

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

121st Legislative Day

April 26, 1996

Speaker Daniels: "The House will come to order. The Members will please be in their chairs. Those not entitled to the floor will please retire to the gallery. The Chaplain for the day is Pastor Herb Knudsen of the First Christian Church in Bloomington, Illinois. Pastor Knudsen is the guest of Representative Bill Brady. Guests in the gallery may wish to rise for the invocation. Pastor Knudsen."

Pastor Herb Knudsen: "Let us pray together. O God, our Creator and our Lord, how majestic is Thy name. We marvel at Your...which surrounds us and nurtures us and sustains us. Your blessings toward us are far more than we can count or deserve, but in these quiet moments, we recall the diversity and the presence of Your gifts in our midst. Our families and our friends, our critics and our supporters. The colleagues whose particular deaths surround each of us here, as well as those across the aisle. The constituents from the poor and beleaguered single parent to the the regular working Jane and Joe, to the wealthy corporate executive. From the little leaguer to the big leaguer. All those whom we seek to represent. From the teeming urban centers to the expansive rural farm lands which make up the millions of miles in this wondrous state we call Illinois. O Lord, our Lord, we call them into memory. We visualize them and we thank You for them. For indeed, each one of them is a child of Your creation made in Your image with whom we are called to live in community and together to build up Your Kingdom. Not our will, but Your will be done. Your will which calls for justice and mercy, love and compassion, generosity and peace. Especially this day, O Lord, we lift into Your comfort and healing presence, those of our neighbors suffering from the ravages of weather. The tornadoes and winds which swept across our

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land so viciously this week. Help us to be sensitive and responsive to their needs in this time of crisis. And finally, O Lord, I pray for this Assembly gathered here today. May the honor and responsibilities entrusted to these leaders be guided by Your wisdom, Your vision, Your grace, Your truth. May Your love help us to bind up all their diverse and competing interests together, as it also builds them up into a greater good. All these things we pray with our whole heart, mind, and spirit. Amen."

Speaker Daniels: "Thank you, Pastor Knudsen. We'll be led in the Pledge of Allegiance by Representative Bill Brady."

Brady - 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 on the Democratic side of the aisle for any excused absences."

Currie: "Thank you, Speaker. Please let the record reflect that Representative Granberg is still out of the country on official business. Representative Martinez is excused because of illness. Representative Kotlarz is excused because of a death in the family. And Representative Laurino is also excused."

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

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

Speaker Daniels: "The record will so reflect. Mr. Clerk, take the Roll. There are 112 Members answering the Roll, and a quorum is present, and the House will now come to order.

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Committee Reports."

Clerk McLennand: "Committee Report. Committee Report from Representative Churchill, Chairman from the Committee on Rules, to which the following Bills and Resolutions were referred, action taken on April 25, 1996, reported the same back: 'do approve for consideration' to the House Floor Senate Joint Resolution 97. Introduction of Resolutions. House Resolution #101, offered by Representative Myers. House Joint Resolution #105, offered by Representative Mitchell."

Speaker Daniels: "Mr. Clerk, what is the status of House Joint Resolution Constitutional Amendment #36, on page 6 of the Calendar?"

Clerk McLennand: "HJRCA 36 was read for a second time in full yesterday, April 25."

Speaker Daniels: "Please read the Constitutional Amendment 36 a third time, please."

Clerk McLennand: "House Joint Resolution Constitutional Amendment #36. Third time as amended. RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that there shall be submitted to the electors of the State for adoption or rejection at the general election next occurring at least 6 months after the adoption of this resolution a proposition to amend Section 12 of and add Sections 12.1 and 12.2 to Article VI of the Illinois Constitution as follows: ARTICLE VI. THE JUDICIARY. SECTION 12. ELECTION AND RETENTION. (a) Supreme, Appellate and Circuit Judges shall be nominated at primary elections or by petition. Judges shall be elected at general or judicial elections as the General Assembly shall provide by law. A person eligible for the office of Judge may cause his or

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her name to appear on the ballot as a candidate for Judge at the primary and at the general or judicial elections by submitting petitions. The General Assembly shall prescribe by law the requirements for petitions. This subsection (a) does not apply to Supreme and Appellate Judges in the First Judicial District who are appointed as provided in Sections 12.1 and 12.2. (b) The office of a Judge shall be vacant upon his or her death, resignation, retirement, removal, or upon the conclusion of his or her term without retention in office. Whenever an additional Appellate or Circuit Judge is authorized by law, the office shall be filled in the manner provided for filling a vacancy in that office. (c) A vacancy occurring in the office of Supreme, Appellate or Circuit Judge shall be filled as the General Assembly may provide by law. In the absence of a law, vacancies may be filled by appointment by the Supreme Court. A person appointed to fill a vacancy 60 or more days prior to the next primary election to nominate Judges shall serve until the vacancy is filled for a term at the next general or judicial election. A person appointed to fill a vacancy less than 60 days prior to the next primary election to nominate Judges shall serve until the vacancy is filled at the second general or judicial election following such appointment. This subsection (c) does not apply to Supreme and Appellate Judges in the First Judicial District who are appointed as provided in Sections 12.1 and 12.2. (d) Not less than six months before the general election preceding the expiration of his or her term of office, a Supreme, Appellate or Circuit Judge who has been elected to that office, or a Supreme or Appellate Judge in the First Judicial District who has been appointed to that office as provided in Sections 12.1 and 12.2, may file in

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the office of the Secretary of State a declaration of candidacy to succeed himself or herself. The Secretary of State, not less than 63 days before the election, shall certify the Judge's candidacy to the proper election officials. The names of Judges seeking retention shall be submitted to the electors, separately and without party designation, on the sole question whether each Judge shall be retained in office for another term. The retention elections shall be conducted at general elections in the appropriate Judicial District, for Supreme and Appellate Judges, and in the circuit for Circuit Judges. The affirmative vote of three-fifths of the electors voting on the question shall elect the Judge to the office for a term commencing on the first Monday in December following the his election. (e) A law reducing the number of Appellate or Circuit Judges shall be without prejudice to the right of the Judges affected to seek retention in office. A reduction shall become effective when a vacancy occurs in the affected unit. SECTION 12.1. APPOINTMENT OF SUPREME AND APPELLATE JUDGES IN THE FIRST JUDICIAL DISTRICT (a) The Governor, with the advice and consent of the Senate, shall appoint persons to fill new positions on the Appellate Court in the First Judicial District created by law after the effective date of this Amendment and persons to fill vacancies on the Supreme and Appellate Court in the First Judicial District existing after the first Monday in December, 1997 that will not be filled in the November, 1998 general election. (b) Judges shall be appointed by the Governor from nominees submitted by the Merit Nominating Commission. (c) For each position to be filled, the Commission shall submit to the Governor a list of 3 nominees in alphabetical order. If the Governor rejects

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the list, the Commission shall submit a new list of 3 nominees to the Governor. The Commission may not include on a list a nominee who is on another list pending before the Governor to fill a vacancy in the same judicial office or who was a nominee on a list rejected by the Governor to fill a vacancy in the same judicial office. No list shall have any effect after the required appointment is made from the list or the list is rejected by the Governor. SECTION 12.2. MERIT NOMINATING COMMISSION (a) A Merit Nominating Commission is created in the First Judicial District for the purpose of nominating the most qualified persons to fill new positions on the Appellate Court in the First Judicial District created by law after the effective date of this Amendment and to fill vacancies on the Supreme and Appellate Court in the First Judicial District existing after the first Monday in December, 1997 that will not be filled in the November, 1998 general election. (b) The Merit Selection Commission shall have 9 members. The President of the Cook County Board of Commissioners shall appoint 4 members of whom no more than 2 shall be attorneys; the State Senator with the longest continuous service in the Senate who resides in Cook County and who is a member of the numerically strongest political party in the Senate other than the party to which the President of the Cook County Board belongs, or if there is no such Senator residing in Cook County, then the President or Minority Leader of the Senate who belongs to that numerically strongest political party, shall appoint 2 members of whom no more than one shall be an attorney; the State Representative with the longest continuous service in the House of Representatives who resides in Cook County and who is a member of the numerically strongest political

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party in the House of Representatives other than the party to which the President of the Cook County Board belongs, or if there is no such Representative residing in Cook County, then the Speaker or Minority Leader of the House of Representatives who belongs to that numerically strongest political party, shall appoint 2 members of whom no more than one shall be an attorney; and the Governor shall appoint one chairperson. All appointing authorities shall endeavor to make the Merit Selection Commission substantially reflect the racial, ethnic, and gender diversity of the jurisdiction without regard to political affiliation. (c) The Chairman of the Merit Selection Commission shall serve a 2-year term. Other members shall serve 4-year terms, except initially when members other than the Chairman shall serve staggered terms as the General Assembly shall provide by law. No member shall be eligible to serve more than one term. Unexpired terms shall be filled in the same manner as the original appointment. Members shall serve without compensation, but they may be reimbursed for expenses incurred in the performance of their duties. (d) Judges, public officials, and elected political party officials are not eligible for appointment to the Commission. No member of the Commission shall be eligible for appointment to the State judiciary for 2 years after leaving the Commission. (e) The Commission shall nominate persons by a three-fifths vote of the Commission membership for consideration by the Governor to fill Supreme and Appellate Court vacancies and new Appellate Court positions in the First Judicial District. (f) The Commission shall have the authority to investigate applicants for their fitness and qualifications for appointment to the Supreme and Appellate Court. The

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criteria for nomination shall include integrity, legal knowledge, legal experience, and judicial temperament. The Commission shall make reasonable efforts to nominate judges who reflect the racial, ethnic, and gender diversity of the jurisdiction. (g) The Commission shall adopt rules governing itself. Applicants shall have an opportunity to withdraw from consideration after initial investigation and before names of applicants are made public. There shall be a reasonable period for public comment and public hearings before the Commission votes on judicial nominations. It shall be unethical for members, directly or indirectly, to recruit applicants for judicial office or to discuss outside of public hearings the qualifications of applicants with anyone other than other members. The Commission shall publish annually a report with respect to the First Judicial District showing the race, ethnicity, and gender of applicants for Supreme and Appellate Judge, the judiciary, and the bar of the First Judicial District.

(h) The General Assembly shall appropriate funds for the operation of the Merit Selection Commission. SCHEDULE. This Constitutional Amendment takes effect upon approval by the electors of this State. This is the Third Reading of House Joint Resolution Constitutional Amendment #36, as amended."

Speaker Daniels: "Mr. Clerk, what is the status of HJRCA 35?"

Clerk McLennand: "House Joint Resolution Constitutional Amendment #35 has been read three times as amended."

Speaker Daniels: "Thank you. We want to welcome the fifth grade classes from Gilson Brown School in Godfrey, Illinois, guests of Representative Steve Davis. Thank you for coming to visit us. Mr. Clerk, House Joint Resolution Constitutional Amendment 35. Call the Bill, please."

Clerk McLennand: "HJRCA 35. The Constitutional Amendment

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proposes to amend a Judiciary Article of the Illinois Constitution, is offered by Speaker Daniels."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. House Joint Resolution Constitutional Amendment #35 raises the eligibility requirements to serve as a judge or an associate judge in the State of Illinois. Currently, the law provides that in order to be a judge in this state, you have to be a United States citizen, a licensed attorney in our state, and a resident of the unit which selects the particular judge. Constitutional Amendment #35 makes several changes. The above requirements that I outlined remain, but in addition, the licensed attorney now would have to have at least 10 years, would have to be a licensed attorney for at least 10 years, five within the State of Illinois. You would have to be at least 35 years of age. To be eligible to be an associate judge, you would have to be a licensed attorney for at least 8 years, five of those years in the State of Illinois. There would be no age requirement for an associate judge. This law would be effective January 1, 1997, if passed and adopted by the state, and would grandfather in currently sitting judges. I'd be glad to answer any questions."

Speaker Daniels: "Is there any discussion? The Gentleman from Cook, Representative Santiago."

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

Speaker Daniels: "He indicates he will."

Santiago: "Representative Cross, what are the current qualifications for an associate judge?"

Speaker Daniels: "Representative Cross."

Cross: "You have to be a United States citizen, a licensed

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attorney in Illinois, and then a resident of the circuit in which you're appointed."

Speaker Daniels: "Representative Santiago."

Santiago: "What are the qualifications for a full circuit court judge?"

Speaker Daniels: "Representative Santiago."

Santiago: "I didn't hear him."

Speaker Daniels: "Okay, Representative Cross, could you repeat that?"

Cross: "The requirements to be eligible, Representative, are the same; however, as you know, circuits are elected while associates are appointed. I believe people would know that."

Speaker Daniels: "Representative Santiago."

Santiago: "So, are you telling me...would this resolution, what it does is establish a dual system in appointing judges in the State of Illinois?"

Speaker Daniels: "Representative Cross."

Cross: "It doesn't outline or set up a dual system. We, right now, have a difference in it. The distinction between an associate, as I started to say a while ago, or did say, and I'll repeat, Representative, is that associates in our state, are elected or selected by the sitting circuit judges within the district or the circuit, in which the associate wishes to serve. Circuit judges currently in this state are elected by the electorate. So, we are not changing that setup at all."

Speaker Daniels: "Representative Santiago."

Santiago: "Representative Cross, what are the duties of an associate judge? What are the duties?"

Speaker Daniels: "Representative Cross."

Cross: "Well, the duties are quite similar to circuits. They act

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as judges and hear a variety of cases that come before the bench. They are, however, limited in the type of cases that they are able to handle, if that's your question. Initially, they are signed only to criminal court cases involving misdemeanor and traffic cases, and they are not allowed to hear felony cases. In addition, they are not allowed to hear cases involving civil disputes over \$15,000. However, at the request of the chief judge to the Supreme Court, their duties can be expanded or elevated to the same as circuit judges."

Speaker Daniels: "Clerk, for an announcement."

Clerk McLennand: "Rules Committee will meet immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Daniels: "Representative Santiago."

Santiago: "So, what you're telling me is, as I know and as I understand the current system as it is, we're requiring requirement...we're asking for less requirements from associate judges who are doing the same kind of work that full circuit judges are doing. Currently, as you know, and we discussed in committee, there are several judges in Cook County which are associate judges who are also supervising judges. For an example, let me give you the supervising judge, the interim supervising judge of the law division in Cook County was an associate judge. Now, why are we requiring...why are we asking for less requirements for associate judges when they are doing the same kind of work?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, there are certainly exceptions to what you are describing. As I said, there are cases where an associate can be elevated, not elevated, but can be given

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expanded duties. When you see that often, it happens because an associate has been there for quite awhile and the Chief Justice, or the Chief Judge, I should say, understands, or has been watching that judge and realizes that that judge is capable to handle the bigger role of felony cases and has demonstrated ability and experience to handle civil cases, as I said, in excess of 15 thousand. It does not happen with a lot of frequency. I know in our area, most associate judges handle the traditional role of associate judges. And they handle the smaller cases. There are times where, maybe out of need, or as I say, necessity, where they will get elevated responsibility. But, that is a rare instance."

Speaker Daniels: "Representative Santiago, Representative Lopez has made a gift of his time to you. Do you wish to accept it? Okay, Representative Santiago."

Santiago: "Tom, I've run into many instances where current judges that are being appointed, associates that are being appointed through the Supreme Court are put right into the caseload immediately. What I'm trying to say is, and as I told you in committee, and as I try to work with your staff and also the Chicago Bar Association, we want the same standards for all the judges. Why have a dual system? It doesn't make sense. Now, the only reason that I see, that we're requiring less requirements for associate judges is, because these are the judges that are recommended by the Chicago Bar Association. These are the judges that are constantly...the politicians are calling the committeemen, and they're calling and saying, 'I want Jo Blow to be an attorney, I mean. I want Jo Blow to be a judge.' So, if they're doing the same kind of work, let's have the same requirements. I also stated that I agree with the concept

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of having minimum requirements for judges. I think we should have them, but my biggest argument is and with the entire concept of merit selection is that, I, as a Hispanic and the Hispanic Community, so would the Black Community, so would the women are the ones that are being hurt by this type of legislation. Why? Because we were the ones that enter law school because of the problems of racial discrimination in the past. So, what I think what we're doing here is, we're making, when we were trying to get away with from the horror of the past, we're making adjustments. Now, all of a sudden, you're trying, through this Resolution, you're trying to send us backwards. I think it's wrong. I also believe that the problem with associate judges... I have a list of about 80 associate judges who were appointed within the last two years, and if you go down the list, none of these 80 judges are appointed by the Supreme Court through the recommendation of the Chicago Bar Association, none are Hispanics. And that is why we are fighting to maintain a system where it's equal to all, to everyone in the State of Illinois. When you, not you personally, but through this Resolution, what's going to happen is that you're going to put us years back through the electoral system. It's the best system, we feel, so that we could increase the minority participation on the bench. We could increase the gender participation on the bench. That's why I rise in opposition to this Resolution. I also, I've heard the other arguments of merit selection. Well, we want merit selection because the judges, the individuals are not qualified, because too many people are running for public office. Well, that is the system. That is the Democratic system, to send...to open up government. Open it up to the people and let the people

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decide. What we want is a judge that has integrity, knowledge, ability, judicial temperament, and also a judge that has life experiences within that structure that he is going to rule. So, that's why I'm against this Resolution. I try to work out some Amendment to this Resolution. Unfortunately, the Chicago Bar Association that was working with me failed to come back and talk to me on trying to amend this Resolution. In fact, they double crossed me. They led me on. They led me through to the whole couple of days. Then, all of a sudden, they called the Resolution. That tells you that they are not dealing in good faith, because they want to protect the system that discriminates against women, Blacks, Hispanics, and also against individuals that believe in the system, the Democratic System. So, I ask, Mr. Speaker, if this gets the requirement of votes, I would like for a verification. Thank you."

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

Pugh: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Pugh: "Representative, if this piece of legislation...is it designed to only offer merit selection of judges?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, all this Bill does is set some minimum guidelines and standards with respect to eligibility to hold the office of either circuit or associate judge or appellate or supreme in the State of Illinois. They are minimum guidelines. Very simple. You have to be 35 years of age. You have to be a resident of the State of Illinois and you need to be a licensed attorney for 8 years to be an

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associate, or 10 years to be a circuit. That's all this Bill does."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, so can you tell me how this will affect the elective system which is currently in place?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, it doesn't change the election process in any way other than, if you're going to run, or you're going to be appointed, you have to fall within these parameters. If you're a sitting judge currently, and you're only 30 years old, it doesn't matter. You're going to be grandfathered in. It only applies to judges that we appoint or elect from January 1 on."

Speaker Daniels: "Representative Pugh."

Pugh: "So, under this particular piece of legislation, as it reads, that an individual has to be 35 years of age and a licensed attorney before he can be elected or appointed in order to eligible for a judge. Is it currently...an associate judge is already appointed. Am I correct? And so why doesn't this piece of legislation say that the circuit judge would have to be elected? Why doesn't it delineate between the two?"

Speaker Daniels: "Representative Cross."

Cross: "Well, we're not making any changes in that area. If you were going to be a circuit anywhere in the State of Illinois, Cook County, downstate, you still, if you're a circuit, need to run. If you want to be an associate and make an application to be an associate anywhere in the State of Illinois, Cook County, or down, you still are selected by the circuits, and the circuit in which we're talking about, or where you reside."

Speaker Daniels: "Representative Pugh."

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Pugh: "Representative, what if a lawyer who is licensed for 10 years, but never actually practiced, would he be eligible to run for judge?"

Speaker Daniels: "Representative Cross."

Cross: "Assuming he meets the other guidelines of being 35, as a United States citizen, licensed in Illinois, the answer is, yes."

Speaker Daniels: "Representative Pugh."

Pugh: "Would such a person be more qualified than one who has worked in the State's Attorney's Office for more than seven years?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, I think it depends on the particular individual. But, in addition to legal ability, when we look at judges and when we evaluate judges and decide on whether they should be judges, we also look at judgement. We look at life experiences, we look at temperament and we, of course, look at legal ability. So, all of that comes into play before someone becomes a judge. And the thought of many is that those experiences, that temperament, that judgement, really doesn't, in many instances, generally speaking, doesn't come into play until you've been practicing law for at least 10 years and are age 35."

Speaker Daniels: "Representative Pugh."

Pugh: "So, Sir, you're stating that this merely allows for individuals to be with some particular qualifications or minimum objective qualifications before they can run for office under the current system. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, would you please repeat that question? I apologize. I didn't follow."

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Pugh: "This legislation only requires minimum objective qualifications before an individual can run under the current system, and it does not tamper with the current system. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Correct."

Speaker Daniels: "Representative Pugh, you're out of time. Further discussion? Representative Novak."

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

Speaker Daniels: "He indicates he will."

Novak: "Representative Cross, I heard you in some previous testimony talk about how vacancies are filled with respect to associate judges. And correct me if I'm wrong, here. You indicated to my recollection that circuit judges, the chief circuit judge of each circuit fills associate judges. Is that correct?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, let me give you the scenario in my circuit. I'm not sure how many counties are in your circuit, but I'm in the 16th Judicial Circuit. Three counties: Kane, Kendall, and DeKalb. There are 15 or 20 circuit judges that have been elected by the general public. If there's a vacancy in an associate judge's spot, all of those circuits elect or select the associates. So, it's not just one judge, it's all of them combined."

Speaker Daniels: "Representative Novak."

Novak: "Yes, I agree with that. But, then you went on to say, if a circuit judge, if a full circuit judge who was elected by the people resigns, retires, or expires in office, aren't they normally filled by the Supreme Court Justice within that respective district? Is that not the case, because I thought you said something other than that?"

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Speaker Daniels: "Representative Cross."

Cross: "That is the case, Phil, until the next election. Usually, the Supreme Court Justice of that district will make the appointment. You're correct. I don't remember saying that, but if I did, I apologize. You are accurate."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Speaker. So, this doesn't change any of that process at all, correct?"

Speaker Daniels: "Representative Cross."

Cross: "And that's a fair question. Maybe right now to avoid any confusion, this Bill, it doesn't change any of that. All we're talking about are minimum guidelines of the ages to 35, the 10 and the eight. There's another Constitutional Amendment that we're going to address, I believe in a minute, #36, that deals with the selection election, merit selection, et cetera. This Constitutional Amendment doesn't deal with any of that, at this point. So, alleviating any concern about that, we're dealing just with minimum requirements right now."

Speaker Daniels: "Representative Novak."

Novak: "Yes, thank you, Mr. Speaker. One other question, Representative. I noticed on line, I think, line 24, it says after January 1, no person who is not holding the office of judge or associate judge on that date may be elected or appointed, and goes on to say for at least eight years before election or appointment. And of this date for any five of those eight years. Can you explain that? What is the legislative intent with respect to that wording?"

Speaker Daniels: "Representative Cross."

Cross: "Representative, we talked about the need to have, if you're going to be an associate, the first initial discussion was you should be a licensed attorney in the

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State of Illinois for eight years, a licensed attorney in the State of Illinois for 10. Then in the discussion, as we discuss this Bill, we realize that there are people that might be working in other states, might be doing governmental work in Washington for a Congress person, or whatever. Maybe, I know your Congressman Weller. Now, so you might be out there doing legal work for him, you're going to come back to the State of Illinois. All we're saying is, of that 10 or eight, we want a minimum of those years of five in the State of Illinois. So, that's the genesis or the rationale for that."

Speaker Daniels: "Representative Novak."

Novak: "Okay, thank you. But just to correct you, Congressman Weller ain't no lawyer. Okay? So, thank you very much."

Speaker Daniels: "Further discussion? Representative Davis."

Davis, M.: "Thank you, Mr. Chairman (sic - Speaker). Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Davis, M.: "Representative, the group of people that you named, they would sit on a commission? No?"

Speaker Daniels: "Representative Cross."

Cross: "This Constitutional Amendment, Representative, and I apologize if there's been some confusion, has absolutely nothing to do with commissions at this point. That's the next Amendment. There aren't any commissions."

Speaker Daniels: "Okay, excuse me, Representative Cross. Ladies and Gentlemen. Ladies and Gentlemen, if everyone for one second would listen to Representative Cross. He will explain this Constitutional Amendment which you have in front of you, and what this one does. So, will everyone listen carefully, please. Representative Cross."

Cross: "Thank you, Mr. Speaker. All Constitutional Amendment 35

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does is raise the eligibility requirements to be a circuit or an associate judge in the State of Illinois. All it does is...currently, we say you need to be a United States citizen and a licensed attorney in Illinois. This changes that or increases the level to say you have to be a licensed attorney for at least 10 years, five in the State of Illinois. You have to be at least 35 years of age. That applies to circuits. For associates, you need to be a licensed attorney for eight years, five in the State of Illinois. That's it."

Speaker Daniels: "Representative Davis."

Davis: "Thank you very much, Mr. Chairman (sic - Speaker). I feel that our passage of the subcircuit legislation, which allows people from diverse backgrounds to become judges, is possibly what's on the line here. We're very concerned that we had to pass the Subcircuit Bill in order to get some fairness on the bench. There are people, who perhaps, have been lawyers for 20 years, who in my opinion, would never make a good judge. So, I don't believe having a standard of 10 years is necessarily a requirement that will bring about your desired result. I believe that the articles that we continue to read that talk about judges being elected, who are not really qualified. I believe that if the public feels they are qualified, if they can go to Reno, to judicial institutes, if they have the same background regardless of how long they've had it, the public has perceived that they are qualified. This Resolution is a major attack against the voting public. You are saying that those that you choose have higher qualifications and standards than those that the voter chooses. You want to remove diversity from the bench. You want it to look more like the Republican side of the aisle.

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And the rest of America, including those in Illinois, say we don't need that bias behavior in our judiciary. We need people who can understand the background and the culture of those who come before that bench. This Bill is not needed. This Resolution, it is not needed. The people who are elected by the public to serve on those subcircuits will do just as good of job as the previous judges who sit on the benches sending African Americans to prisons at a phenomenal rate, phenomenal rate. So, surely if there's diversity on that bench, it might preclude the result that you desire. And I believe that the public will join me in being opposed to this legislation. It, too, is mean spirited, narrow-minded, biased. The judicial branch cannot look like your side of the aisle. That is not how Illinois looks. Illinois has people from different backgrounds. They have Latino people. Illinois has African American people. Illinois has Chinese people. And they must be given an opportunity to sit on that bench. These kinds of this narrow thinking must be halted in the State of Illinois. Vote 'no'."

Speaker Daniels: "Further discussion. Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think, first of all, we should make sure we understand that there are going to be two Constitutional Amendments before us today. One deals with an elective system. That is the Constitutional Amendment that's before you. One deals with merit selection. And that is a Constitutional Amendment that we will discuss later. This deals with an elective system. I support this Constitutional Amendment. And while I recognize there was a prior speaker who said somehow that we're trying to tear down this system, I would remind that prior speaker that it

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was the Republicans in coalition with Democrats, who certain Democrats, created the subcircuit law. And frankly, I think it's a good law. And frankly, I agree that it has brought diversity to the bench. And that is a good thing. And that should continue. What this Constitutional Amendment says is that there ought to be a minimum standard for Whites, for Blacks, for Chinese, for Mexican-Americans, whomever. There ought to be a minimum standard. And why should there be a minimum standard? Why should there be? Well, let's face it folks, when you stand before a judge, there's only one person making a decision, and that person can deprive you of your property, he can deprive you of your freedom, and he can deprive, or she, can deprive you of your assets. That's a very, very important job. And there ought to be some minimum standards. Frankly, if you look at what's happened over the last couple of years, there has been some progress, we have diversity. But, we have a problem in the Subcircuit Law. There are people that are out of law school for two years and they're judges. Well, you know, I don't care if you've graduated number one in Harvard. There's a level of experience within the system that you ought to have before you're making decisions that affect people's lives. That's why this is a good idea. That's why this makes sense. You ought to have a level of experience. No matter how smart you are, there's no substitute for having some experience in this system. That's why this makes some sense. I might also remind you that the Federal Constitution requires some age limits on certain offices. So, this is not the only place that we're going to...I think to be president, you've got to be 35. I was told by somebody, to be a United States Senator you've got to be 30. So, you know this is

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not something that is an unusual requirement. I think we ought to have a Subcircuit Law. I'm joined with my colleagues on the Democratic side of the aisle to create a Subcircuit Law, and I'll tell you what, I've gone down to the judicial swearings in over the last couple of years and I have seen the diversity on the bench. And it's a good thing. Let's protect that diversity. But, let's also realize that there ought to be a level of qualification that's involved here. We ought to have people who are of the African-American race, the White race, whatever...whoever's elected should have some level of experience before they make some of the most vital decisions in society. I know I would rather be standing before somebody who's had 10, or 15, or maybe 20 years as a lawyer and as a practitioner of the law and ultimately as a judge, on a case, and I hope I never do, but I would hope that I would stand before somebody who has some experience, rather than somebody who just got out of law school. And because they had a good name, they got elected. So, let's focus on the issue. The issue is not trying to keep people from being judges. It's trying to put qualified people in the judiciary, and allow people who are our constituents, allow those people to make judgments on those candidates, knowing that they have a general level of experience. I don't know how you can be against it. That makes sense. I urge you to support this. I urge you to put this before the voters of Illinois, to let them make a decision as to whether they want to improve an elective system in the judiciary. I'd appreciate your support of this Amendment."

Speaker Daniels: "Further discussion. Representative Skinner."

Skinner: "I would like to ask the Sponsor a question. Would he yield?"

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Speaker Daniels: "He indicates he will yield."

Skinner: "How many of the corrupt judges in Cook County were under 35 or had less than 10 years experience? How many of them were under 35 that ended up going to jail during Graylord?"

Speaker Daniels: "Representative Cross."

Cross: "You may have the answer yourself, Representative. I don't know. I have absolutely no idea."

Speaker Daniels: "Representative Skinner."

Skinner: "I have a theory about corrupt judges in Cook County. I think they learn their trade in traffic court and if they're real good, they can advance to chancellory or divorce court. I know the judge in my case in divorce court shot himself the day before he was to be indicted in a tanning parlor. His name was Alan Rosen. I think that it might be a good idea to continue having fresh blood on the court bench in Cook County. And for that reason I am going to vote against this Amendment."

Speaker Daniels: "Further discussion. The Gentleman from Cook. Representative Morrow."

Morrow: "Thank you, Mr Speaker, Ladies and Gentlemen of the House. Sir, can I ask for some quiet in the Chamber for a minute please?"

Speaker Daniels: "It's on your side of the aisle. So, I will ask is if, everybody would give Representative Morrow your attention, please. Thank you."

Morrow: "Normally, I would not ask for quiet in the Chamber because I think my voice can carry. But, I happen to have been one of the ones who fought hard for the Subcircuit Bill. Many of you were not here at that time. And yes, Blacks on this side of the aisle, and Latinos on this side of the aisle joined with you to create a Subcircuit

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district. And it has worked to a certain extent. But, as one of my colleagues on the other side of the aisle mentioned, when it came to Operation Graylord, not one African-American judge or lawyer was indicted in that. Not one. So, when you're talking about qualifications, I think from my community, they've been real qualified. But, what is being missed in this House Joint Resolution is that there is an ability to appoint judges in Subcircuit that do not live in that subcircuit. I live in subcircuit #5. And I'm not going to mention the name of the judge because I never hope I have to appear before him. But, he doesn't live in my district. I would support this House Resolution if it addressed that. No judge should be appointed to a Subcircuit that doesn't live in the district. Second, we talk about minimum standards. How many of you held an elected office before you came down here to the General Assembly? So, when you say that they need experience to be a judge, many of us were not experienced to be State Legislators. On both sides of the aisle, many of us had no experience, but because of the law, we had the ability and the opportunity to go before our constituency and say I am the right person to lead you in Springfield. Regardless of service, experience, or education. I could support House Joint Resolution 35 if we were putting in requirements for us running for office. Maybe we should be 35 years old and have 10 years of experience in elective office as a school board member, or as an alderman, or as some elected official. But yet, we're going to choose the judges. Why? Because it's political. We reward our political financial backers sometimes by running them for judge. I have serious problems with these Subcircuit Bills. There are candidates that should not run for judge. But, there are

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also candidates that shouldn't run for governor. There's candidates that shouldn't run for president. There's candidates that shouldn't run for the General Assembly. But we let the voters decide. This Amendment should be defeated. And before I close, I'm going to counsel the lawyers in this General Assembly. You better be careful on this because your opponent could use this against you if you can't get up and state your conflict of interest on this Bill. Many of you are now State Legislators, but one day you're going to want to run for judge. And you're voting on legislation that affects your profession. I would advise you to state your conflict of interest, and then vote your conscience as an elected Representative of your constituency. Because if I was your opponent this fall and you voted for this Bill, I would have a swell time beating you over the head. Vote 'no' on House Joint Resolution 35."

Speaker Wojcik: "Representative Wojcik in the Chair. Is there any further discussion? The Gentleman from Cook, Representative Turner is recognized."

Turner, A.: "Actually, Representative Morrow stole my speech, but I'll just add to those enlightened words that he laid upon us in this Assembly. As one of the previous speakers said, Representative Kubik, when the Subcircuits were created, it was a deal that was, have to say bipartisan in nature, to say the least. But we know that it has worked out to be a very good Bill. And when you look at the number of minorities in particular that have now eligible to serve and were voted to serve in the various Subcircuits, we can see that it was a successful Bill. This question of the requirements is one that throws up a red flag like many red flags that come up around this place. And as we always

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tend to change the rules in the middle of the game. And in particular, we have some concern now, with this minimum requirement standards. And I agree with Representative Morrow. If in fact, we're saying now that a judge has to be 35 years of age, then I think there should be some consideration on requirements for the Members in this Assembly, because we're the ones that create the work load for the judges. We're the guys that make the laws. It's his responsibility to enforce and interpret those laws. But, that's after we send them to him. So, I think that if we're going to start minimum standards or raise the standards for the judiciary, then we certainly ought to think about to think about standards here for the Members in the Legislature. Although, let me be perfectly clear. I agree with the current standards that are available to become a Member of the General Assembly, that being, 21 years of age and a registered voter. I think that's all you need. Also, decide then, and many of you aren't aware of what goes on in Cook County. And it appears to be there's some influence outside of Cook County. But, the most recent appointments in the Subcircuits in Cook County, and in particular my Subcircuit being one, were filled with judges who do not live in Cook County. In fact, there are a couple of judges from Sangamon County that were appointed to circuits in Cook County, in particular minority Subcircuits. Now, I don't know who the real culprit is behind it. I'm not going to say that it's my supposedly enemies on the other side of the aisle, or my friends on this side of the aisle. But there is shenanigans being played in the judiciary and in regards to judicial appointments. And it is for that reason that I rise in opposition to this change in standards that I believe is a

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little, I think extreme. There's been no discussion or no ability in this process to even discuss about what is a fair compromise. Representative Santiago mentioned that there was some conversation about, let us sit down and discuss this issue. That meeting never took place. I agree that a young person or an adult fresh out of law school may not be familiar with the process. But, I've also learned that like in the legislature, when we are first appointed and there's a new Members conference. Judiciary has the same thing. In fact, they spend a week or more in Reno, Nevada, at a judicial college out there where they tell them how to put the robe on. What's the front and what's the back of the robe, what your gavel looks like, how heavy it should be. So, they are prepared when they leave there to serve on the bench and to tell you and many of the constituents in my community, you will serve 30 years, 10 years, 20 years in jail. And so, if that has worked in the past, why now do we say 10 years of licensure, not 10 years of practice. Just 10 years of licensure. Just hold the paper makes you a qualified person to serve on the bench. I think that the process, the electoral process, as it currently is in this country, which allows the people to make that determination is a fair process. It is one that has worked. And I think that this move today is one that we all should look at with a jaundiced eye and I would urge the Members to vote 'no' on this change or this supposedly standard that's going to make the judiciary a better place. I don't think that that alone is going to do it. I would encourage each and every one of you to vote 'no' on that change."

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

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Lang."

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

Speaker Wojcik: "He indicates he will."

Lang: "I just want to make sure I understand a few points in this proposed Amendment, Representative. Do I understand that your grandfathering in, all existing full circuit and associate judges?"

Speaker Wojcik: "Representative Cross."

Cross: "Yes, Representative, that's accurate."

Speaker Wojcik: "Representative Lang."

Lang: "And, will this also include judges that are sworn in as a result of the election this November?"

Speaker Wojcik: "Representative Cross."

Cross: "Yes."

Speaker Wojcik: "Representative Lang."

Lang: "Are you certain that all of the oath of office will be taken by these new judges before the date of January 1, 1997?"

Speaker Wojcik: "Representative Cross."

Cross: "Well, Representative, it's a fair question. I'm not sure. We have been very specific in saying that anything prior to January 1, 1997, people would be exempt. So, it's a fair question. We'll have to take that into account when people are elected and sworn in. It's not the intent to include those elected in this upcoming election to be part of this."

Speaker Wojcik: "Representative Lang."

Lang: "So, let's just make it clear for legislative intent. Your intent is to make sure that anyone who is elected this November would be grandfathered in under this. And that, if for some reason, that person was not sworn in before January 1, because either the swearing-in didn't take place

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or the person was ill and missed the mass swearing in or for some other reason. It would be your intention that they would be grandfathered in under this Amendment, should it become law."

Speaker Wojcik: "Representative Cross."

Cross: "Representative, that's my intent. The answer is yes. I don't know how more specific you want me to be. But, I'm just sitting here talking to another Representative. It's our understanding that, or his understanding, I believe he's accurate, that these generally take place that first week or that first Monday in December. But, certainly that scenario can happen where someone was elected and there was whatever problem. It is not our intent to include those people under this new law."

Speaker Wojcik: "Representative Lang."

Lang: "I just briefly want to address the issue of this difference between the associates and the full circuits. The eight years and the 10 years. Let's assume someone has been a lawyer eight years and becomes an associate judge. And now there's an opportunity for that associate judge during the first year that they become an associate judge to be appointed to be a full judge. Under this Amendment, that would not be possible. Is that correct?"

Speaker Wojcik: "Representative Cross."

Cross: "Representative, another good question. That's my reading of this Bill, that you still need the minimum of 10 years of being a licensed attorney to be eligible for the circuit judgeship."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I think you've answered my questions. Thank you."

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

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Erwin: "Thank you, Speaker. I rise in support of this Constitutional Amendment. And I would urge my colleagues on particularly my side of the aisle not to read more into this than is really there. I think the truth of the matter is that we sit in this Chamber and in committee and require minimum standards for professions from A to Z, from the manicurist to the zookeepers. And I think Representative Saviano and anyone that has been on that committee could tell us that we spend a great deal of time trying to decide the minimum standards by which people can be in a particular area of practice. We are not talking about simply practicing law in this Constitutional Amendment. The truth is we require more of people when we entrust a greater public responsibility to them. So that in order to be a teacher of students and children, it is not enough to be a good student of a particular discipline. It isn't enough. You must have higher requirements, greater experience, more education. I think that when we are entrusting life and death situations before people, a minimum of 10 years is the least that we could ask of those who will decide these really critical decisions. I do think that all of us should make a commitment to make sure that as I hope we continue moving forward in judicial reform that we make a commitment to diversity in our judiciary, just as we need greater diversity in this Chamber, both ethnically among the sexes, among all groups of people in the State of Illinois. We also need to assure diversity in our judiciary and every part of government. It seems to me that a little life experience for those of you who think 35 years is too low. We are just asking for a little life experience. Ten years basically, from when you graduate from law school to make very critical

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decisions in people's lives, and indeed to take away their life, liberty, and their pursuit of happiness. So, 10 years from getting out of law school does not seem like too much to me. I think that those of us who are committed to merit selection understand as well that this requirement is not a substitute for merit selection of judges, and so I would urge us to take that continue working towards a real reform of the judiciary in terms of a merit selection plan. And I would certainly urge strong support for this minimum requirement in this Amendment."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Will, Representative Wennlund is recognized."

Wennlund: "Thank you, Madam Speaker. I move the previous question."

Speaker Wojcik: "The question is, 'Shall the main question be put?' All those in favor say 'aye'. All those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Cross to close."

Cross: "Thank you, Speaker. Very briefly, I want to make sure that we've cleared up that this does not affect in any way the election process we currently have. It doesn't affect Subcircuits, voters in this state. When it comes to a circuit judges still make the decision. As other speakers have said, we set minimum guidelines in this state on a variety of issues all the time. We decide how old you have to be to vote. We decide and set a minimum age at which you can drive a car or run for State Representative. The United States Congress sets an age for Congress. The United States...Senate and President. The list goes on and on. Every racial and ethnic group that we've discussed today have lawyers that meet the standards that we're talking about. The standards that we've set actually in my

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opinion give experienced African-American, or a Hispanic, or a woman. The edge over the young politically well-connected lawyer that doesn't have the experience that we're talking about. And let's not forget what lawyers or judges do. They make decisions affecting child custody. In divorce cases, they terminate parental rights. They sentence people to life and death. The list goes on and on. We want people with quality. We want people maturity, with judgement and experience. For those reasons and others that people have stated today, I would ask for your 'aye' vote. Thank you."

Speaker Wojcik: "Representative Cross has moved for the adoption of House Joint Resolution Amendment 35. All those in favor will vote 'aye'. All those opposed will 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. A verification has been requested by Representative Santiago. It's been withdrawn. On this question, there are 78 'ayes', 32 'nays', 1 voting 'present'. And House Joint Resolution 35, having received the required three-fifths majority is hereby adopted. Mr. Clerk, House Joint Resolution Constitutional Amendment 36. The Gentleman from Kendall, Representative Cross is recognized."

Cross: "Thank you, Madam Speaker. For those of you that were confused about the previous one. This Bill, or this Constitutional Amendment, in fact does deal with merit selection, and I will try to outline it as quickly and succinctly, as I can. This applies only to appellate and supreme court judges in the first judicial circuit, which is Cook County. It provides that the Governor with the advice and the consent of the Senate shall appoint those

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appellate and Supreme Court judges in Cook County. It establishes a merit nominating commission for the Cook County appointment of those appellate and supreme court judges. The commission is made up in the following way. It's made up of nine members, four appointed by the president of the Cook County Board. Two appointed by the Senior State Senator, and the Senior State Representative from Cook County of the opposite party of the president of the Cook County Board, and the Chairperson of the commission will be appointed by the Governor. It provides that no more than two of the four members appointed to the commission by the president of the Cook County Board may be attorneys and no more than one of the two members appointed by each of the Senior Senate and House Members may be attorneys. It requires the appointing authorities to endeavor to make the commission reflect the racial ethnic and gender diversity of their jurisdiction without regard to political affiliation. It also prohibits judges elected public officials and elected political party officials from sitting on the commission. It also requires a three-fifths vote of the commission membership for each nominee recommended to the Governor. And it requires that the commission submit a list of three nominees to the Governor for each position to be filled. In the event the Governor rejects that list, the commission is required to submit a new list of three nominees to the Governor for consideration. I think that is in a nutshell the House Joint Resolution Constitutional Amendment 36. I'll be glad to answer any questions."

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

Novak: "Yes, thank you Madam Speaker. Will the Sponsor yield?"

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Speaker Wojcik: "He indicates he will."

Novak: "Representative Cross, let me ask you a question about this proposition. Wouldn't it be simpler to go back and redraw the map of the State of Illinois, as far as Supreme Court Districts, than come up with some charade game like this? I mean, is this government by fiat in Illinois? We had one party control the Governors office for 25 years. We have one party that controls the House and the Senate. We have one party that controls every constitutional officer. We have one party, that with the Governor's office that has appointed 40 or 50 boards and commissions. They've streamlined or appointed all these board members on every university throughout the state. Now, they want to appoint Supreme Court Justices. Why don't they appoint everybody in the State of Illinois? I mean, come on. How far are we going with this? We know we need some reform in this, Representative Cross. But, my gosh, let's be a little fair. Now, the Governor is going to be appointing the Supreme Court Justices from the first district. Is that the case? And is he going to be appointing the other ones throughout the State of Illinois? Now, merit commission may have a lot of good common sense. But, I don't know how you keep politics out of a merit commission, because those people that are appointed to a commission that make recommendations to that individual, that makes the final determination, you will never, you will never be able to extrapolate politics out of that process. You know it. We all know it."

Speaker Wojcik: "Representative Cross."

Cross: "Representative, I'm not sure I followed your question, but is it your belief that the current constitution is unconstitutional with respect to Cook County? Maybe we can

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join together in redrafting that if that was your question...that map."

Speaker Wojcik: "Representative Novak."

Novak: "Well, Representative Cross, I noticed by news accounts, and I think you'll agree with me. There is a problem with respect to the judicial districts in Illinois. I mean, we remap, we take our chances every 10 years in this legislative body. Whatever party gets control of the map-making process, everybody has to fend for themselves before the public. And that process goes on every two years as well as the decennial census map every 10 years. So, those individuals that want to run for the Illinois Supreme Court, if a map was drawn then, they should have to fend for themselves and go before the people. It's a little bit better than appointments by one sole authority in Illinois with respect to who's going to fill those positions. Isn't that a little bit...isn't that more fair...isn't that a little bit more common sense?"

Speaker Wojcik: "Representative Cross."

Cross: "Well, Representative, I have a two part response. First of all, every other part of this state, with the exception of Cook and the First Judicial Circuit, as the constitution says, shall be divided by law in four judicial districts of substantial equal population. Each of which shall be compact and composed of contiguous counties. We do that everywhere in the state with the exception of Cook. And maybe we need to address that. But what we're doing today is attempting to find a Merit Selection Bill, at least a starting point that will pass. We tried to be more expansive, or the Senate tried to be more expansive with a Merit Selection Bill. As you know, it died. Two separate Constitutional Amendments didn't go anywhere. This is the

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beginning point. It's a starting point and we're hoping that, and I think it will pass today. I think we need to start somewhere. Everyone in this Chamber, a lot of people talk about merit selection and wanting merit selection. This is an opportunity as a compromising point to vote for one. And I would encourage you to reconsider your position on this. This is simply about merit selection. It's a fair nominating commission. It's made up as you know of four members appointed by the president of the Cook County Board, who I believe is a Democrat. So, I think this is a fair approach and one that as I say is a good starting point. I think it has a good chance of passing."

Speaker Wojcik: "Representative Novak."

Novak: "Yes, just one more comment on...to this Constitutional Amendment. Ladies and Gentlemen, Representative Cross, House Joint Constitutional Amendment 35 was a good Resolution and I supported that. I think that's a good way to start it with respect to providing a standard and good competent qualifications for individuals that want to run for judge. But this transcends reasonableness. We should leave the decision to who is going to be sitting on the bench in Springfield to the people of the State of Illinois, not to the Governor, not to the Mayor of Chicago, not to the Speaker of the House, not to the president of the Senate, not to anybody, but to people of the State of Illinois. I urge my colleagues to defeat this undemocratic Bill."

Speaker Wojcik: "We have, visiting with us today, students from Representative Jerry Mitchell's district. Fifth Grade students from Lincoln Grade School in Dixon. The teachers are Miss Vicky Glessner, Mrs. Barb Wagner, and Mrs. Christy Woodward. Please welcome them. Is there any further

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discussion? The Gentleman from Cook, Representative Lang is recognized."

Lang: "Thank you, Madam Speaker. I rise in very strong opposition to this proposed Constitutional Amendment. The Sponsor indicates that this is a starting point and we should move from here. I remind the Sponsor and the Members of the Body that this is not just simply a Bill we're talking about today. This is a proposed Amendment to the Constitution of the State of Illinois. The Constitution of the State of Illinois is not a place for a starting point. The Constitution of the State of Illinois is a place for the end. It's a place for the finished product. It's not a place where we start and then tinker as the years go on. So, that argument is a little specious it seems to me. Second, I would indicate that there's something wrong with a Constitutional Amendment that only covers the First Judicial District. Do we not have a problem with the selection of judges anywhere else in this state? Are no citizens in any other district in the State of Illinois concerned about the quality of their judiciary? It seems to me everyone is concerned about the quality of their judiciary. And so a Constitutional Amendment that only talks about Cook County, it seems to me is doomed before it starts, because it starts from the point of view of inequality. It starts from the point of view of unfairness. Next, this proposal is a continuation of what has been going on for the last two years in this General Assembly, which is a power grab, by the Governor of the State of Illinois. He may not have asked for this. I don't know if he asked for it or not, but it amounts to a power grab. There have been many offices over the last two years of Republican domination of this Body that have been

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turned over to the Governor to be appointed. There was an effort to appoint Water Reclamation District Commissioners in Cook County. There was a law we passed that the Governor signed to appoint the trustees of the University of Illinois. In fact, in your zeal to do that, you even took away their terms in midterm, taking away the rights of the citizens of the State of Illinois who had voted for those individuals. A court has overturned that. But, you will eventually get to the Governor, the power to appoint those votes. Same thing with the Board of Commissioners, the Tax Appeal Board in Cook County. You took away their offices. A court said you can't do that in midstream. Eventually, they will be appointed. So, this is a continuation of a power grab, and to talk about a power grab further, the commission that you proposed to put together here to nominate the judicial candidates will be dominated by the Republican Party. Now, the Republican Party may think that's a great deal. But, I remind you that the vast majority of folks living in Cook County are Democratic. Now, you may say, 'Why do you make such a political issue out of this?' The answer is, you know and we all know that this is a political issue, that the concern about merit selection of judges only goes so far. And the real bottom line ...is to create a nine member board which is dominated by the Republican Party, and whereby the Governor of this state will determine who the appellate court judges are, and who the Supreme Court judges are. And we all know what that's all about. That's a continuation of the abuse of power that has taken place in this Body, and in this city for the past two years. Finally, on the issue of merit selection. I think we all believe in merit selection, but what does that mean? And

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for many years we've all said, 'Let's have a merit selection plan.' And every merit selection plan we have seen fails. Some fail because they're too political. Some fail because the Governor is at the top. Some fail because the proposal that the Bar Association do the appointing is not in the best position to do it. The bottom line is all of the proposals have failed. All of them have flaws. All of them have faults, and that's why this hasn't been done. This one has the same failures. This one has the same faults. Let me also, before I close, say this. For those who don't believe it, it is true. Every candidate endorsed by the Democratic Party in Cook County for every judicial office, whether Subcircuit or county-wide was endorsed by a Bar Association. So, every single one of those candidates had merit, every single one of those candidates would have passed judicial muster and every one of those candidates would have passed the scrutiny of any kind of nominating commission you can put together. So, merit selection, come on. This isn't about merit selection. This is about a power grab. This is wrong. This is unfair. It requires a 'no' vote."

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

Santiago: "Thank you, Madam Speaker. As just mentioned by Representative Lang, the Sponsor indicated that this is the first step to bring merit selection here in the State of Illinois. As I stated earlier, under whose merit are we going to appoint judges? Is it under the merits of a board? Is it under the merits of the Chicago Bar Association, or some other association? We have seen that the proponents of merit selection have indicated, yes, we need a change. The current system is a system that's not

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working. Well, under whose judgement are we...whose judgement are we going to believe? I'll tell you why some of the proponents of merit selection say that it is not working, because and it is my own judgement, I feel that the people in Cook County, Republicans have made gains, Blacks have made gains, Hispanics have made gains, and so have women, have made gains. I've heard also that the argument that we need merit selection because too many individuals are running for judges. I have also heard the argument, well too many Irish-Americans are getting elected to the bench, another argument that has been put out there. But, let me tell you why I personally feel that the current system that we have right now under the Subcircuit in Cook County is working and specifically for my community and for those individuals that I just mentioned earlier. In the history of the judicial system in Cook County, before the Subcircuit, we only had four Hispanic judges that were appointed under a merit system that was formed by politicians. And since the existence of the Subcircuits in Cook County, we have elected five Hispanics to the bench, 100 plus percent gain. We have seen that women have also made giant steps towards that goal of becoming the judge. We have seen Blacks have done the same thing. So, why are we tinkering with a system that is working? A system that when we fought here in 1990...1991, we fought to create a Subcircuit because we wanted to address those same problems, because the Republicans were not being treated fair, because Blacks were not being treated fair, because Hispanics were not being treated fair, because women were not being treated fair. Now, all of the sudden, because the system as it is, is working. We cannot have more Republicans on the bench. We cannot have more women on the

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bench. We cannot have more Hispanics on the bench. We cannot have more Blacks on the bench. That is exactly what this thing is telling the people in Cook County and in The State of Illinois. Ladies and Gentlemen, this is the first step. It is a step backwards in equality. A step backwards in equity. A step backwards in a whole Democratic System. Let the people choose. Let the people go out there and pick whoever they want to represent them. This system is the system that we have and the the system that is working. So, like every other politician, and every other Body in the system, when something is working, we try to break it up. And this is what we're trying to do here. Ladies and Gentlemen, say no, say no to this proposal. It is a proposal that is, that is one of the worst proposals that I have seen here so far this year. And this is not a direct attack to the Sponsor of the Bill. He knows how I feel about merit selection. He knows how I feel about the whole judicial system. Let's open it up to the people. Let the people decide. Thank you, and I ask you to vote 'no' or 'present' on this Resolution. Thank you."

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

Pugh: "Thank you, Madam Speaker. Will the Sponsor yield for a question?"

Speaker Wojcik: "He indicates he will."

Pugh: "Representative, would I be safe...and forgive me, I'm not an attorney. But, we just passed a piece of legislation that requires individuals to have certain qualifications before they elect the judges, am I correct?"

Speaker Wojcik: "Representative Cross."

Cross: "Yes, Representative."

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Speaker Wojcik: "Representative Pugh."

Pugh: "And once these individuals meet the certain qualifications, then they will be chosen by another group of individuals that would deem them to have a certain level of merit. Is that right?"

Speaker Wojcik: "Representative Cross."

Cross: "For the category of judges that are outlined in this Amendment, that's correct, Representative."

Speaker Wojcik: "Representative Pugh."

Pugh: "Sir, how do you define the judges qualifications? How do you define the judges...the merit of an individual if they first went through the basic standards that you've articulated in the previous legislation? What other kinds of qualifications are they going to have before they are selected by this Body of individuals?"

Speaker Wojcik: "Representative Cross."

Cross: "Well, Representative, that's going to be a decision left up to the commission, and I guess ultimately up to the Governor and the Senate. I personally think we need to have judges that have a good deal of experience practicing law, either from a variety of areas. I think we need a judge that has experience, who's older, who has some wisdom, who has good temperament. The list goes on. There are a variety of qualifications. But, as I've told you earlier, or as I outlined earlier, we are talking about an individual that is going to make decisions affecting every one of our, potentially, every one of our lives. And for each person, it's the most important thing in their life. I'm not sure I understand the fear of having a commission sit down and go over the qualifications of prospective judges to outline it, to take their time, and to give it a good deal of time and energy and review. So, I can make a

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distinction, and I think those are the distinctions that have been made."

Speaker Wojcik: "Representative Pugh."

Pugh: "Yes, Sir, and Representative Cross, I'll attempt to identify or delineate some of those fears. First of all, in order to determine a perspective judges qualifications, one needs to consider things like integrity, fairness, judicial temperament, legal knowledge and ability. And there's no objective way to determine or quantify the lawyers knowledge and ability relative to these issues. Consequently, there is no way to compare one, and no way to say a person is better qualified than any other person. Selecting the person best qualified to be a judge is not an exact science. The judges convicted in the Graylord affair were all found qualified or highly qualified by the Chicago Bar Association. Therefore, a statement that one person is better qualified than someone else is an opinion, and at best, just a guess. There's a number of arguments that we would have relative to this piece of legislation, and over the years the elective system, which is currently in place has provided for ethnic racial and gender equality and political diversity in the judiciary, in Cook County. The appointive system, referred to as merit selection proposed, will resort an exclusion of African-Americans, Hispanic, Asian, and other minorities. It is undemocratic for voters who live outside of Cook County to be given an opportunity to vote on a referendum, and the power to decide in any manner, which a judge is selected in Cook County. Politics will not be eliminated. Racism, sexism, and favoritism until is system, it will be prevalent. The specific criteria which constitute or define merit are not delineated in the proposal. And consequently, the proposal

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which is labeled merit selection without a definition defining merit becomes meritless. And I would urge a 'no' vote."

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

Dart: "Thank you, Madam Speaker. This isn't reform. This is no more reform than the last tax proposal was in Washington. Did it reform our taxes? No. This is no more reform than your new rules were to reform this Body. This is not reform. This is purely a power grab. This is merit selection. This is reform is hiding behind this, behind this veil of reform is this thing called politics. You know it and I know it. Let's stop this unending litany of reform in merit. This is not merit. What have you done? It's a Republican gimmick. You've set up a committee which will be dominated by Republicans to determine who are going to be judges, in one and only one area in Cook County, in Cook County, mind you. You've set up a system where a majority of the members are going to come from the Republican Party, because you know and I know the Cook County Board presidency is going to be a Democratic presidency. You know that. And the way you have it set up is so that four of the members cannot come from a member of that party. So, it's going to be Republican commission. You know that and I know that. So this is just a political gimmick and you know it. Now, you're going to take this process and you're going to give it to politicians to decide. You're going to have a Senator, a Representative, who probably have no experience in the law, whatsoever to decide who are going to be the members of this commission. This is an utter joke. You know it is. This is not merit. This is politics, pure and simple. You've set up no

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criteria, whatsoever, to make sure that ethnic and racial, and gender is taken into consideration. You have some very vague language that they shall make reasonable efforts to do this. There's no assurances whatsoever they're going to do anything in this area. There's nothing. And furthermore, let's get down to the hypocrisy of this, the absolute hypocrisy. This is outrageous. This is an absolute scream, when you come down to it. Why don't you try looking in your own backyard. Representative, you don't have to go real far to find corruption. It's not just in Cook County. Do you mind if I just run a couple of them by you here? If I'm not mistaken, in the county just next to Cook County, in Will County, not more than a year ago, we had a judge who was one of the one's who came from a political appointment system, okay? In Will County, who was doing what, fixing parking tickets. What else was she doing? She was also putting out arrest warrants against the boyfriend of her daughter. Are you doing anything in this area, this area that cries out for some type of change? Absolutely nothing. You're going to let the politics go on there, turn your back to that. And Representative, let's take a look at home. At home we had a judge who sat on the bench, who decided that all of the sudden, he was a World War II, a Korean War Veteran, and a Vietnam Veteran, all rolled up into one. He was our latest hero. He was our Medal of Honor winner. He was an embarrassment, and he was a disgrace. And yet, are you doing anything about that? In that county, you're doing nothing there. Then we have a Supreme Court judge who allegedly fled and eluded police, who has written some of the most outrageous opinions that we have heard in this state. Are you doing anything about that? You're doing

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nothing, absolutely nothing. You're making a mockery of the word merit. You're making a mockery of the word reform. This is nothing but politics and this is a Republican scam and you know it."

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

Erwin: "Thanks, Madam Speaker. I was going to rise and say that I thought this was a very healthy debate, but following the last speaker, I'm not so sure of that. I think it's important for all of us to note that neither the House nor the Senate have debated merit selection of judges or reform of the judiciary of any kind in many, many years. And in fact, I would venture to guess that over half of the Illinois House that's here today, at least half, was not down here the last time the subject of merit selection of judges was debated either in committee or on the floor. Many of the...during the 80's, many of the proposals never made it, even to the floor. I think this, whatever your view of this particular merit selection proposal is, whether you like it or don't like it, I think this is a very healthy debate. I am delighted frankly, that there are a variety of judicial reform proposals out there. I think we ought to applaud people who are looking at ways to improve the quality of our judiciary. For those of you who believe that the system works just swell and fine, and there's no need for improvement of any kind, God bless you. Then definitely vote 'no' on this and any other merit selection proposal. But if you are one who will vote 'no' or not vote 'aye' today, but you do believe there is a need to improve the quality of judicial selection, then I challenge you and myself today to use this as the vehicle to continue working and to make a commitment to try and

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develop a consensus that will require diversity, ethnic diversity, racial diversity, but nonetheless, improvement in the quality of our judiciary as well as the selection. Now, for those of you on our side of the aisle, I would like to remind you that there have been many in our Party, in the Democratic Party, who have supported merit selection of judges, that the least of which was our candidate for Governor, and a distinguished law professor, Dawn Clark Netsch who spent many years in this Legislature trying to pass merit selection of judges. One of her chief supporters in the Illinois Senate and this Legislature was none other than Harold Washington. Now, it is not an issue, and does not need to be an issue that should divide us racially or geographically or any other way. The fact is that there are a lot of well-meaning people and people who want to see improvements of all ethnic groups. And so, from this I hope, I hope we can view this as healthy, constructive debate. And whatever happens with this, I am delighted that the Sponsors have put it forward. While we might not support this, it's not enough to just say what's wrong with these proposals. So everyone who has picked apart these and all the other proposals, please bring forward your constructive points on what you will support and then we can move on from here. Thank you."

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

Parke: "Thank you, Madam Speaker, Members of the General Assembly. I've been down here a number of years and some of the previous speakers talked about Republican control, saying that in the last year and a half that we've been trying to do things that just favor us for political considerations. Well, Ladies and Gentlemen, I want to

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remind the Body and anyone who is listening, that for the last 10 years under Democratic control, most every formula structured down here favored the City of Chicago. When legislation was presented that they didn't want the City of Chicago to be involved in, they exempted themselves from it and foisted it on the rest of the members of this State. Now, please, if you don't like the Bill, the Constitutional Amendment, don't vote for it. But don't come up with phoney excuses about this only being political. I'd like to know where was the legislation for merit selection when you were in control for the last 10 years? I'd like to know where that was. You're talking about not giving the people a chance to choose. We're doing that. People can choose that. If they want to choose it, they will be able to vote when we pass this. Don't give me those phoney excuses on a political basis. If you don't like it, stand up and find out what's wrong with the Bill. But don't tell me it's only political because you didn't do anything about it. We're doing it. Talk about this being the first step. Yeah, this is the first step in trying a new approach. How many times have all of us talked to our friends and neighbors about who's on the judge ballot? How many times has your mother or father said, 'Who should I vote for that are running for judges?' And you don't know, and neither do I. We don't know who these people are. We don't have the background, the expertise. What we have here today is HRCA 36 that is going to say we're going to try a new approach, one that hopefully people who have a better understanding of the qualifications of the candidates running will be able to use those expertise at putting members on the ballot that they feel will do a good job, and we then will validate that by voting for this

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Constitutional Amendment. This is a good idea, long overdue. If you don't like it, don't vote for it. But I think the people of Illinois deserve another approach and this is our attempt. I ask the Body to support and pass this legislation."

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

Schoenberg: "Thank you, Mr. Speaker. Thank you, Madam Speaker and Ladies and Gentlemen of the House. I think that with respect to Representative Erwin's comments, I think that she has done a more comprehensive job perhaps than any of us here in outlying the merits or lack of merits of the several proposals which have been discussed before the General Assembly this year. I think it's very important, and I think we have to underscore the fact that if we preserve the status quo in how we select judges in our State, then that'll be the ultimate injustice to the very people whose rights and safety we seek to protect. I have supported merit selection for judges since I first became a candidate for the General Assembly in 1988. As one of the few Members on our side of the aisle who represents an entirely suburban area, I'll even go so far to say that if our Party had moved forward on the area of merit selection, perhaps our position in the suburbs would be slightly different than where it is today. So perhaps the debate which is going on now should function as a clarion call to the Democratic Party about how we cannot preserve the status quo. By the same token, Mr. Dart's remarks were definitely on target and they were definitely correct. They provided a very accurate reflection of some of the abuses which have taken place on the other side, and they've also, he also spoke very compellingly as to why we

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cannot preserve the status quo. Merit selection is indeed an issue which we have to continue to address. And I think we should continue to address it along the same framework that Representative Erwin and Representative Kubik in his earlier remarks, have articulated. However, to call this particular proposal 'merit selection' does a great disservice to the very cause which those of us who support it seek to advance. This is a convoluted, transparent scheme to change the balance of power as far as how the judiciary is selected in certain instances. It by no means addresses the whole problem. If in fact we wanted to argue that this is a first step forward towards progress, my friends, we took that step with our last vote. And I was proud to Cosponsor the last measure along with people from both sides of the aisle. But this particular Bill does not improve the way we're going to select judges in Illinois. If anything, it'll make a bad situation worse, and I would encourage all of you to see through and beyond this transparent power grab in this particular proposal and to vote 'no'. That is not to say however, we should entirely give up on how we select judges. And that's not to say that we should be satisfied with the status quo. Mr. Dart spoke to the case of Justice Heiple. I remember when I first came to the Legislature of how there was a tremendous amount of money involved for that Supreme Court vacancy. There was a tremendous amount of money involved on both sides. The issues were long lost by the time the voters decided how Supreme Court Justices were selected. It really became a chance to decide who had the deeper pockets. If we're going to restore faith in the judiciary among the people who vote for us, then I think we need to indeed move the cause of merit selection forward. But to

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say that this is the vehicle to do it, I think does an absolute disservice to the very cause we're seeking to advance. Thank you."

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

Hoffman: "Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hoffman: "Yes, Representative, I wanted to just go a little bit over the appointing authority once again. It's my understanding that Members of this Chamber would have the ability to appoint the Board that would make these decisions. Is that correct?"

Speaker Wojcik: "Representative Cross."

Cross: "Yes, Representative. At least two Members would be appointed to that commission by the senior House Member of the opposite Party of the Cook County Board President."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "And who would that be?"

Speaker Wojcik: "Representative Cross."

Cross: "Pardon me, Representative. I didn't hear you."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Who would that be in this Chamber?"

Speaker Wojcik: "Representative Cross."

Cross: "Well, it would be the senior House Member from Cook County."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "And the same thing in the Senate, is that what you're saying?"

Speaker Wojcik: "Representative Cross."

Cross: "It would be the senior Senate Member from Cook County, Representative."

Speaker Wojcik: "Representative Hoffman."

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Hoffman: "Well, you know I certainly have faith and consider those colleagues very honorable people, but my concern is what's going to happen when they're not around. No, the concern is basically, I think that really describes the concern, making this more political. And I guess some of the other speakers, what they talked about and what they made reference to essentially say why this is wrong. And when somebody starts saying that a Constitutional Amendment is a vehicle, a vehicle for change, I think that's absolutely uncalled for and degrades our Constitution. This isn't a shell Bill, Representative. This is not a vehicle Bill. This is something that we would vote on that could potentially change the Constitution of the State of Illinois. There are many, many, many problems with this Bill. And you can't just say lightheartedly say that a Constitutional Amendment is a vehicle to start discussion. What would have happened if Jefferson and Washington and Madison during the Constitutional Convention had said, 'Well, this freedom of speech thing here, it's just a vehicle to get the discussion started.' Or, 'this right to bear arms or unreasonable search and seizure, that's just a vehicle to get it started.' We're talking about a change in the Illinois Constitution here. If you can't defend the provisions of this Bill, which many are absolutely undefendable, then you shouldn't be putting this forward. You shouldn't be asking us to vote on it. You don't ask for a change in the Constitution lightly to say this is a place to start discussions. This is a place to end discussions, to talk about changes in the Constitution, and say that, 'Well, maybe it will work. We may have to look at it a little bit further'. You can't do that. Once it's changed, once it's on the ballot, that means that it

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changes our Constitution and changes the way that judges are selected. I think that it's evident from previous speakers that there are several, several problems with this Bill, not to mention the total and further politicizing of the judiciary that is possible. And I think that we should be very happy that the framers of the Constitution of the United States didn't take the same type of cavalier attitude that is being taken from that side of the aisle."

Speaker Wojcik: "Since no one is seeking recognition, Representative Cross to close."

Cross: "Thank you, Madam Speaker. Briefly, you know, I find it ironic that we worry about political power grabs here when I think of the federal appointment process for federal judges. It certainly has been the practice in this State and maybe throughout the country to defer or at least look to the Senior Senator of the Party of the President to make recommendations to the President of the United States for federal judges and maybe even for U.S. Attorneys. No one on the other side of the aisle has objected to that practice. While it may not actually be part of the Constitution, it is certainly the practice that is adhered to. And no one has questioned the ability of Senator Simon to make recommendations to the President of the United States for federal judges. There has been talk about the special treatment of Cook County. Well, currently under the Constitution of the State of Illinois, we treat Cook County differently. And that's why we're treating Cook County differently now. And there's nothing different about what we're doing today. What happens when we consider judges in Cook County and maybe even in other parts of the State? There are a number of judges on the ballot. And how many people have come up to you as

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Representatives and said, 'I have absolutely no idea who to vote for for judge. I don't know any of these names. I don't know anything about them. I don't know their experience. I don't know their qualifications. I don't know what to do.' And many of you who happen to not be lawyers probably say, 'I don't know what to do either'. So, what happens? The person with the attractive ballot name perhaps gets selected? Or perhaps more importantly what really happens, not more importantly but realistically what happens, the person with the political clout gets elected because the political people make sure that happens. This is an attempt to get away from what has been happening. This is an attempt to have merit selection. This is an attempt to have a commission take a strong and hard look at qualified people, weed out the people that aren't qualified, and recommend to the Governor, who incidentally is accountable to the people of the State of Illinois. Let the Senate make the consent, who incidentally, the Senators are accountable to the people of the State of Illinois. And finally, for the first time, have people elected or selected I should say and nominated to the office of judge who are qualified. When I said earlier that it was a starting point, it's a starting point in that it is a Bill that I think has an opportunity to pass. Unfortunately the Bills in the Senate did not. This is a starting point in that we can finally make the first step, finally quit talking about saying merit selection is what we want but never voting for it. Here is an opportunity to vote for merit selection. Here is an opportunity to quit just talking and actually do something. And for those reasons and all of the others from the speakers that have encouraged a 'yes' vote, I would ask for

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a 'yes' vote on House Joint Resolution Constitutional Amendment #36. Thank you."

Speaker Wojcik: "Representative Cross has moved for the adoption of House Joint Resolution Constitutional Amendment 36. All those in favor will vote 'aye'; all those opposed will 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 55 'yeas', 52 'nays', 5 voting 'present'. And this Bill, having failed to receive the required three-fifths Majority, is hereby declared lost. Senate Bills - Third Reading. Mr. Clerk, on page 2 of the Calendar is Senate Bill 1264. Read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 1264. A Bill for an Act concerning taxes. Third Reading of this Senate Bill."

Speaker Wojcik: "The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Bill 1264 amends the Use Tax, the service tax to provide the persons engaged in graphic arts production shall also receive the same credit available to manufacturers under the manufacturers purchased credit."

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

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

Speaker Wojcik: "He indicates he will."

Dart: "Representative, what type of things are going to be covered under this exemption?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Thank you, Madam Speaker. Representative, it would be equipment that would be used in the printing industry. Basically, a number of years ago, the State of Illinois

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allowed for manufacturers in the State to participate in the Manufacturers Purchase Credit Program. And during that time, it was not allowed or did not provide for the people in the printing and graphics industry to do the same thing. So this would extend it to include them. It would be whatever types of equipment they use to do the production of their product. They would then be able to have a tax credit that would be applied against consumables in which they already are paying the sales tax to. So to answer your question just very directly, specific pieces of printing equipment used in the production of their product."

Speaker Wojcik: "Representative Dart."

Dart: "Was there not a court case involved to distinguish the printing industry from the rest of the manufacturers?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "You know Representative, I'm not an attorney as I understand from some folks of a number of years ago, apparently back in the 1930's, there apparently was some court case, that there was some differentiation between that. But obviously over the evolution of time over the past 60 years, the industry has changed. We even legislatively have provided for various participation to the same types of legislation between them. So for example, today under the SIC Codes, system of our State, printing is under the same categories as manufacturing. So yes, there was a court case, but that was over 60 years ago."

Speaker Wojcik: "Representative Dart."

Dart: "But the, I guess my question then though, even though it is an old case, is it a case that...would this law codify it or is this running contrary to it? Is this something

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that's going to affect the court cases? Even though it may be an old court case, if it still has not been overturned by anybody, it's still case law. Is this something that's going to codify what they're doing? Or is it going to overturn what they're doing? How is it going to impact that?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "I'm sorry, Representative. I can't give you truly an accurate answer. My belief would be though that, you know, what we're doing here is very specifically identifying it and allowing them a certain type of condition under our tax process. So I can't imagine that it would be in conflict of that court case."

Speaker Wojcik: "Representative Dart."

Dart: "Representative, now I notice one of the proponents of this is R. R. Donnelley. If this had been on the books, would they have not downsized or moved some of their facilities?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Obviously, I wouldn't be able to speak for them, nor do I have any assumptions outside of believing that this would be a benefit to them in the State of Illinois. And as you look at the various charts of other states that allow the printing industry this same type of a benefit, it obviously would be enhancing for any printing company in the State of Illinois to have this position in place."

Speaker Wojcik: "Representative Dart."

Dart: "Is...in regards to that court case though, the thing that I was wondering though is, my understanding is in that court case, the printing industry actually went and wanted themselves declared that they were not manufacturing. That's why I guess I'm sort of concerned. It was their initiative to have themselves declared non manufacturing."

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Is this going to run contrary to that at all?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Again, Representative, I can only talk from you know, discussions in general. But we have to remind ourselves that this was 60 years ago and the industries change over a period of time. So I would assume that now today, with the printing industry coming forward here, that they would like to participate in this program, that this obviously is some type of an initiative from their side and it would not necessarily run conflict with it."

Speaker Wojcik: "Representative Dart."

Dart: "How much money is this going to cost the State of Illinois as far as less revenue in the GRF as a result of this, A) and B), is that money going to in any way, would that lack of money hurt the schools or would that factor into that Quality First proposal as far as the extra 500 million you found?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "I heard the first part, and I'll try to answer that, Representative. If I don't answer your second part, please ask me again. The answer to your question for FY '97, this credit would be estimated to be approximately \$1.3 million. Now, what I would have to add to that though, is that obviously as we look to provide incentives and enhancements for industry here in the State of Illinois, that hopefully we can find them reinvesting in the State and of course, improving their business and growing their job base which is very helpful to our economy as well."

Speaker Wojcik: "Representative Dart."

Dart: "My last question is, would any of this revenue loss though that is projected, would that come out of the Educational Fund? Would there be less money for schools or would that

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in any way negatively impact the Quality First proposal where you found 500 million extra dollars?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "No, it would not affect the Quality First, I'm sure.

And in regards to where the money would come from, it's all going to be from you know, we're dealing with estimate revenues anyway. I would highlight the Department of Revenue did not file an opposition slip to this when we were in the Revenue Committee."

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

Lang: "Thank you, Madam Speaker. I simply rise to declare a potential conflict of interest on this Bill, so I will be voting 'present'."

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

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

Speaker Wojcik: "He indicates he will."

Mautino: "Representative, do you have a number on the number of small businesses that will be potentially impacted by this Bill?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Yes, Representative. The number of establishments here in the State of Illinois is approximately 35 hundred plus. I'll go ahead and highlight if I may, that that industry in our State employs about 76 thousand people."

Speaker Wojcik: "Representative Mautino."

Mautino: "I am very well aware that we are the fourth largest commercial printing state in the country. As far as without passage of this Bill, those and 80% of those jobs incidentally, are in those companies that have 20 employees

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or less. So if this goes through, then they will be able to use that credit towards consumables, I believe?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Would you repeat the question, please?"

Speaker Wojcik: "Representative Mautino."

Mautino: "If this goes through, they're going to be able to take that tax credit, apply it towards consumables, and assist in their overall operations?"

Speaker Wojcik: "Representative Rutherford."

Rutherford: "Yes, Representative. You are correct. This will be a tax credit that will be able to be applied back to other items, the consumables that they would be purchasing for their business onto which they then would be able to apply this towards a credit on the sales tax they would be paying on those consumables."

Speaker Wojcik: "Representative Mautino."

Mautino: "Thank you, Madam Speaker. I simply rise in support of the Gentleman's legislation. I think that this would be a strong move to help a lot of the small businesses who employ 80% of that 77 thousand people throughout the state."

Speaker Wojcik: "Seeing no further discussion, Representative Rutherford to close."

Rutherford: "I would ask for a favorable Roll Call and particularly appreciate the assistance and guidance from my colleagues on both sides of the aisle."

Speaker Wojcik: "The question is, 'Shall Senate Bill 1264 pass?' All in favor vote 'aye'; all those opposed vote 'nay'. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 'ayes', 0 'nays', 2 voting 'present'. And this Bill, having received

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a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1266."

Clerk Rossi: "Senate Bill 1266. A Bill for an Act amending the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Wojcik: "Representative Ackerman."

Ackerman: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. This Bill allows the City of Minonk to retain siting authority of the landfill adjacent to the municipality. The landfill is operated by the U.S.A. Waste Corporation. The municipality has concerns about any expansion of the landfill as it may impact the health and safety of its residents. This exemption was passed in 1993 as SB 227, which I, along with Representative Novak, Cosponsor. This exemption is due to sunset on January 1st, 1997. SB 1266 simply removes that sunset date to address concerns expressed in Committee. The shift of siting does not apply to situations where the proposed site was on April 1st, 1993 owned in whole or in part by another municipality. I would ask for your favorable consideration."

Speaker Wojcik: "Is there any discussion? The Chair recognizes the Gentleman from Winnebago, Representative Scott."

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

Speaker Wojcik: "He indicates he will."

Scott: "Representative Ackerman, we're creating, essentially we're extending an exception to the siting requirements that require county boards to do the siting for these type of landfills or regional pollution control facilities. So this is an exception to the law that we have in the books right now."

Speaker Wojcik: "Representative Ackerman."

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Ackerman: "This exception was already granted by the Legislature in 1993. This is just to make it permanent."

Speaker Wojcik: "Representative Scott."

Scott: "Now there's no landfill that exists on this site right now at all, is there? It's just a proposal."

Speaker Wojcik: "Representative Ackerman."

Ackerman: "Yes there is, where the City of Minonk is concerned about it's expansion."

Speaker Wojcik: "Representative Scott."

Scott: "Well, what have been the environmental problems or conditions that have happened to this landfill since the time it has been operating? What...have there been leakages? Have there been substantial environmental incidents at this site? What has happened since it has been open?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "Underneath this landfill, it is honey combed with old mine shafts and some of the old-timers that live in the area say there are faults in the area. This causes the Village of Minonk a great concern for their water supply. And they are rightfully more concerned than even the county board may be. That was their reason for this legislation."

Speaker Wojcik: "Representative Scott."

Scott: "Well, with all due respect, if we've got a place where the geology is that lousy underneath the landfill in the first place, why would Minonk site it in the first place? It seems to me that that's a place where you wouldn't want a landfill at all."

Speaker Wojcik: "Representative Ackerman."

Ackerman: "This was sited before we had these regulations and it just happens to be up against the Village of Minonk."

Speaker Wojcik: "Representative Scott."

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Scott: "You answered this for me in committee, but I want to say it on the Floor, too. What is it about Woodford County that makes you think that they don't have any concerns over the environmental conditions at this site, or that they'd be less likely to enforce the environmental standards in the Environmental Protection Act? What is it about this county that makes you think they won't do their job as we've given it to them?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "I have no knowledge that they would not do their job. But Minonk feels that they have much more concern with this particular situation and the General Assembly also agreed with them in '93. That is the reason for the legislation."

Speaker Wojcik: "Representative Scott."

Scott: "Now, Ogle County got an exemption. That was the Senate Amendment #1 that is part of the Bill. They got an exemption from your exemption. In other words, they want to be put back and have the county have siting control. What other examples are there that you know of besides the one in Ogle County that would fit your requirements?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "There are none that we know of."

Speaker Wojcik: "Representative Scott."

Scott: "What kind of effort have you made to go through and find out whether or not there are other sites? I mean, Ogle County just is fortunate enough. That facility has somebody that works down here that was aware of the legislation. How...what efforts have you made to determine whether or not there are other sites that apply?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "If there were other sites, I do believe between '93, when this legislation was passed and the present time, it

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would have been made known."

Speaker Wojcik: "Representative Scott."

Scott: "Yeah, but now we're talking about something that was sunsetted at the end of this year that we're going to remove the sunset forever on. What's the harm in extending the sunset beyond the point where you think Minonk is going to actually have some control over the expansion that's planned, if any?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "The sunset was in place to allow time to see if there was other places affected by this. Now, we feel that we must give Minonk this control, that there is none other has come forward."

Speaker Wojcik: "Representative Scott."

Scott: "Well, that last answer confuses me a little bit. If there is an expansion that's been proposed, I don't know if that's true or not, but if there's an expansion that's been proposed, there are time limits in the Act to consider those. I mean, what time frame now is this landfill under to try to move forward with their expansion. Do we know that there's an expansion planned? Has there been anything submitted? Is there anything on the books?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "I'm not aware that there has been any expansion considered. But this has come about so Minonk..."

Speaker Wojcik: "Representative Ackerman."

Ackerman: "So Minonk can deal with it if there would be any considered."

Speaker Wojcik: "Representative Scott, would you please bring your questions to a close?"

Scott: "So, we're kind of creating a solution for something we don't even know is a problem, then?"

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Speaker Wojcik: "Representative Ackerman."

Ackerman: "The solution was created in 1993."

Speaker Wojcik: "Representative Scott."

Scott: "The National Solid Waste Management Association is in opposition to your Bill. Could you tell us what is the basis of their opposition?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "I really can't tell you what the basis of theirs was other than they have philosophical considerations in citing that they expressed in Committee."

Speaker Wojcik: "Representative Scott."

Scott: "I believe somebody else would yield me too, if you wanted to do it that way."

Speaker Wojcik: "Why don't we recognize someone else and they can yield back to you?"

Scott: "Okay. That'd be fine. Thank you."

Speaker Wojcik: "Okay, good. Thank you. Any further discussion? The Gentleman from Kankakee, Representative Novak, is recognized."

Novak: "Yes, thank you, Madam Speaker. I respect the comments of my colleague, Representative Scott. But I want to stand in support of this legislation. Just to give a little background, three years ago the Woodford County Board, excuse me, the Woodford County Farm Bureau, Representative Mautino, Representative Ackerman and Senator Maitland came to my office and asked me to help them with a problem they had with a landfill and some siting requirements in their representative district, excuse me. We put a Bill together that had a sunset on it that affects, that has an effective date I believe of January 1997. This landfill is contiguous to the village limits of the Village of Minonk. Correct, Representative Ackerman? And the reason why they

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want this sunset date taken off is to give them more time to continue with the siting process. The landfill will eventually, and just shake your head yes or no, Representative Ackerman, the landfill will eventually be annexed into the Village. Is that correct? Right. So, we want the siting authority to remain with the municipality of Minonk. Right now they don't have enough time to complete the siting process. They're concerned about mine subsidence. They're concerned about a number of other things. And the Village Board is in a better position, environmentally and demographically to take care of the concerns of the siting, and if you compared it to the Woodford County Board as such. So, I would ask my colleagues, number one, this is not...this is special legislation. This does not weaken or dilute the siting process that we currently enjoy in the State of Illinois. There isn't any hidden agenda. So, please support this Senate Bill 1266. It helps out a small community. Thank you."

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

Mautino: "Thank you. I just would like to echo the comments of Representative Novak. He and I and Representative Rutherford had handled that legislation three years ago. They do need some additional time to get the siting done. And this leaves the control within the small community of Minonk. And I ask for a favorable Roll Call on this."

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

Fantin: "Thank you, Madam Speaker. I'd like to yield my time to Representative Scott."

Speaker Wojcik: "Representative Scott."

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Scott: "Thank you, Representative Fantin and Madam Speaker. Let me follow up on something that Representative Novak said, cause I think it's an interesting point. He's saying that this property is contiguous to the Village and that therefore, the village has some additional concerns that they might not otherwise have. And I understand that and I respect that. But aren't there lots of cases around the state where landfills actually exist inside the city limits of a municipality, but their siting and expansion or ultimate siting is still governed by the county? I mean, don't we have those examples all over the state?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "There very well may be. That's why this siting legislation is so narrowly drawn to aim at just the Village of Minonk."

Speaker Wojcik: "Representative Scott."

Scott: "Well, just so we're all clear, Representative, the siting doesn't have anything to do with the location inside adjacent to a municipality. Isn't siting who gets to make that determination based on where the refuse is coming from? I mean, if something is located in the municipality, but they're taking refuse from outside of the municipality, doesn't that mean that the County Board gets jurisdiction over it?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "Would you repeat your question, please?"

Speaker Wojcik: "Representative Scott."

Scott: "Sure. Siting is based not only on location but also where the refuse is coming from. So that if there were in, say, the Village of Morton, if there were a landfill inside the village, but that landfill accepted waste from beyond the village limits of Morton, then it would be Tazewell

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County, for example, their responsibility to site. So it's based on not only the location, but also on where the waste is coming from? Isn't that the way we've set it up?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "That certainly is a factor. Yes."

Speaker Wojcik: "Representative Scott."

Scott: "Okay, so to answer my own question asked a couple back, there are dozens literally of examples throughout this state, where you've got landfills that exist inside, actually inside the village limits of a municipality or a city, but they're siting for their expansion or their landfill or transfer station or other permits. That's all governed by the county because of where they pick their waste up from. It seems to me that those examples would be at least as important to those particular cities or villages as this is to Minonk where, while they may plan to annex at some time in the future, it's not even in the city limits right now. What makes this particular landfill any different than any of those other dozens of examples?"

Speaker Wojcik: "Representative Ackerman."

Ackerman: "You make a good point. But none of the other villages have contacted me, and I know of no other ones that have the same other problems such as Minonk has with the possible mine subsidence and faults that are holding these same concerns. We're just dealing with the City of Minonk at this time."

Speaker Wojcik: "Representative Scott."

Scott: "Thank you, Madam Speaker. To the Bill. I appreciate Representative Ackerman's answers to the questions. And I understand what the village is saying, they're saying there's a landfill that's located immediately contiguous to their village limits. They're interested in making sure

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that that landfill complies with all the safety requirements. They'd love to have siting. But so would dozens of other municipalities and cities throughout the state. But the fact of the matter is that's not the way we set the law up. We set the law up such that if waste is taken from outside the municipal limits, the county board has the right to make that determination. That's the basis for the opposition from National Solid Waste Management Association. They don't think it's fair, and frankly neither do I, that we come in and piecemeal one landfill at a time, one transfer station at a time, which we've also done during this Session, and change the siting requirements just because somebody might be able to have the influence and get the ear of Representative Ackerman or other Representatives in this Body. I don't think that's right. If we think the siting requirements are bad, if we think we set them up the wrong way back when we made the Senate Bill 172 siting process become law back 10, 12 years ago. Then let's change them. But let's not bring in individual landfills, individual transfer stations or other solid waste facilities and say we're going to change the jurisdiction, we're going to grandfather them, we're going to give them extra siting consideration that we do for all of the other sites. It's not fair. The other sites have to go through a process that we've laid out. So should this site. And I ask my colleagues to vote 'no'."

Speaker Wojcik: "I'd like to announce that we are being visited by Martinsville 4th grade and the teacher is Mrs. Sherwood with the parents. They are guests of Mike Weaver. Let's recognize them in the Gallery. Seeing no further discussion, Representative Ackerman to close."

Ackerman: "Thank you, Madam Speaker. I just want to thank my two

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colleagues on the other side of the aisle for their favorable comments for this Bill. And I would ask for your favorable consideration."

Speaker Wojcik: "The question is, 'Shall Senate Bill 1266 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 90 'ayes', 14 'nays', 8 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 1279?"

Clerk Rossi: "Senate Bill 1279 is on the Order of Senate Bills - Third Reading."

Speaker Wojcik: "Return that Bill to Second. Representative Lang, for what purpose do you rise? Mr. Clerk, please read Senate Bill 1360."

Clerk Rossi: "Senate Bill 1360. A Bill for an Act in relation to coal combustion waste. Third Reading of this Senate Bill."

Speaker Wojcik: "The Chair recognizes Representative Bost."

Bost: "Thank you, Madam Chairman, Members of the House. Senate Bill 1360 amends the Environmental Protection Act to provide that no person shall cause or allow the storage or disposal of coal combustion waste except under specific conditions. Basically, all it does, it replaces, last year we had Senate Bill 327 in which the words were put, 'coal combustible' or 'coal combustion by-products'. We want to change that and put 'coal combustible waste'. Be glad to answer any questions."

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

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

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Speaker Wojcik: "He indicates he will."

Novak: "Representative Bost, could you explain for the Body the difference between 'coal combustion waste' and the other was it 'coal combustion by-products', I think you indicated. Could you explain the difference to us?"

Speaker Wojcik: "Representative Bost."

Bost: "Under the Mines and Minerals Program, the wording 'by-product' is going to require different standards than combustion waste."

Speaker Wojcik: "Representative Novak."

Novak: "Well, thank you, Madam Speaker. What do you mean by different standards, different items? I mean, will there be more things that will be included in the definition of coal combustion waste that were included in the definition of coal combustion by-products? I think that was the question I was asking."

Speaker Wojcik: "Representative Bost."

Bost: "Representative, maybe I can better answer your question of, and I'm hoping I am. I'm trying to here. By reading the word from the department, a coal mine facility wanting to dispose of coal combustion waste must submit an application obtaining approval for Illinois Environmental Protection Agency and Department of Natural Resources, offices of Mines and Minerals. The application for such a request must include a reclamation plan to demonstrate the disposal area will be covered in a manner that will support continuous vegetation. A demonstration that the facility will be adequately protected from wind and water and erosion. This demonstration shall also include a description of storage handling and placement operating and an estimate of the volume of waste to be disposed, demonstrating that the PH will be maintained so as to

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prevent excessive leaching of metal ions that shall include the chemical analysis of the waste and/or waste mixture. Representative, fly ash is a product that is a coal combustible waste, and is one that would not fall under this the way it is now."

Speaker Wojcik: "Representative Novak."

Novak: "Thank you, Madam Speaker. Representative Bost, will the old railroad ties or scrap tires or other type of contaminated material be included in this?"

Speaker Wojcik: "Representative Bost."

Bost: "No, Representative. They will not."

Speaker Wojcik: "Representative Novak."

Novak: "There isn't any provision in this Bill that allows a certain percentage of scrap tires or wood or other materials to be allowed in this process? My analysis shows that."

Speaker Wojcik: "Representative Bost."

Bost: "The analysis that I have of the Bill and the word that we have from the department is it will not."

Speaker Wojcik: "Representative Novak."

Novak: "Well, so you can assure us that scrap tires, you can assure us that creosote saturated railroad ties, creosote saturated telephone poles that are no longer in use will not be used in this process? Is that correct?"

Speaker Wojcik: "Representative Bost."

Bost: "This is no change to the current program, so those are not in there now. They weren't protected under this law either."

Speaker Wojcik: "Representative Novak."

Novak: "What about fly ash?"

Speaker Wojcik: "Representative Bost."

Bost: "Fly ash is what we currently dispose of, and that is one

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of the products that we're trying to make sure that we can still continue to dispose of."

Speaker Wojcik: "Representative Novak."

Novak: "I'm sorry, Representative. What did you say about fly ash? You said that product is included in this process?"

Speaker Wojcik: "Representative Bost."

Bost: "Yes it is. That's what we're trying to do, is make sure that we can still dispose of the fly ash."

Speaker Wojcik: "Representative Novak."

Novak: "I'm sure you are aware that certain fly ash products that are generated from an incineration process has been ruled as hazardous waste. Now, that type of fly ash certainly will not be included in this process. Is that correct?"

Speaker Wojcik: "Representative Bost."

Bost: "If it is not any different than the current standards. Now, if that fly ash, it is discovered that it does not meet those standards, then it will be a completely different situation."

Speaker Wojcik: "Representative Novak."

Novak: "And one last question. What is this filler material that's supposed to be involved in this?"

Speaker Wojcik: "Representative Bost."

Bost: "I don't have an answer for that."

Speaker Wojcik: "Representative Novak."

Novak: "No further questions."

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

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

Speaker Wojcik: "He indicates he will."

Deering: "Representative, by changing this language, we worked on this Bill last year I know, and we do have some combustion by-products coming out of the utilities that are remnants

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of a cogeneration with shredded tires and everything, some of the coal fired power plants. So we do have some of those burnt tires in the fly ash just so we can clarify the record. But by changing the wording here, we're not taking away any of the uses of the fly ash, the bottom ash or any of the other by-products could be used for structural fill to be used for filters in sanitary landfills. We can still use these products for those purposes. Is that not correct?"

Speaker Wojcik: "Representative Bost."

Bost: "That's correct, Representative. Thank you for bringing that up because that is the intent. There are times that we use these products, and we want to be able to continue to use these products. When the wording was changed, there became a problem with that. And that's why we're trying to change it back."

Speaker Wojcik: "Representative Deering."

Deering: "Thank you, Madam Speaker. Representative, I'm somewhat unfamiliar ... came about since I think we worked on some of this legislation last year, and I thought we had all the 't's' crossed and the 'i's' dotted. But this will clear up some problems that could be brought forth in the future. I know especially in our areas, the downstate areas that we represent, that a lot of these by-products are used to keep people working. They're used for fill for construction of highways, asphalt shingles, so this is good clarification language. I strongly support this Bill."

Speaker Wojcik: "Seeing no further discussion, Representative Bost to close."

Bost: "Thank you, Madam Speaker. Members of the House, this is a cleanup of some language. The Coal Association is in support of it. The United Mine Workers are in support of

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this. I would ask for your 'aye' vote."

Speaker Wojcik: "The question is, 'Shall Senate Bill 1360 pass?'

All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 'ayes', 0 'nays', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1361."

Clerk McLennand: "Senate Bill 1361. A Bill for an Act concerning tax exemptions. Third Reading of this Senate Bill."

Speaker Wojcik: "The Chair recognizes Representative Bost."

Bost: "Thank you, Madam Speaker, Members of the House. Senate Bill 1361 amends the Use Tax Act and the Service Use Tax Acts, Service Occupation Tax Act and the Retailers Occupation Tax. It's identical to a Bill we moved in the House, Bill 2702, which is...basically what it does is it allows the people in the coal industry to purchase equipment less than \$250 without the...makes them tax exempt, just puts them on line with farms and many other industries in the state. Be glad to answer any questions."

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

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

Speaker Wojcik: "He indicates he will."

Dart: "Representative, how many companies are going to be affected by this?"

Speaker Wojcik: "Representative Bost."

Bost: "We're not sure on the total number of companies that would be affected by this."

Speaker Wojcik: "Representative Dart."

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Dart: "Is there any estimate from the industry on the dollar value attached to this for them?"

Speaker Wojcik: "Representative Bost."

Bost: "Approximately 3.5 million."

Speaker Wojcik: "Representative Dart."

Dart: "What's that total based on?"

Speaker Wojcik: "Representative Bost."

Bost: "It's based on the sales over the last year and then just the average of that."

Speaker Wojcik: "Representative Dart."

Dart: "Do you have the total of what companies as far as the amount of companies these sales are derived from?"

Speaker Wojcik: "Representative Bost."

Bost: "I do not have that breakdown."

Speaker Wojcik: "Representative Dart."

Dart: "I show a \$3.5 million hit from the state. What's going to be the local hit? How much...so approximately I think you mentioned 3.5 million from the state. What's the local hit? How much is it to local governments? How is that going to put us?"

Speaker Wojcik: "Representative Bost."

Bost: "That's including the local governments. Local governments is about 16% of that which is \$560 thousand."

Speaker Wojcik: "Representative Dart."

Dart: "Okay. And that would be the dollar value that would otherwise be going to locals? Is that it?"

Speaker Wojcik: "Representative Bost."

Bost: "Can you repeat the question? I'm sorry."

Speaker Wojcik: "Representative Dart."

Dart: "Your \$500 thousand figure, we have a \$700 thousand figure. But is that the figure that would be going to local governments that won't be going there now?"

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Speaker Wojcik: "Representative Bost."

Bost: "That would be the amount going to local taxing bodies."

Speaker Wojcik: "Representative Dart."

Dart: "Well, will that money that won't be going there, I would imagine, well the only way the locals can make that up would be through property taxes. So is this going to require the locals to increase their property taxes to meet this \$5 hundred or 700 thousand hole?"

Speaker Wojcik: "Representative Bost."

Bost: "It is not the intent of the Bill to do that. Whether that is generated to how that is spread out across the state, it's not the intent to do that. It is the intent to keep industry into those local governments and hopefully providing more revenue to them."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. I understand your intent, Representative. And I agree with what you're trying to do there. But money does not grow on trees around here, so it's got to come from somewhere. And I dare say that between that \$600,000 from the last Bill and the \$700,000 in this Bill, that's a substantial amount of money. Is there any type of measure that you have going along with these two Bills? Is there like a trailer Bill or something else that's going to put the additional money back into the State revenue that's going to be removed by these Bills?"

Speaker Wojcik: "Representative Bost."

Bost: "I think with these Bills, if we can hold onto the existing industry, the amount of revenue that will be generated just from the fact of being able to pay and keep jobs in the are is more than the benefit that we need in this."

Speaker Wojcik: "Representative Dart."

Dart: "Do you have any statistical figures or data that will show

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that, give me a number?"

Speaker Wojcik: "Representative Bost."

Bost: "I don't have those statistics that quote exactly what you're looking for, but I would love for you to come to my district and Representative Terry Deering's district and all the districts down in our area where the coal industry is left. And I can show you how important it is that we make sure that we keep our coal jobs in the area, that we keep people on the payroll and that we can continue to hold onto the jobs that we have left in Southern Illinois."

Speaker Wojcik: "Representative Dart."

Dart: "I have been down in those districts, Representative. Representative Hoffman and I are down there quite frequently. And I understand the plight of the coal miners and I'm all for helping them. I've talked with the United Mine Workers quite often about ways to help them. But as I said, we can't kid ourselves. Though this is a good Bill, the money does have to come from somewhere as well."

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

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

Speaker Wojcik: "He indicates he will."

Deering: "Representative, you know I'm somewhat interested in how the Department of Revenue came up with a \$3.5 million state loss, \$700 thousand local government loss. I mean, you know as well as I do the Clean Air Act is killing the coal industry downstate so there's not as many jobs going and, in fact, that's why we're trying to do this Bill to remove this cap. I would also ask a question that, is this \$700 thousand loss to local government statewide or is this just a loss to local government in the county where the coal operation is located?"

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Speaker Wojcik: "Representative Bost."

Bost: "Representative Deering, I'm glad you asked that because it is statewide. The loss is statewide. Whatever company, these companies buy products from wherever those are located, that's where it will occur. But also we know that these are just estimated figures. I agree with you that maybe those are a little high because we know what the industry has been doing in our area. And I don't think the impact is quite as much, but that's what they say it is. And that's the ones we'll have to use on the floor."

Speaker Wojcik: "Representative Deering."

Deering: "Since we're going to remove the cost threshold on the...or remove the \$250 cap, if I was...a coal company was going to purchase a haul truck that cost probably in a ballpark of \$1.5 million or maybe \$1 million, something like that, would that piece of equipment then be totally tax exempt if the Governor signs this piece of legislation?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative, that's correct. It would be totally tax exempt. It's all but tax exempt now, except for this \$250. So this just takes that on down."

Speaker Wojcik: "Representative Deering."

Deering: "Does this threshold, or does any tax exemption currently exist for any mining machinery or hauling equipment used in the aggregate industry?"

Speaker Wojcik: "Representative Bost."

Bost: "Yes it does. It exists."

Speaker Wojcik: "Representative Deering."

Deering: "Thank you, Madam Speaker. No further questions."

Speaker Wojcik: "Seeing no further discussion, Representative Bost to close."

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Bost: "Thank you, Madam Speaker, Members of the House. I would just ask for your positive vote."

Speaker Wojcik: "The question is, 'Shall Senate Bill 1361 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 'ayes', 1 'nay', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1389."

Clerk Rossi: "Senate Bill 1389. A Bill for an Act in relation to certain land. Third Reading of this Senate Bill."

Speaker Wojcik: "The Chair recognizes Representative Noland. Instead of Representative Noland, we'll just introduce Rocky."

Noland: "Speaker, Ladies and Gentlemen, Senate Bill 1389 is the annual DOT land conveyance Bill. It is noncontroversial. There is a willing buyer, a willing seller. Each case has been reviewed at a district level, at a central level and I would urge your adoption."

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

Hoffman: "Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hoffman: "Could you just go through the conveyances please?"

Speaker Wojcik: "Representative Noland."

Noland: "Please repeat the question."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, maybe I can help. It's my understanding that this would release various easements and convey certain lands. Now, I don't need you to go through every single

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one of them. But there are some such as it would convey land in Sangamon County to the Capitol City Railroad or a Relocation Authority for \$1. How come only \$1?"

Speaker Wojcik: "Representative Noland."

Noland: "Speaker, there's a disturbance on the floor. Would you please gain order?"

Speaker Wojcik: "Representative, you look just like the kind of person that needs that kind of protection. After that run, I think you need all the help you can get."

Noland: "Representative Hoffman, did you ask me about the land conveyance in Sangamon County on the railroad?"

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Yes."

Speaker Wojcik: "Representative Noland."

Noland: "Mr. Hoffman, this is a culmination of the agreement between the DOT and the Capitol City Railroad Relocation Authority. This is acquired for railroad use only and the DOT is essentially just conveying this property back to all the local government bodies. This is actually the railroad property."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Okay, the problem is that it is my understanding that the Capital City Railroad Relocation Authority is going to sunset on January 1st, 1997. The concern on our side of the aisle, is what will happen with the land at that time."

Speaker Wojcik: "Representative Noland."

Noland: "The conveyance will be done before sunset. This is the actual railroad property. This land is being used for the actual railroad."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, the concern is if the Authority then ceases to exist, what happens to the land?"

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Speaker Wojcik: "Representative Noland."

Noland: "The land will be used for railroad purposes."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, can a defunct authority have title to the land? That's the question because it's my understanding that the authority is due to sunset January 1, 1997 and I'm not against this or for it. I just think that's a concern."

Speaker Wojcik: "Representative Noland."

Noland: "Representative Hoffman, as I understand it, it's being conveyed for railroad purposes and I understand your concern but there's no...it's going to be railroad...I'm sorry, I can't give you fuller details than that, I'm sorry."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "Well, that's the only one that we saw that there might have been some concern about and I think that maybe that either the Governor or somebody could address that issue. We just want to make sure it's used for the purposes by which we're transferring it. I don't have any problem with the Bill."

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

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

Speaker Wojcik: "He indicates he will."

Deering: "I'm not that dangerous, guys, not yet. Representative, this piece of ground that I notice in this Bill for Monroe County, is this fee, the amount of the fee, is this correct, 35 hundred bucks?"

Speaker Wojcik: "Representative Noland."

Noland: "Representative Deering, are you referring to the partial of Section 20 in Monroe County? Is that what you're referring to?"

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Speaker Wojcik: "Representative Deering."

Deering: "Let's see, Representative. I don't have a number here but it's in Columbia, the city of Columbia and Monroe County. I think it refers to .405 acres of ground within the city of Columbia. Is that \$35 hundred fee correct?"

Speaker Wojcik: "Representative Noland."

Noland: "Representative Deering, you are correct. That is .405 acres. It was acquired for the dedication of right of way. It is no longer needed for highway purposes and it's being sold to the city of Columbia at a current appraised value of \$35 hundred."

Speaker Wojcik: "Representative Deering."

Deering: "And this appraised value, was this a certified appraised value to the best of your knowledge?"

Speaker Wojcik: "Representative Noland."

Noland: "It certainly was."

Speaker Wojcik: "Representative Deering."

Deering: "Thank you, Madam Speaker. No further questions."

Speaker Wojcik: "Since no further persons are asking to be recognized, Representative Noland to close."

Noland: "I'd request a unanimous Roll Call. Thank you."

Speaker Wojcik: "The question is, 'Shall Senate Bill 1389 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all vote who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 108 'ayes', 0 'nays', 0 voting 'present'. And this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 1564."

Clerk Rossi: "Senate Bill 1564, a Bill for an Act amending the Property Tax Code. Third Reading of this Senate Bill."

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Speaker Wojcik: "The Chair recognizes Representative Murphy."

Murphy, M.: "Thank you, Madam Speaker, Ladies and Gentlemen. Senate Bill 1564 amends the property Tax Code. It would provide that a tax buyer has four months and 15 days to deliver a 'take notice' to the county clerk. Currently now, five months. I'll stand for questions on this matter. Thank you for your consideration."

Speaker Wojcik: "Is there any discussion? Seeing none, Representative Murphy to close."

Murphy, M.: "Thank you, Madam Speaker. Since this has been a bipartisan effort as you can see, I thank my Cosponsors, Representative Kubik, Currie, and Fantin. This Bill came out of Revenue Committee. It's a compromise good government Bill with the proponents being the Taxpayers Action Committee, the Clerk of Cook County, and there was no opposition in Committee and I appreciate your favorable support. Thank you."

Speaker Wojcik: "The question is, 'Shall Senate Bill 1564 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 105 'ayes', 0 voting 'nay', 0 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Reports."

Clerk McLennand: "Representative Churchill, Chairman for the Committee on Rules to which the following Resolutions were referred, action taken on April 26, 1996. Reported the same back, 'do approve for consideration'. Joint Resolution 98 and House Resolution 101."

Speaker Wojcik: "Mr. Clerk, please read Senate Bill 1594."

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Clerk McLennand: "Senate Bill 1594, a Bill for an Act amending the Environmental Barriers Act. Third Reading of this Senate Bill."

Speaker Wojcik: "Representative Winters."

Winters: "Thank you, Madam Speaker, Members of the House. Senate Bill 1594 was suggested by Attorney General Jim Ryan's Disability Rights Advisory Council amending the Environmental Barriers Act for the State of Illinois to bring it in compliance with the federal ADA or the Americans with Disabilities Act. It puts it all into one code so that architects, contractors, builders will be aware by finding in one source what they need to do on any accessibility questions. The Bill should save money in the long run and I would urge your support."

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

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

Speaker Wojcik: "He indicates he will."

Scott: "Representative Winters, was there any opposition to this?"

Speaker Wojcik: "Representative Winters."

Winters: "There are no known opponents. It has been supported by the Capitol Development Board, the Attorney General, the Department of Rehabilitation Services, the Association for Retarded Citizens, the Central Illinois Center for Independent Living, and numerous additional groups. There is no known opposition."

Speaker Wojcik: "Representative Scott."

Scott: "I think the idea is sound. I just have a few questions about some of the particulars of the Bill. Under this Bill, alteration means a modification that could affect the usability of the building or of the structure. What does

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that mean, because usability is not defined anywhere in the body of the Bill?

Speaker Wojcik: "Representative Winters."

Winters: "That is anywhere there is public access. I believe it is defined in the underlying Bills, not in this Bill here, but in the underlying EBA and ADA."

Speaker Wojcik: "Representative Scott."

Scott: "Now under this particular Bill, we've exempted out mechanical and electrical systems, alterations to those. But depending on the size and the configuration, couldn't that affect the usability of the building? Why are we exempting those particular systems out?"

Speaker Wojcik: "Representative Winters."

Winters: "The task force is what brought this up. As far as they were concerned, it was not necessary that those be a part of the legislation."

Speaker Wojcik: "Representative Scott."

Scott: "You may have said this, I apologize if you did. Were there local governments and building trades and other people represented on the task force as well, or was it all the governmental agencies?"

Speaker Wojcik: "Representative Winters."

Winters: "No, there was certainly wide-ranging involvement in the Disabilities Act Council. Persons with disabilities, code officials, architects, attorneys, all who work in this area were involved in drafting this."

Speaker Wojcik: "Representative Scott."

Scott: "Now, how does this get enforced? Could you give us an example of how this would be enforced in a practical example?"

Speaker Wojcik: "Representative Winters."

Winters: "The Attorney General has an office that is specifically

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targeted with bringing lawsuits in cases where architects or contractors are not living up to the Americans with Disabilities Act. He has increased the number of attorneys in that office during the last year and a half. The problem is that in many cases architects have to go to both codes. Some of the terms are not the same and it is uncertain which one they should work with. This legislation then would make sure that the Illinois EBA meets or exceeds in all cases the federal law so that really if you pay attention to the EBA, that one source, then you should have no problems or questions."

Speaker Wojcik: "Representative Scott."

Scott: "In what court or what jurisdiction do these get enforced and what are the penalties for failure to comply?"

Speaker Wojcik: "Representative Winters."

Winters: "It would be handled through the normal circuit court procedure. It would be a civil trial."

Speaker Wojcik: "Representative Scott."

Scott: "I just have one more area I wanted to ask about, Representative. This deletes references to the Facilities for Handicapped Act. Are we deleting an entire Act, eliminating an entire Act, or just the references in this Act that we're amending out? What's the relationship there?"

Speaker Wojcik: "Representative Winters."

Winters: "It just changes the reference. The intent is the same."

Speaker Wojcik: "Representative Scott."

Scott: "Does this Facilities for Handicapped Act exist elsewhere in the statutes then, or are we just deleting it from these provisions but it exists somewhere else? Are we getting rid of it altogether?"

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Speaker Wojcik: "Representative Winters."

Winters: "I believe we're getting rid of it and trying to put it all in one area of the code so it would be much more accessible."

Speaker Wojcik: "Representative Scott."

Scott: "One last question here. The trigger for state-owned public facilities and whether or not this applies, has to do with the reproductive cost of the facility is. Who determines that, and what goes into that determination? Is that a real estate type of assessment? Is it a building cost? What are we talking about there?"

Speaker Wojcik: "Representative Winters."

Winters: "The architect would be responsible for coming up with figures that he can substantiate on the estimated reconstruction of a building that might have been built a 100 years ago, but the architects have tables that they can go to and arrive at those facts in a fairly straight-forward manner."

Speaker Wojcik: "Representative Scott."

Scott: "And what's the reasoning behind using reproductive costs versus appraised value or assessed evaluation?"

Speaker Wojcik: "Representative Winters."

Winters: "Many of the public buildings that we're dealing with would not have an appraised value. They are not on the tax rolls and there really is no comparable, nothing would have changed hands in the private market place that would give us an idea of what, for instance, the State Capitol might be worth. So we don't have any way to arrive at a market value, therefore reproductive cost is probably the best tool that we have."

Speaker Wojcik: "Representative Scott, could you bring your questions to a close?"

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Scott: "I will, thank you, Speaker. I want to thank the Representative for his answers to the questions. I think this is a Bill that makes a lot of sense and I'd urge our Members to support it, thank you."

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

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

Speaker Wojcik: "He indicates he will."

Lang: "Thank you. Representative, I'm going to vote for your Bill but I do have one question that came up from your opening comments. Did I understand you to say that this is the recommendation of a task force that was put together by the Attorney General and that the recommendation is that we make the state's statutes be in compliance with the federal statutes? Is that correct?"

Speaker Wojcik: "Representative Winters."

Winters: "Yes, rather than a commission it is called the Disability Rights Advisory Council. In many cases the Illinois statutes are actually more stringent, more strict than the Americans with Disability Act. We are not backing away from our statutes where they are more stringent, we are just clarifying some of the language making sure that there is no possibility of misunderstanding between the two Bills. So again, it's not a rollback. We are more stringent than the ADA in many areas. The idea is to go to the EBA as the main source and not have to worry about the ADA. The EBA covers it in every instance after this legislation is passed."

Speaker Daniels: "Speaker Daniels in the Chair. Representative Lang."

Lang: "Well, thanks. I understood all that. That wasn't my question. My question was whether the recommendation of

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the task force was simply to comply with the federal law and to make the Illinois law the same as the federal law. Was that the recommendation?"

Speaker Daniels: "Representative Winters."

Winters: "No, this whole Bill is the recommendation. It was not just to roll it back to the ADA but to continue to keep what we had in the Environmental Barriers Act which in many cases is stronger than the federal law. Their recommendation is to keep the EBA but just simply change some of the terminology to make sure the definitions, for instance, may be more clear in the Illinois statutes."

Speaker Daniels: "Representative Lang. Further discussion? Being none, Representative Winters moves for the passage of Senate Bill 1594. All those in favor will signify by voting 'aye'; opposed by voting 'no'. the voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 'ayes', 0 voting 'no', 0 voting 'present. This Bill having received a Constitutional Majority, is hereby declared passed. Senate Bill 1645. Read the Bill Mr. Clerk."

Clerk McLennand: "Senate Bill #1645, a Bill for an Act that amends the Downstate Forest Preserve District Act. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 1645 is to allow any forest preserve district in a county with a population less than 3 million to construct, equip, acquire, and restore, maintain historic buildings and cultural education centers and all the necessary related facilities, including gift shops, cafeterias, snack bars, restaurants, or any combination

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thereof. This Bill is similar to a Bill that was introduced last year and passed out of this House, I believe, on a vote of 114-1 in the House. And because of Amendments were added, it did not come out on Concurrence. So I would ask for your favorable consideration."

Speaker Daniels: "Any discussion? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Daniels: "She indicates she will."

Hoffman: "Now, what I understand is what this will allow is for non-Cook County forest preserve districts to include restoration of historical buildings. And could this potentially allow for a tax increase?"

Speaker Daniels: "Representative Biggert."

Biggert: "It has nothing to do with the tax increase. It's only that it allows them to maintain and operate historic buildings or cultural facilities. And this really is a clarification and most likely that the forest preserves can do this now. And unfortunately in DuPage County, the issue was raised regarding another situation where a judge was...maintained that if these various categories were not sited in the legislation, that it could not be done. And so this really is to clarify that the forest preserve has the ability to do it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, I guess the concerns is that we will now have park districts doing what the historical districts were created to do. So their essentially doing the same function. We're taxing as a historical district and now we're allowing park districts to do things of a historical nature. And the concern would be is that are you double taxing for the same function?"

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Speaker Daniels: "Representative Biggert."

Biggert: "Since they have the ability to do museums and other cultural centers, I don't think that it really is doing something that somebody else wants to do. The situation in DuPage County that I know of where they want to be able to do this, is a building on forest preserve property. So it really is on their own property or that they have acquired."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Does this apply to all non-Cook County forest preserve districts or just the ones in your area?"

Speaker Daniels: "Representative Biggert."

Biggert: "It applies to all non-Cook County, but I think you've mentioned park districts. And it really applies only to forest preserve districts."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Thank you."

Speaker Daniels: "Further discussion? The Gentleman from McHenry, Representative Skinner."

Skinner: "Would the Lady yield for a question or two?"

Speaker Daniels: "She indicates she will."

Skinner: "You say historical buildings are going to renovated with this money or with this authority. Is that correct?"

Speaker Daniels: "Representative Biggert."

Biggert: "The legislation gives the forest preserve district...they're permitted to construct, equip, acquire, extend, improve, restore, maintain, and operate historic buildings and cultural education centers and all related facilities."

Speaker Daniels: "Representative Skinner."

Skinner: "Now how are these bonds to be repaid?"

Speaker Daniels: "Representative Biggert."

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Biggert: "It doesn't change that part of the law. It only adds those historic buildings and the cultural education centers. The bonding remains the same for the forest preserve as is already in the legislation."

Speaker Daniels: "Representative Skinner."

Skinner: "My analysis says that the bonds will be repaid from revenues from the facility. And I can understand how there might be revenues from a swimming pool, but I have a hard time envisioning how there would be adequate revenues to repay bonds from a historical house or building."

Speaker Daniels: "Representative Biggert."

Biggert: "That is current law."

Speaker Daniels: "Representative Skinner."

Skinner: "That is nonresponsive."

Speaker Daniels: "Representative Biggert."

Biggert: "This Legislation doesn't change that at all. They also will be able to operate the gift shops, cafeterias, snack bars, restaurants, or any combination which will also provide funds from that."

Speaker Daniels: "Representative Skinner."

Skinner: "Will this be financed through Senate Bill 368 bonds?"

Speaker Daniels: "Representative Biggert."

Biggert: "I can't answer that question."

Speaker Daniels: "Representative Skinner."

Skinner: "The referendum be required before the bonds are sold?"

Speaker Daniels: "Representative Biggert."

Biggert: "There's no referendum requirement."

Speaker Daniels: "Representative Skinner."

Skinner: "Thank you."

Speaker Daniels: "Further discussion? Representative Wirsing?"

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

Speaker Daniels: "The question is, 'Shall the main question be

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put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Biggert to close."

Biggert: "Thank you, Mr. Speaker. I would ask for an 'aye' vote."

Speaker Daniels: "Representative Biggert's moved for the passage of Senate Bill 1645, all those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 102 'ayes', 7 voting 'no', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1315. Representative Leitch. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1315. A Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Leitch."

Leitch: "Thank you, Ladies and Gentlemen, Mr. Speaker. Senate Bill 1315 is a measure which we've worked out with the Secretary of State's Office. George Ryan would like to begin to offer a universal plate for each of the four divisions of the armed forces. We already have over 189 different license plates that can..."

Speaker Daniels: "Is there any discussion? Being none, Representative Leitch moves for the passage of Senate Bill 1315. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Clerk. There are 111 'ayes', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Senate Bill 1811. Read the Bill,

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Mr. Clerk."

Clerk McLennand: "Senate Bill #1811. A Bill for an Act that amends the Illinois Municipal Code. Third Reading of this Senate Bill."

Speaker Daniels: "Representative Leitch."

Leitch: "Thank you, Mr. Speaker. Senate Bill 1811 is the same Bill that Representative Mautino and I worked in connection with resolving the dispute between the munis and Illinois Power and it's the Senate version. I'd ask for your approval."

Speaker Daniels: "Representative Noland."

Noland: "Speaker, may I ask the Sponsor some questions for the purpose of legislative intent?"

Speaker Daniels: "Indicates he'll yield."

Noland: "Mr. Leitch, does this Bill allow an electric public utility to continue to serve residential customers located within the corporate limits of a municipal electric supplier if the utility is already serving on the effective date of this Act?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. However, the residential customer can switch the service from the municipality at any time the customer wishes."

Speaker Daniels: "Representative Noland."

Noland: "Does this Bill also allow an electric public utility to continue to serve residential customers located outside the corporate limits of a municipal electric supplier if the utility is already serving on the effective date of this Act if the municipality later annexes that area where the customer is located?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. However, after the annexation occurs, the

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residential customer can switch to service from the municipality at any time the customer wishes."

Speaker Daniels: "Representative Noland."

Noland: "Does this Bill entitle an electric public utility to continue to serve nonresidential customers located within the corporate limits of a municipal electric supplier that the utility is already serving on the effective date of this Act?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. The nonresidential customer cannot switch the service from the municipality."

Speaker Daniels: "Representative Noland."

Noland: "Does this Bill entitle an electric public utility to continue to serve nonresidential customers located outside the corporate limits of a municipal electric supplier that the utility is already serving on the effective date of this Act if the municipality later annexes that area where the customer is located for a period of two years after the annexation?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. The nonresidential customer cannot switch to service from the municipality during that two year period following the annexation."

Speaker Daniels: "Representative Noland."

Noland: "Speaker, my final question is, after the two year period following annexation ends, does this Bill allow the electric public utility to continue to serve the nonresidential customer located in the annexed area?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. However, after the two year period ends, the nonresidential customer located in the annexed area may switch to service from the municipality at any time the

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customer wishes."

Speaker Daniels: "Further discussion? Representative Mautino."

Mautino: "Thank you, Mr. Speaker. A question of the Sponsor."

Speaker Daniels: "Indicates he'll yield."

Mautino: "The legislative intent that has been read, this is identical to the Bill that we passed out of the Chamber, correct?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. The legislative intent of this Bill is...should be viewed as exactly the same legislative intent that was in our House Bill 1056 when it was passed at that time."

Speaker Daniels: "Representative Mautino."

Mautino: "Thank you, Representative Leitch. And I commend you on the work. Representative Leitch and I have been negotiating this Bill for going on about four years. We finally reached agreement from all parties on it. And I would simply ask for an 'aye' vote from all the Members of the House. Thank you."

Speaker Daniels: "Further discussion? Representative Lang, on this Bill? No. No further discussion. Representative Leitch now moves for the passage of Senate Bill 1811. All in favor signify by saying 'aye'; opposed 'no'. The voting is open. This is final action. All those in favor vote 'aye'; opposed vote 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 111 'aye', 0 voting 'no', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #1 is being distributed."

Speaker Daniels: "We are joined in the Gallery by students from

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Algonquin Junior High School. They are the guests of Representative Mulligan. Welcome to Springfield. Senate Bills - Second Reading. Senate Bill 1320. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1320. A Bill for an Act that amends the Code of Criminal Procedure of 1963. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Correctional Budget Impact Note and a Fiscal Note have been requested and have been filed."

Speaker Daniels: "Third Reading. Senate Bill 1471. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1471. The Bill has been read a second time previously. Committee Amendment #1 was referred to Rules. No Floor Amendments. A Fiscal Note has been requested on the Bill and has been filed."

Speaker Daniels: "Third Reading. Senate Bill 1650. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1650. A Bill for an Act in relation to Criminal Law. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Correctional Budget Impact Note has been requested and has been filed."

Speaker Daniels: "Third Reading. Senate Bill 1759. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill 1759. A Bill for an Act that amends the Election Code. Second Reading of this Senate Bill. Committee Amendments #1 and 2 were ruled nongermane. No Floor Amendments. A Fiscal Note has been requested and has been filed."

Speaker Daniels: "On the Order of Supplemental Calendar #1 appears Senate Joint Resolution...Third Reading. I'm sorry, Mr. Clerk. Third Reading. On the order of

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.Supplemental Calendar #1 appears Senate Joint Resolution 97. Read the Resolution."

Clerk McLennand: "Senate Joint Resolution No. 97. RESOLVED, BY THE SENATE OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that when the Senate adjourns on Thursday, April 25, 1996, it stands adjourned until Tuesday, April 30, 1996, at 10:00 o'clock a.m. and when the House of Representatives adjourns on Friday, April 26, 1996, it stands adjourned until Monday, April 29, 1996, at 12:00 o'clock noon in Perfunctory session; and when it adjourns on that day, it stands adjourned until Tuesday, April 30, 1996, at 12:00 o'clock noon.

Speaker Daniels: "Representative Churchill moves for the adoption of Adjournment Resolution 97. All those in favor say 'aye'; opposed 'no'. The 'ayes' have it. The Adjournment Resolution is adopted. Supplemental Calendar #1. House Resolution 101. Read the Resolution, Mr. Clerk."

Clerk McLennand: "House Resolution 101. Urges the Attorney General's Office to immediately seek injunctive relief to cease construction of hog farm facilities in Cass County by Land of Lakes. Rules recommends it be adopted."

Speaker Daniels: "Representative Myers."

Myers: "Thank you, Mr. Speaker. House Resolution #101 seeks an injunctive relief from the Attorney General's Office to cease construction of a hog farm facility in Cass County by Land of Lakes in view of the...Thank you, Mr. Speaker. In view of the recent evidence that has recently come into light during the construction phase of the operation, and we are asking that this happen now rather than when the operation gets fully operational. And we are asking that the Attorney General continue to seek information regarding

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the type of operation that they are conducting and what they are actually doing in construction. I seek everybody's support."

Speaker Daniels: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. Will the Gentleman yield for some questions?"

Speaker Daniels: "Indicates he will."

Woolard: "Thank you. Representative Myers, while we went through the process of discussing this issue for several days and many hours, one of the questions that came up during that discussion was there could be some things happen that would be out of the ordinary. There were some people that requested maybe that there be some kind of more strict regulations placed in the Bill. Does this change your attitude about the Bill as it progresses through the process?"

Speaker Daniels: "Representative Myers."

Myers: "On the contrary, Representative Woolard. I am more convinced than ever that our Bill is correct in the provisions that we have in it that demand certain restrictions on the construction of a confinement lagoon. If this Bill had been in place before Land of Lakes started construction, we would be going through a monitoring process, an inspection process and indeed we would be reviewing their plans on a full scale basis, and may have suggested different alternatives to what they were currently doing to avoid the situation that hasn't presently occurred."

Speaker Daniels: "Representative Woolard."

Woolard: "Representative Myers, I think that I specifically asked during this process one time, is there a possibility that we could put a moratorium on the development of these

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facilities? And I've forgotten what your response was. Could you enlighten me?"

Speaker Daniels: "Representative Myers."

Myers: "Certainly, Representative Woolard. My response to the moratorium was to begin with, that a moratorium, if it was written into the Bill, would have been a general moratorium and it would have been all across the state. And that in turn would have hurt family farmers that were also attempting to erect new constructions and trying to expand. We didn't want to impact the small family farmer. Rather, we would rather go with the Bill that tried to address each and every individual site. In addition to that, we're not sure that there would have been enough votes to get the Bill out of this House with a moratorium on it. And even if it had, it's probably unlikely that the Senate would have supported a Bill with a moratorium in it."

Speaker Daniels: "Representative Woolard."

Woolard: "Just so that I'll be certain that I understand what it is that we're trying to address with this Resolution, the Bill was dealing with large operations and not necessarily small family farms. Is that correct?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Woolard, the Bill deals with all livestock operations over 3 hundred animal units. Every new construction of a lagoon has to be registered with the Department of Agriculture. Every operator over 3 hundred animal units has to have a Certified Livestock Operators License. Every facility over 1 thousand animal units has to develop a waste management plan. So that was a broad industry approach to the entire livestock industry. And the Bill, that law was to put into effect standards that will affect everybody from now forward. It would have been

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my desire, if at all possible, to have been...to have made that Bill retroactive, to pick up construction from the start of this construction season, whether that's January 1 or March 1. But I was told that would be unconstitutional, to make anything retroactive and go back and try to pick something up. So in that event, we tried to craft a Bill that was going to apply from here forward with the basic tenants of good sound management and oversight in construction, hence the need to come forward with this Resolution to address a specific site."

Speaker Daniels: "Representative Woolard."

Woolard: "I guess the difference in constitutionality and maybe fairness would be a concern that I would have, and I would hope you would have as well, that if in fact it would have been unconstitutional for us to have put some kind of a moratorium in the plan and have had a retroactive date to the first of the year or sometime. In fact, now since these people have started investing moneys, we're telling them they've got to stop and maybe never ever complete their project. That probably would have a question in my mind as well as the other. I don't know that that's the same way that you would think about this issue, but there were several things that I sited that I think definitely needs to be addressed in the very near future."

Speaker Daniels: "Representative Woolard, your time has expired, Sir. Representative Woolard, can you bring your remarks to a close?"

Woolard: "Thank you. I think probably the greatest lacking as far as that Bill is proceeding through the Senate as we speak today, is the fact that we don't have any kind of groundwater monitoring. And I would hope that through your insistence and encouraging the Senate Sponsor, that we

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would address that issue before it goes any further. I think there are several other things. I think we need to be actively involved in insuring that the siting is something that we start with post haste, making sure that we have great siting plans in place as well. You know, I recognize that we have got a catastrophic potential happening here today, and that we're going to have to do something about it. But I think that it is, remiss in our part as Legislators, if we don't do something to ensure that this doesn't happen again as well. I thank you for your effort."

Speaker Daniels: "Representative Hartke."

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

Speaker Daniels: "Indicates he will."

Hartke: "Representative Myers, recently, this week in the paper, I read too, the issue of the Land of Lakes construction site where they hit groundwater as they were digging the lagoon system. Can you tell us about the construction of that lagoon and why they hit groundwater?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Hartke, I'm afraid I cannot provide you any information on the construction. I have not been in contact with Land of Lakes. I do not know what the reason why they came in contact with the groundwater other than apparently they dug deep enough to make that contact."

Speaker Daniels: "Representative Hartke."

Hartke: "Well, I'm not a geologist by any sense of the word, but I do know that anywhere in Illinois today, if you dig a hole over 10 foot deep, and leave it over night, there will be a foot of water in that hole in the morning. So that means that you're going to be stopping every construction

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site anywhere possibly, but you're picking on this one in your hometown in Cass County, calling moratorium for them because you've got a political agenda to attend to. That's one. Number two, I'll ask you a question. How many lagoons up and down the Cass County and along the River, how many municipalities have lagoons? Do you know?"

Speaker Daniels: "Representative Myers."

Myers: "No, Representative Hartke. I do not know."

Speaker Daniels: "Representative Hartke."

Hartke: "What type of lagoon do they have in Beardstown for the city residents of Beardstown? Is it a concrete lagoon or is it an earthen lagoon?"

Speaker Daniels: "Representative Myers."

Myers: "Representative Hartke, I don't know what the construction is. But the issue is not the lagoon in Beardstown. The citizens of Cass County and Beardstown are not concerned about the lagoon and its operation in Beardstown itself. They are concerned about this possible lagoon from Land of Lakes and the potential that exists with this lagoon."

Speaker Daniels: "Representative Hartke."

Hartke: "Well, aren't you just being just a little bit unfair? Aren't you saying that animal waste is much more hazardous, much more toxic than human waste? I don't know of one animal that's ever dumped Drain-o into a lagoon. I don't know of any animal that's dumped other household hazards into a lagoon. But I guarantee you that probably happens in Beardstown. But yet you're saying that because Land of Lakes is a livestock operation, you're going to require that that system be shut down until they have all kinds of citing processes take place. They've done that voluntarily. You don't know what kind of lagoon the Beardstown community has or any of the other communities up

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and down the River. And I frankly don't know either. But I'll bet you that the majority of them are earthen dams and earthen lagoons. If you understood hydrology just a little bit, you would know that the possibility of contamination from one of those lagoons without a liner in, which my understanding, Land of Lakes is putting in, is much much less than that of those municipalities that have been there for years and don't have that type of system. I really object to this Resolution because I think it's a slam against a business that is trying to come into a community to augment your packing plant and everything else in the State of Illinois for the consumers to make products of pork more reasonable priced for all of us. I would stand in opposition of this Resolution and I would ask for a Roll Call Vote on it."

Speaker Daniels: "Further discussion? The Gentleman from Macon, Representative Noland."

Noland: "Speaker, I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Myers now moves for the adoption of House Resolution 101. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 108 'ayes', 2 voting 'no', 0 voting 'present'. And the Resolution is adopted. Representative Churchill now moves that the House stand adjourned until Tuesday, April 30th, 1996 at the hour of 12 noon. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. And allowing Perfunctory time for the

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Clerk, the House now stands adjourned until Tuesday, April 30th, 1996 at the hour of 12 noon. Have a nice weekend and don't forget the first play off is tonight. House stands adjourned. Go Bulls!"

Clerk McLennand: "The House Perfunctory Session will be in order. And with there being no Perfunctory business, the House Perfunctory Session stands adjourned, and will reconvene in Perfunctory Session on Monday, April 29th at the hour of 12 noon. And the House will reconvene in full Session on Tuesday, April 30th at 12:00 noon."

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