering: "Is this a mandatory...Is this mandatory legislation or is this permissive county by county? Because as I read the Amendment, the Amendment to me says that anyone who manufactures or possesses or sells or gives away a jackrock can be convicted...can be convicted of a Class A

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misdemeanor. The Representative outside just...the Gentleman outside just passed some information that it's up to local jurisdiction."

Speaker Black: "Representative Cross."

Cross: "Well, Representative, this amends the Criminal Code. And when you amend the Criminal Code, it would apply to every county in the State of Illinois."

Speaker Black: "Representative Deering."

Deering: "Okay, also in the language here, it says on the Amendment, line 16, a jackrock means a caltrop or other object with two or more sharpened points or other similar device intended to use to damage vehicle tires. Could this be a gig that you use for frog gigging? If someone has one of these hung up in their garage, can they be charged with a misdemeanor for having this frog gig in their garage?"

Speaker Black: "Representative Cross."

Cross: "Certainly not the intent of this legislation, Representative, to go after frog gigs."

Speaker Black: "Representative Deering."

Deering: "But it has...but it has the sharp points. Why would it not pertain to a frog gig?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I guess we can start looking at any example, come up with any hypothetical you want, I don't...It's not my intent and I don't believe it's the...this legislation...that this legislation applies to frog gigs. And I have enough faith in the State's Attorneys in this state that they'll use discretion in charging people."

Speaker Black: "Representative Deering."

Deering: "Representative, I saw what you was holding up in your hand. I'm familiar with it. Now I've also seen some types

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of jewelry that have been made, fashioned after this now. How will this pertain to the types of jewelry that some of these people throughout the state wear as earrings or as hatpins or whatever? Will this pertain to that type of material also?"

Speaker Black: "Representative Cross."

Cross: "Representative, the operative language in here talks about intended to be used to damage vehicle tires. I'm not sure that I've seen any jewelry that my wife has, for example, that can damage vehicle tires."

Speaker Black: "Representative Deering."

Deering: "Well, I'm glad to know that you keep pretty close tabs on your wife's jewelry. That's a very fine, very fine legislative intent, and I thank you for your time in this matter."

Speaker Black: "Further discussion? The Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Black: "Indicates he will."

Brunsvold: "Representative Cross, what's the penalty now if I throw one of these out and damage a tire and I get caught? What happens?"

Speaker Black: "Representative Cross."

Cross: "Representative, I'm...right now jackrocks don't apply, but potentially under your example, we could charge someone with criminal damage to property. I'm looking at the specific language there or the sentencing provision. I... Representative, it's a Class A, which is up to \$1,000 fine, a year in jail, unless it's damage to a property over...with a value of over \$300."

Speaker Black: "Representative Brunsvold."

Brunsvold: "So the penalty, the penalty as present stands...as it



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presently stands now with damage to property, is the same penalty you're going to require on this Bill?"

Speaker Black: "Representative Cross."

Cross: "It...this Bill only makes it a Class A misdemeanor. There are some criminal damage to property sentencing provisions that would be felonies. This remains just a misdemeanor, Representative."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Would you again indicate how much...there has to be an intent shown here to cause damage or... I'm a little confused on that. If I've got one, someone throws in one in the back of my pickup, and you know, I just want to make sure we're clear on that."

Speaker Black: "Representative Cross."

Cross: "Representative, that's...I've heard that example used and I...it's a fair question, but it's...that example is pretty far off. The language in this statute specifically says there has to be a knowing possession. It says, 'knowingly sells, knowingly gives away, knowingly manufacture, knowingly possesses' so the pickup example, the back of the pickup truck, you're not going to have, knowingly, in there. And without the ability of the State's Attorneys Office to show, knowingly, you cannot convict and I...frankly I don't think you can even charge anyone without that knowing."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Well, there's been a rumor around, Representative, that Representative Black has a jackrock collection. Would that be... How would that be affected?"

Speaker Black: "Representative Cross."

Cross: "I've heard he collects a lot of different strange things, Representative, but I don't know about jackrocks. But you

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might want to ask him that."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Thank you, Representative Cross, for the answers."

Speaker Black: "Further discussion? The Gentleman from Logan, Representative Turner."

Turner: "Thank you, Mr. Speaker. I rise in support of this Bill. Caltrops are illegal. They are...they are items of contraband inasmuch as they have no lawful purpose. They are different than jewelry, for example. Jewelry does have a lawful purpose to possess, even though they may be of such a nature that you could throw it out in front of a car and injure a tire. But these items that Mr. Cross has in his possession right now, are items that are only used to destroy property or damage property of another person. As such, they are nothing but contraband. If they are contraband, then it should be illegal to have them in your possession. As he has indicated, it does require under this Bill a knowing possession of such items. Therefore, I would urge that everyone vote for this Bill. It's a good Bill. Thank you."

Speaker Black: "Further discussion? The Gentleman from Effingham, Representative Hartke. Is Representative Hartke in the chamber? Representative Hartke's light burned out. The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor...will the Sponsor yield?"

Speaker Black: "Indicates he will."

Hoffman: "Representative, my question is about...first of all, let me say this. I think the intent of attempting to stop some of the violence and stuff that goes on, I see no problem with. The problem is with the drafting of the Bill and what is going to happen as a result of this Bill. First of all, the definition of jackrock under here could

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conceiv...indicates that it could be an object with two or more sharpened points. To me, that's a fork, or could be a fork. Is that correct? Could that be... Could a fork come under the definition here of jackrock?"

Speaker Black: "Representative Cross, on the question of dinnerware."

Cross: "Representative, I don't know if you've seen a jackrock or a caltrop, but talk about a dangerous weapon. Representative Spangler is right behind you with a couple jackrocks. You might want to look at them. But to answer your question, I think you're right. I agree with you. That's potentially... It's two or more points, the forks we have up where I live."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, that's my problem. My problem isn't with the intent of punishing people or trying to stop the use of these devices. The problem is with the definition contained in the Bill. So under this Bill, at least the way I read it, a person could sell or give away a fork to a young person, and that young person may have the intent, may have the intent of flattening a tire or doing damage to vehicle tires. And under this Bill, this Bill that person could be guilty of a Class A misdemeanor."

Speaker Black: "Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative, if you look at the definition of jackrock, it says, 'Two or more sharpened points or other similar device that is intended to be used to damage vehicle tires.' It seems to me with that language and we've tried to be very clear about it, it negates your fork argument. There has to be the intention to damage the vehicle tires."

Speaker Black: "Representative Hoffman."

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Hoffman: "That's my point. My point is...my point is, Representative, is the intention, It doesn't say whose intent it has to be. So the individual, the individual who gives away the fork or gives away the jackrock or gives away...or sells the fork or the object that is sharpened, does not have the intent to do harm to anybody. They just make a lawful act that another individual intends to use unlawfully. The problem is, is that under this Bill, the way it is written, the way it is drafted, it would say that's a Class A misdemeanor. There's no doubt that that's the way it's drafted, that's the way it's written. In addition, my problem is, is that the devices that are used many times to stop individuals from going in the wrong way into, for instance, a...into a parking lot and they have prongs on them that are sharpened so that you can't go in the wrong way or that are in such a way to stop activities that may be unlawful because you don't want them going in the wrong way, and they'll puncture your tires. Read in a literal sense, this Bill would outlaw those. Now I'm not saying to you that we shouldn't do something with regard to jackrocks. I'm not saying to you that it's right what goes on. What I am saying to you, is that if we're going to do something, let's do it right. The third problem I have with this, is that what we're talking about in this Bill is just mere possession. Now we have Bills that are out on the floor of the Senate, out on the floor of the Senate, that say you can carry...you can carry a concealed weapon. Now you can conceal a handgun in this state. That Bill is on the floor of the Senate. Under this Bill, we're saying...we're saying that it'll be a Class A misdemeanor if you conceal a sharp fork. We're saying it would be a Class A misdemeanor if you conceal an object that has two

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sharp prongs. We're saying it would be a Class A misdemeanor if you conceal a jackrock. So let's allow...let's allow guns to be concealed in this state, but let's not allow forks to be concealed on your person. Now give me a break. What we need to do in this state, is we need to address crime and we can work together and come up with something that's going to stop these type of activities. But to push something through with not having reasonable definitions and outlawing sharp forks in this state is absolutely ridiculous. I urge a 'no' vote."

Speaker Black: "Further discussion? The Gentleman from Kane, Representative Hoeft."

Hoeft: "Mr. Speaker, I would like to call the question."

Speaker Black: "The Gentleman from Kane has moved the previous question. And on that, the question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Cross to close."

Cross: "Very briefly, Mr. Speaker. This is a much needed piece of legislation. These things have become extremely...they've been used in an extremely dangerous way throughout the State of Illinois. It's very clear in this Bill that there's a knowing requirement before anyone can be charged. To respond to Representative, the last Representative real quick, it's very clear. It says, 'Two or more sharpened objects that are intended to be used to damage vehicle tires.' A fork is intended to be used to eat with. These things are used to damage vehicle tires. The other thing that they've been used for is they've ended up in people's lawns and lawnmowers are shooting them out. There is no redeeming value in a jackrock. There's no reason we should have them in this state. This is a much

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needed Bill, and I would appreciate a 'yes' vote. Thank you."

Speaker Black: "Yes, Representative Granberg, are you seeking recognition?"

Granberg: "Thank you, Mr. Speaker. I would just ask for a Roll Call on the adoption of this Amendment."

Speaker Black: "That's fine. It's your right. The question is, 'Shall Floor Amendment #6 be adopted to House Bill 1237?' And all that ques... All those on that question, all those in favor, vote...signify by voting, 'aye'; all those opposed vote 'nay'. Voting is open. Yes, we're voting on the Amendment. This is the vote on Amendment #6 to House Bill 1237. Representative Granberg asked for a Roll Call vote on whether or not the Amendment will be adopted to the House Bill. You're not voting on the Bill, you're voting on Amendment #6. Now, Representative Woolard, do you have a question about that? Proceed. All right. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this Amendment, 75 voting 'yes', 24 voting 'no', 12 voting 'present'. This Amendment, having received a Majority, is passed. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Black: "Any Notes filed?"

Clerk McLennand: "Fiscal Note, Correctional Budget Impact Note have been requested on the Bill as amended and they have been filed."

Speaker Black: "Third Reading. The Chair wants to advise that when we adjourn, when the House adjourns, which should be shortly with your cooperation, we will adjourn on a Death Resolution. We would appreciate your cooperation. Mr. Clerk, read the Adjournment Resolution, please."

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Clerk McLennand: "Senate Joint Resolution #42, offered by Representative Churchill. Resolved by the Senate of the 89th General Assembly, the State of Illinois, the House of Representatives concurring herein; that when the Senate adjourns on Thursday, April 20th, 1995, it stands adjourned until Monday, April 24th, 1995, at 4:00 o'clock p.m.; and when the House of Representatives adjourns on Friday, April 21st, 1995, it stands adjourned until April 24th, 1995, at 12:00 o'clock noon. Adopted by the Senate April 20th."

Speaker Black: "Representative Churchill now moves the adoption of the Amendment (sic - Adjournment) Resolution. All those in favor of the Resolution signify by saying 'aye'; opposed 'nay'. Opinion of the Chair, the 'ayes' have it. The Adjournment Resolution is adopted. We are not yet prepared to adjourn, so those of you heading for the door in a slippery fashion, perhaps should stay in your seats. Minority Leader Churchill in the Chair."

Speaker Churchill: "Ladies and Gentlemen, we are prepared to go to the Death Resolution of a former Member. As is our custom, will the Members please rise and give their fullest attention to the Resolution? Mr. Clerk, will you please read the Resolution?"

Clerk McLennand: "House Resolution #29, offered by Representative Skinner.

WHEREAS, The Members of the House were saddened to learn of the recent death of one of their distinguished colleagues, A. B. McConnell, former Representative from McHenry County, who died on March 6, 1995 in Woodstock; and

WHEREAS, Born on the family farm near Woodstock in McHenry County, he graduated from Woodstock High School and attended the

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University of Illinois, where he later served on the advisory committee of the college of veterinary medicine; and

WHEREAS, He served as a Republican Member of the House of Representatives during the 68th through 73rd General Assemblies, from 1952 until 1964, and served as Chairman of the Agricultural Committee; and

WHEREAS, Mr. McConnell served his community as a member and past chairman of the McHenry County Board for 14 years prior to serving in the House and also from 1975 until 1984; and

WHEREAS, He was also active with the Pure Milk Association, the Northeast Illinois Production Credit Association, the Illinois Farm Bureau, 4-H, the Woodstock Chamber of Commerce, the Woodstock BPOE Lodge, Moose Lodge, IOOF Lodge, St. Mark's AF&AM Masonic Lodge, and the Tebala Temple Shrine of Rockford; and

WHEREAS, He was honored with the IAA Distinguished Service Award in 1985; and

WHEREAS, His passing will be deeply felt by his family and friends, especially his wife, Pearl; his children, Jane Novak, A.B. III "Bo", David, and Sarah; 14 grandchildren; 23 great-grandchildren; his sister, Bess Woods; his stepchildren, Sharon Carey, Pam Peters, and Jan Behrens; and 30 step-grandchildren and great-grandchildren; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we note with sorrow and regret the death of our colleague, A. B. McConnell, and extend our sincere condolences to his family and friends; and be



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it further

RESOLVED, That a suitable copy of this Resolution be presented to his widow, Pearl McConnell."

Speaker Churchill: "The Chair recognizes the Gentleman from McHenry, Representative Skinner."

Skinner: "First of all, it should be noted that Representative Hughes is a Joint Sponsor. Representative McConnell suc...preceded both Ann and I in the Illinois General Assembly, and the only reason he lost was because we had a bed sheet ballot, and he was one of the ones on the lower part of the Republican side of the ballot. The first time I voted, he was on the ballot. And later on, he served with my father on the county board and he's a really honorable Gentleman. The one thing that I ran across that he probably would be as proud of as anything else, is that he was Chairman of the McHenry County Board when the McHenry County Board basically gave a plot of land to the 4-H Board to form our county fair. We lease it to the 4-H for a dollar a year. He definitely was Mr. Agriculture in our area. And I guess we should also note that nobody here knows who he is, and that's a commentary probably on how transient is our presence here in Springfield. He was here for 12 years 30 years ago, a little over 30 years ago. And after that, he served as an Assistant Clerk of the House, so he was looking at people like us right now, just as the Assistant Clerks are looking at us. We wish you were still around, unfortunately, in his later years, he had failing of the mind. And the last time I saw him was at a Kiwanis Inter Club meeting, and he was there with his wife Pearl. We in McHenry County will miss him and frankly, I hope that when we die that people here may miss us as much. Thank

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you."

Speaker Churchill: "The Chair recognizes the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. I had the pleasure to serve with A. B. McConnell as a county board member for some of the last years that he was a participating member in the community. He was a delightful person to work for. He...his loss represents the loss, a loss that we see almost daily in McHenry County and that is a part of our history that has been carried down through its early days of settlement in the 1830s, today of families who have lived and farmed in the county during that entire period of time. He is rich - his family has been rich, enriched the history of McHenry County. He, himself, has enriched the history of McHenry County and the lives of many of its citizens. One of the stories that I have heard about his tenure down here in the House is that he was very much involved in the legislation which provided for the white lines on the outer edge of highways. And many times, driving from here to home and from home down here on a foggy, rainy night or a snowy night, I have been very grateful for the white lines on the side of the road and thought of that contribution that he made to all of us. He will be deeply missed."

Speaker Churchill: "Representative Skinner now moves for the passage of House Resolution 29 and for...and that the House stand adjourned until Monday, April 24th, at the hour of 2:00 p.m. All those in favor, signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and House Resolution 29 is passed. The House does stand adjourned until Monday, April 24th, at the hour of 2:00 p.m. allowing for perfunctory time for the Clerk -

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from 12:00 till 2:00 p.m. on Monday."

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