

STATE OF ILLINOIS
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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

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Speaker Churchill: "The House will be in order. The Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is the Father Kieran Kemner of our Lady's Chapel in Oak Brook. Father Kemner is the guest of Representative Eilleen Lyons. Will the guests in the gallery please rise to join us for the invocation. Father Kemner."

Father Kieran Kemner: "Good morning. Let us pray. Oh, God, creator of us all and of everything in our world. We praise and thank You for the gift of life, the gift of freedom, the gift of a homeland. You created us to people Your world and develop and enhance and protect the creation You have entrusted to our care. It is Your plan that all people strive to live in peace and harmony, enjoying the goods of the earth, You provide in Your wisdom and goodness. We decide that we see ourselves as brothers and sisters, caring and providing for one another, especially the weaker ones in our family of human kind. We trust it is Your providence that we have been elected to offices of leadership, to determine the common good of this State of Illinois and the common good of our country. We like to protect and nourish that common good, for united we stand, divided we fall. We call upon Your wisdom and Your compassion to help us address the evils that are afflicting our society, and even destroying it, especially the evils of hate and violence, as recently witnessed in Oklahoma City and are increasingly experienced in our cities, in our streets, and in our homes. Help us to bridge our differences, to be civil in our discourse, and open-minded to the views and proposals of one another. Help us to work together for the good of the state and of the country. Bless us, bless our State, bless our Country, stand beside

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us and guide us, through the light, with a light from above. Amen."

Speaker Churchill: "We will be led this morning in the Pledge of Allegiance by Representative Zabrocki."

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

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

Currie: "Thank you Speaker. Please let the record show that Representative Martinez is excused and Representative Turner is on official business and also excused."

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

Cross: "No."

Speaker Churchill: "Keep it that short all day. Mr. Clerk, take the record. There are 116 Members answering the Roll and a quorum is present, the House will come to order. Senate Bills, First Reading."

Clerk McLennand: "Introduction and First Reading of Senate Bills. Senate Bill 64, offered by Representative Cross. A Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 130, offered by Representative Cowlshaw. A Bill for an Act to amend the School Code. Senate Bill 317, offered by Representative Cross. A Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. Senate Bill 320, offered by Representative Parke. A Bill for an Act to amend the Unemployment Insurance Act. Senate Bill 331, offered by Representative Black. A Bill for an

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Act to amend the Illinois Public Aid Code. Senate Bill 349, offered by Representative Saviano. A Bill for an Act in relation to real estate. Senate Bill 398, offered by Representative Saviano. A Bill for an Act concerning regulation of sales of hearing instruments by the Department of Public Health. Senate Bill 433, offered by Representative Biggert. A Bill for an Act to amend the Business Corporation Act of 1983. Senate Bill 524, offered by Representative Brady. A Bill for an Act to amend the Illinois Vehicle Code. Senate Bill 533, offered by Representative Brady. A Bill for an Act to amend the Illinois Insurance Code. Senate Bill 534, offered by Representative Saviano. A Bill for an Act in relation to Dental Practices. Senate Bill 540, offered by Representative Rutherford. A Bill for an Act in relation to taxation of motor vehicles. Senate Bill 562, offered by Representative Spangler, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 579, offered by Representative Churchill, a Bill for an Act concerning public and private cooperation for business and economic development in Illinois. Senate Bill 588, offered by Representative Stephens, a Bill for an Act to amend the Election Code. Senate Bill 613, offered by Representative Saviano, a Bill for an Act in relation to dental practices. Senate Bill 616, offered by Representative Brady, a Bill for an Act amending the Hospital Licensing Act. Senate Bill 706, offered by Representative Durkin, a Bill for an Act concerning law enforcement. Senate Bill 718, offered by Representative Cowlshaw, a Bill for an Act concerning higher education. Senate Bill 741, offered by Representative Spangler, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 826, offered by

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Representative Wennlund, a Bill for an Act to amend the Regional Transportation Authority Act. Senate Bill 832, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. Senate Bill 838, offered by Representative Johnson, Tom, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 846, offered by Representative Deuchler, a Bill for an Act to amend the Abused and Neglected Child Reporting Act. Senate Bill 847, offered by Representative Krause, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 885, offered by Representative Younge, a Bill for an Act making appropriations. Senate Bill 949, offered by Representative Kubik, a Bill for an Act to amend the Illinois Public Aid Code. Senate Bill 958, offered by Representative Black, a Bill for an Act to amend the Mechanics Lien Act. Senate Bill 974, offered by Representative Lang, a Bill for an Act to amend the Election Code. Senate Bill 995, offered by Representative Cowlshaw, a Bill for an Act to amend the Statute on Statutes by adding Section 1.35. Senate Bill 998, offered by Representative Cowlshaw, a Bill for an Act to amend the School Code. Senate Bill 1028, offered by Representative Wennlund, a Bill for an Act to amend the Criminal Code of 1961. Senate Bill 1038, offered by Representative Wennlund, a Bill for an Act in relation to criminal law, amending named Acts. Senate Bill 1080, offered by Representative Cowlshaw, a Bill for an Act concerning domestic relations. Senate Bill 1081, offered by Representative Parke, a Bill for an Act to amend the Illinois Insurance Code. Senate Bill 1082, offered by Representative Lang, a Bill for an Act to amend the Health Maintenance Organization Act. Senate Bill 1089, offered by Representative Wennlund. A Bill for an Act to amend the

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Code of Civil Procedure of 1963. Senate Bill 1093, offered by Representative Cowlshaw. A Bill for an Act to amend the Illinois Pension Code. Senate Bill 1187, offered by Representative Spangler. A Bill for an Act concerning the insanity defense. Third Reading of this Bill. Introduction and First Reading of these Senate Bills."

Speaker Churchill: "We'll now proceed to the Order of House Bills, Second Reading. Representative Hassert, are you ready to go on House Bill 682? Mr. Clerk, please read House Bill 682."

Clerk McLennand: "House Bill 682, a Bill for an Act in relation to the transfer of real property. Second Reading of this House Bill. Committee Amendment #1 was referred to subcommittee. Amendment #2 was adopted. Floor Amendment #3 was referred to Rules. Floor Amendment #4, offered by Representative Hassert, has been approved for consideration."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Hassert, on Floor Amendment #4."

Hassert: "Thank you, Mr. Speaker. Floor Amendment #4 becomes the Bill. Basically this is our land transfer Bill for the year. I'll be more than willing to try to answer any of the questions in regarding land transfers."

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

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

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

Granberg: "Representative Hassert, how many transfers are in your Bill?"

Speaker Churchill: "Representative Hassert."

Hassert: "Representative Granberg, 75."

Speaker Churchill: "Representative Granberg."

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Granberg: "Have all the appraisals been filed with the Clerk?"

Speaker Churchill: "Representative Hassert."

Hassert: "Yes."

Speaker Churchill: "Representative Granberg."

Granberg: "Is this just the Department of Transportation or is this the Department of Conservation as well, or is any other agency involved besides DOT?"

Speaker Churchill: "Representative Hassert."

Hassert: "Yes Representative, there's Mines and Minerals, Conservation, Department of Transportation, Mental Health."

Speaker Churchill: "Representative Granberg."

Granberg: "Well Representative, in the past this has been negotiated on a bipartisan basis on how many Republican and how many Democrat conveyances are in the Bill. You know how many Democratic conveyances are in the Bill?"

Speaker Churchill: "Representative Hassert."

Hassert: "Representative Granberg, yeah, this has been negotiated and I was wrong on the number. There's 55...there's been 39 Republicans, transferred 16 Democrats. Your staff has reviewed this. They've cooperated with our staff. They've come to an agreement on all these land transfers."

Speaker Churchill: "Representative Granberg."

Granberg: "Is this the same land Bill transfer as last fall and last spring?"

Speaker Churchill: "Representative Hassert."

Hassert: "I think there is some that were contained in the Bill last fall, and there are some additional ones."

Speaker Churchill: "Representative Granberg."

Granberg: "What would those be Representative?"

Speaker Churchill: "Representative Hassert."

Hassert: "Representative, I don't know the difference between last year's Bill and this year's Bill."

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Speaker Churchill: "Representative Granberg."

Granberg: "At whose request were they initiated, Representative?"

Speaker Churchill: "Representative Hassert."

Hassert: "The requests for the land transfers initiated mostly by the agencies and some by Members."

Speaker Churchill: "Representative Granberg."

Granberg: "In regards to the additional ones Representative, you indicated you do not know what the additional ones are, where they are located. Does you...I know your staff is very competent in this area, I'm not sure they were involved last year, I would assume from dealing with your staff in other matters, they would have an idea as to where they are located. Just the additional ones at this point."

Speaker Churchill: "Representative Hassert."

Hassert: "Representative, you want the ones that weren't in last year?"

Speaker Churchill: "Representative Granberg."

Granberg: "I'd actually like to know the ones that were taken out from last year and the ones that were added for this year. We had a pretty good idea on last year, what the agreement was, and there was basically a consensus on the ones from last year, so that is not my concern. It's the additional ones that were added to your legislation this year."

Speaker Churchill: "Representative Granberg has indicated that you staff had a list of these transfers and that they worked on this with the staff from the other side aisle. Perhaps you can ask that question of your staff."

Hassert: "Representative, I asked their staff. We do not have the list. I can go through the whole list of conveyances if we'd like, all 55, instead of just the additional ones."

Speaker Churchill: "Do you have a staff that can assist you with this?"

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Granberg: "No, we'll just do it this way. Representative, could you list the transfers item by item and whose Representative districts they impact?"

Speaker Churchill: "Representative Granberg, do you have staff that can assist with this? Apparently the staffs from both sides have worked this out have worked this out. Is this something that your side has agreed to? Never mind. The Chair doesn't mind if you ask questions that...if you have some legitimate questions, but you're asking questions that your staff people should provide to you."

Granberg: "Well, Representative, I don't think our staff can help us with the additional ones and what the reason is over and above last year. We sat in then Majority Leader McPike's office last year, your office, and negotiated on these last year. I'm asking for the additional ones this year and whose districts they impact and I'm trying to determine what the rationale is for this year. I'm not trying to belabor over last year, but I would like to know what has been taken out, because last year, one of the contentious items, or the quick take in Rockford, for the airport that was at the request, I believe of Rockford Airport, at the request of Senator Phillip. Apparently that has been taken out, so I'm trying to do this on a bipartisan basis to determine what items have been taken out, what the rationale might be, and what items have been added."

Speaker Churchill: "Yes, I noticed you have one of your high level staff people in front of you now, perhaps he can help you in that, but perhaps Representative Hassert can answer that question, he can proceed. Representative Hassert."

Hassert: "Representative Granberg, I'm going to try and go through this briefly and look at some ones that I know were added in this year. The Mines and Minerals has a section

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in here in Benton, Illinois and a land transfer. There is an area in my district with the Department of Corrections that the Statesville property to the Lockport Park District...I just want to reemphasize there is no quick take in this Bill. Some of the controversial issues that were there last year were taken out. There's one in Representative Novak's district, the city of Kankakee. There's one in Representative Ryder's district, Olan Nature Preserve. There's a transfer in Will County in Representative McGuire's district, a juvenile detention facility, some land transfer there. The Glenville (sic-Glenview) Naval Air Station. There's one in Representative Davis' district, for the Alton Locks and Melvin Price Locks and Dams and basically, the variety of the IDOT's requests and some of the other agencies."

Speaker Churchill: "Further discussion? Then Gentleman from Cook, Representative Lang."

Lang: "I will yield my time to Mr. Granberg."

Speaker Churchill: "Representative Lang yields his time to Representative Granberg. Representative Granberg, further questions?"

Granberg: "Yes, Representative Hassert, thank you for that. Now, those were the items that were added to the Bill as opposed to last year's, Sir, as to the best of your knowledge?"

Speaker Churchill: "Representative Hassert."

Hassert: "Representative Granberg, to the best of my knowledge, yes. There might be some additional that I missed, but to the best of my knowledge those were the ones that were added."

Speaker Churchill: "Representative Granberg."

Granberg: "And this also now deletes, I understand, it's any and all quick take provisions that were part of the

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negotiations and part of the package that was put together last year in the fall Veto Session.?"

Speaker Churchill: "Representative Hassert."

Hassert: "Yes, Representative Granberg. Any quick takes, or anything on, my understanding is going to be done on a separate Bill totally together so we'll have another time to discuss anything. This Bill is pretty noncontroversial. It's pretty clear-cut and dry. There's nothing in there that I can see...both sides have worked on it and have come to an agreement on it. I think we've both staffed...our Members and your Members have cooperated on this and everybody's request, that have requested this, has been put into this Bill."

Speaker Churchill: "Representative Granberg."

Granberg: "Is there a provision in this, in Will County, on a transfer that they would have to do a local...this precludes the local transfer of authority and/or interest? You know anything about a Will County transfer?"

Speaker Churchill: "Representative Hassert."

Hassert: "Representative Granberg, could you repeat that what particular Section?"

Speaker Churchill: "Representative Granberg."

Granberg: "I believe there was a question from our staff, Representative, if in this Bill there will be a transfer in Will County?"

Speaker Churchill: "Representative Hassert."

Granberg: "Do you know if..."

Hassert: "Yes Representative, there's two transfers in Will County. One for the Lockport Park District with the Department of Corrections, and one for Will County for the Department of Corrections for a juvenile detention center."

Speaker Churchill: "Representative Granberg."

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Granberg: "In one of those or both, Representative, do you know if there is some...there...there's local opposition that they've had some problem with the city council of the country board on the transfer for purposes of the Department of Corrections? Is that the one or the both of those transfers?"

Speaker Churchill: "Representative Granberg, I believe you have to ask the question again. Representative Hassert could not hear you. Ladies and Gentlemen, please give your attention to the two people who are debating this issue. They cannot hear each other. Please, hold the noise down in the chamber. Representative Granberg, please proceed."

Granberg: "Representative, on the Will Country transfers, you indicated there were two such transfers in your Amendments. Is this in regards to the opposition about the Department of Corrections? It's my understanding that there is a lot of local opposition because of the Department of Corrections and the citing of the juvenile detention center, could that be correct? And I assume this is done with ...at the request of the Representative from Will County, so I just want to make sure that Gentleman and that Lady knows that...is involved with this, so the understanding is, there might be opposition to the proposed transfer."

Speaker Churchill: "Representative Hassert."

Hassert: "On the land transfer of the juvenile detention center which I assume you're speaking about, to my knowledge, there has been no local opposition basically. It has been agreed upon by the City of Joliet, Will County, all the people within the area. It's already at existing youth detention center, so this would just be within the same boundaries of that, so it would be no changing. I know of

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no opposition."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Representative, I just wanted to make sure, because sometimes some of these items that get thrown in an Amendment, might impact a Member's district and that Member may not actually understand it before the Bill comes before him, especially if the agency requests it, and that can be troublesome no matter what side of the aisle, not that I would doubt DOT or Corrections, but it has happened in the past. So, I think there a couple of these though, Representative, that's about all I'm going to ask you, that is not indicated in our analysis whom the parties were that the release was being made. There were properties owned by, I think possibly, DOT and Corrections on these new transfers that did not indicate the occur...or to whom the property would be transferred. Does the Representative from DOT or the staff...do they have that information available to them?"

Speaker Churchill: "Representative Hassert."

Hassert: "Representative Granberg, there is a couple in a our analysis also, that we're not aware of. Right now, the Department of Transportation can get that information for us if you see it necessary. We can do that now if you would like to, but it just was...they just didn't pick it out of the transfer Bills, the title, the names. It's in the transfer Bills but..."

Speaker Churchill: "Further discussion? The Gentleman from Rock Island, Representative Brunsvold. Representative Brunsvold, would to like to address this issue?"

Brunsvold: "I'd like to yield my time to Mr. Granberg please."

Speaker Churchill: "Representative Brunsvold yields his time to Representative Granberg. Representative Granberg, please

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proceed."

Granberg: "Thank you, Mr. Speaker. Representative Hassert, that language as to whom the property owner will be, to whom the title transfers, those names are in the Bill itself, in the Amendment Sir, or just the Amendment analysis? Just the Amendment analysis."

Speaker Churchill: "Representative Hassert."

Hassert: "Yes, it is in the Bill."

Speaker Churchill: "Representative Granberg."

Granberg: "So, I think there are four parcels where the persons names are not listed? If I can just have a moment, I will just grab the Amendment, cause there is some question, we'd like to know who is taking part in these transfers because sometimes, that becomes contentious in itself."

Speaker Churchill: "Representative Granberg, is that a question you want answered or do you just need one of your staff people to provide you with the information?"

Granberg: "Thank you, thank you, Mr. Speaker. Representative Hassert, if you could just bear with me for a moment. Could DOT indicate on what pages they're located? The Amendment analysis indicates that those people's names are not listed, but if DOT indicates that they are in fact in the Bill, it would be helpful if you could just cite the page, we could run through this briefly and that would be the last of the questions."

Speaker Churchill: "Representative Hassert."

Hassert: "Representative Granberg, could you give us specifically which ones you're talking about in your staff analysis? We'll be more than willing to look them up for you, tell you what page they're on."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative..."

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Speaker Churchill: "Representative Granberg."

Granberg: "I think there is a...yes, I'm sorry...in Representative Phelps district, there is a transfer for .2 acres. Do we know who that property will be transferred...to whom that property will be transferred?"

Speaker Churchill: "Representative Hassert."

Hassert: "If you'll just bear with us, we'll find out for you."

Speaker Churchill: "Gentlemen, perhaps if there is a question on this, this is on Second Reading, this is an Amendment. Perhaps between the Second Reading and the Third Reading stage, you can all get together and hash this out and come to some final conclusion. It was represented by the Sponsor of the Amendment that the staffs had worked this all out, so perhaps both sides just need to meet with their staffs. Representative Granberg."

Granberg: "Mr. Speaker, thank you. Representative Hassert, if we can do that, we can put the Amendment on, then you and I and DOT can try to get together and resolve some of these issues. I'm not trying belabor the point, but everyone usually likes to know exactly what happens in these transfers, so they don't vote on something and then down the road there could be some potential criticism on parties involved or prices and that type of thing, so we just like to make sure everything is taken care of. I'm sure there is no problem, but just for the assurance of both sides of what is going on, that would be fine, Mr. Speaker, so we can do that."

Speaker Churchill: "That's a fair request. The Chair will go to the attention of putting a Amendment on. We'll put the Bill on Third, and then parties can discuss this. We will not go to it immediately. You'll have plenty of time to discuss this between the parties. So, the Chair now would

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turn to Representative Hassert to briefly close."

Hassert: "Just ask for your approval of this Amendment."

Speaker Churchill: "So, the question is, 'Shall Floor Amendment #4 to House Bill 682 be adopted?' All those in favor signify by saying 'aye', those opposed say 'nay', in the opinion of the chair the 'ayes' have it. Floor Amendment #4 to House Bill 682 is adopted. Mr. Clerk, are there further Amendments?"

Clerk McLennand: "No further Amendments. A fiscal note and a land conveyance appraisal have been requested on the Bill. The fiscal note has not yet been filed."

Speaker Churchill: "Representative Granberg, what is your wish on this Bill?"

Granberg: "I'm sorry, regarding the transfer Bill, Mr. Speaker?"

Speaker Churchill: "Right. You had a question, a fiscal note and also request for appraisals. Would you withdraw your request for the fiscal note and waive any requirement for appraisals?"

Granberg: "Yes, Mr. Speaker, I'm sorry. I looked at the board, I saw a different Bill, so I didn't know what the inquiry was. Yes, on that Bill, on Representative Hassert's Land Transfer Bill and the amendment. I would like to withdraw both of the requests."

Speaker Churchill: "Third Reading. Committee Announcements."

Clerk McLennand: "Committee notice. The House Rules Committee will meet on Thursday at 10:00 a.m. in the Speaker's Conference Room. Rules Committee, 10:00 a.m. in the Speaker's Conference Room."

Speaker Churchill: "Representative Mulligan, are you ready to proceed on House Bill 224? Representative Mulligan. Are you prepared to proceed on House Bill 224? Mr. Clerk, please read House Bill 224."

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Clerk McLennand: "House Bill 224, the Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2, offered by Representative Mulligan, has been approved for consideration."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Mulligan."

Mulligan: "Mr. Speaker, I would request that Floor Amendment #2 be taken out of the record."

Speaker Churchill: "You wish to withdraw Floor Amendment #2? Okay, with leave of the, House Floor Amendment #2 will be withdrawn. Further Amendments?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Mulligan, is approved for consideration."

Speaker Churchill: "The Chair recognizes the Lady from Cook, Representative Mulligan on Floor Amendment #3."

Mulligan: "Thank you, Mr. Speaker Ladies and Gentlemen of the House. Floor Amendment #3, amends the Illinois Vehicle Code to provide that with certain exemptions, no unit of local government may test, register, regulate, restrict or license any vehicle or its owner, operator or driver that is registered under this code, and is either licensed by the Interstate Commerce Commission for transporting passengers or is operated under or in conformity with a certificate or registered with the Illinois Commerce Commission. This Bill now in Amendment #3 only applies to municipalities with a population of 2 million or more. Stand ready for any questions."

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

Dart: "Thank you, will the Sponsor yield?"

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

Dart: "Representative, what is the main difference between

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Amendment #3 and Amendment #2?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "The main difference Representative, is that it took out a piece of language at the end that had been in the original Bill that we took out, that some people feel would take away the power of the local municipality to regulate certain taxes."

Speaker Churchill: "Representative Dart."

Dart: "So, now under this Amendment, what types of vehicles are you limiting the home rules from regulating? What specific ones?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Well, Representative, taxicabs are exempted. They would still have full control over taxicabs. It would be any other vehicle that the state can already now register, that is willing to register with either the Interstate Commerce Commission or the Illinois Commerce Commission which is actually a higher standard than municipalities currently require vehicles to stand to."

Speaker Churchill: "Representative Dart."

Dart: "I guess...what type of vehicles are...were in...which ones are we pulling out by not going with Amendment 2 and going with Amendment 3 instead? What's the...you're saying there's one difference where they're concerned with one type of vehicle. What's the type of vehicle that now is no longer a worry, that is not the subject of this Bill?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "It had nothing to do with the change in vehicle, it only had to do with the change in the taxing power."

Speaker Churchill: "Representative Dart."

Dart: "Now this Bill then, as is written, would cover all vehicles except for taxicabs within what municipalities?"

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Speaker Churchill: "Representative Mulligan."

Mulligan: "Now we have it down to the City of Chicago."

Speaker Churchill: "Representative Dart."

Dart: "You're saying the ICC standards are higher standards, is that correct?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Yes. The only thing that the ICC and commercial drivers license do not cover, is fingerprinting which in negotiations with the city, we felt the Bill would not change if they wanted to fingerprint. The only thing we asked is that they fingerprint people once, not repeatedly. We don't feel that fingerprints change."

Speaker Churchill: "Representative Dart."

Dart: "Then you refer to negotiations with the City of Chicago. Pursuant to those negotiations, are they in favor of this legislation now?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Representative Dart, I will honestly tell you, I don't think they will ever be in favor of this legislation. I worked with them repeatedly and through the negotiations, I felt that I didn't know why they asked us to negotiate. What I have done for the negotiation is, I have added several things that we discussed that they would like. Particularly, non-solicitation ordinances which was a problem that they had with the buses. They felt that the tour buses were soliciting on the street corners and that this would allow them to do that again. So, we included that specifically so that they would understand that, that's not our intent."

Speaker Churchill: "Representative Dart."

Dart: "Would tour buses be covered by this then?"

Speaker Churchill: "Representative Mulligan."

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Mulligan: "Only if they chose to be certified by the Interstate Commerce Commission or the Illinois Commerce Commission which is expensive, because the insurance standards are higher. But many tour buses that travel interstate do have that kind of clearance so they can come back and forth."

Speaker Churchill: "Representative Dart."

Dart: "Thank you, Mr. Speaker, to the Bill, and I'd ask for a Roll Call on this...Mr. Speaker, I'd ask for a Roll Call on this Amendment."

Speaker Churchill: "Your request for a Roll Call has been acknowledged."

Dart: "Thank you."

Speaker Churchill: "Further questions Representative?"

Dart: "To the Bill."

Speaker Churchill: "To the Amendment."

Dart: "To the Amendment, thank you. This Amendment is yet another attempt to removing local control from the local governing body. This City of Chicago presently does this licensing. We are removing the home rule municipality's rights to regulate the vehicles that travel within its own city, and this is a horrible precedent to set. The city that we are taking this power away from is adamantly opposed to this. It is something that makes no sense whatsoever. It's something as I said, it's a horribly dangerous precedent that we should not be doing. This is something that should be the role of the locals. This should be something that we should leave to local control. We should stop micro-managing from here about how they're going to be regulated. This is something that the locals should be in charge of. For that reason, I oppose this Amendment."

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

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Representative Erwin."

Erwin: "Thank you. Thank you Speaker. If we have a feeling, particularly for people on a Transportation Committee, a sense of deja vu, it is no wonder we have singularly spent more time on this Bill than any other Bill this Session. Amazingly enough, it is back, and with all due respect to the Sponsor, this thing is like a bad penny. It just keeps coming back and coming back. Let me again remind my colleagues that the potential for chaos, indeed regulating the limousine industry is very significant. If you have businesses in your district that have national or international basis and they fly in and out of O'Hare and have limousines come and pick them up to buzz over to a meeting, and then get back to the airport, I'm telling you the potential for this can be absolute chaos. Potentially, we believe that it could put the taxicab industry out of business, so you may be able to have limousines all over the place, de-regulated, but you may never be able to find a taxicab when you need one in any part of the City of Chicago. This is worse than micromanaging, it's bad policy in a macro level. Please, I urge the Sponsor to step back from this. I understand she has a constituent whose had difficulty with the City of Chicago, I emphasize with that, but frankly, this is like special legislation. If each and every one of us in this Chamber did a whole Bill for every one that had one complaint with a particular municipality, we would have five million Bills down here. So, on the policy level, this is bad; on the process level in terms of preempting home rule authority, the Illinois Municipal League strongly opposed this Bill in the Transportation Committee on every level that I can think of, this issue has not gotten any better. So, I urge a very strong 'no'

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vote."

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

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

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

Pugh: "Representative Mulligan, when we discussed this piece of legislation in Committee, we talked about the problems of...that you were trying to get to the root of, and that was the duplication of effort by the various vendors, and becoming qualified to take care of their business, am I correct?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Yes, Representative, the reason it was discussed so much in Committee, although this Bill will not address all the numerous complaints that...although it's not just for one person, as the former Representative would indicate. The reason it engendered so much discussion in Committee, but many, many people came in with numerous complaints in this area. Although, this would only address probably 10 limousine companies across the state, and two or three that operate in the city under these high standards. But basically, we were trying to address a duplication of paperwork and pretty much trying to put...people feeling they were being put out of business, and drivers feeling that they had to go in and retest and re-register every...in different municipalities. Unfortunately this Bill will not address all of that, but the drivers in this instance, lose a days work when they go in and they do not get paid unless they drive."

Speaker Churchill: "Representative Pugh."

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Pugh: "Representative, would you say that our...that our job as Representatives is to ensure that these same laws that we developed to sure that individuals are up to code, should be administered on a state level?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Representative, I do. Many communities probably would accept this, but the negotiations were taking a long time and I felt that I would like to at least show that it would work. So, applying it to one area would show that. Besides that, the city now has this as part of their code. What we're doing is, we're actually codifying part of the city statute. Unfortunately the city, in the last six months has been changing their statutes, and the companies that have come to me, were concerned with that. So, actually, the city would already recognize this, but in some recent negotiations and things that have happened, they felt that they were about to lose this power. And it's been in effect for a long time."

Speaker Churchill: "Representative Pugh."

Pugh: "And the target group that we're attempting to affect with this legislation, is ten taxicabs or livery service owners? Who are we attempting...who are we addressing...what population...who are we addressing with this particular piece of legislation?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Representative, this exempts taxicab companies because we felt that they were too local and also right now, the state already address certain types of bus companies and limo companies, but anybody that chooses to register, either with the Interstate Commerce Commission or the Illinois State Commerce Commission could come under this, but what I'm saying is, that there are only ten companies

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in the state currently, between ten and fifteen that are...that fall under that category, and we do not feel people will rush to do this because they are held to a higher standard. The insurance qualifications are quite expensive, so mainly, it has to be a company that has a certain amount of wearwithal, to be able to do that."

Speaker Churchill: "So, would I be safe in assuming that there will be some...the city will bear some liability if something happens to a passenger of one of these livery stations or livery cab owners? Would the city bear responsibility...a burden of responsibility as a result of the activities of these businesses?"

Speaker Churchill: "Representative Mulligan."

Mulligan: "Representative, I don't honestly know how. Number one, the companies have the higher standard of insurance that they would fall under then the city requires. The city requires much lower limits to organized as a business then the Illinois Commerce Commission or the Interstate Commerce Commission does. So, those companies already have enough insurance to cover any liability. Second, the city does not lose any power to regulate any traffic, they can do non-solicitation ordinances. They really have total control over where they go, how they pick people up, the only thing is in the licensing and the registering in what they have to come under. But other than that, the city has total control over where they move and where they pick up passengers."

Speaker Churchill: "Further discussion? The Chair recognizes the Gentleman from DuPage, Representative Johnson."

Johnson, Tom: "Mr. Speaker, I move the previous question."

Speaker Churchill: "The question is, 'Shall the previous question be moved?' All in favor will signify by saying 'aye', all

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opposed will say 'nay', in the opinion of the Chair the 'ayes' have it, and the previous question is moved. There has been a request for a Roll Call on this issue, but before we go to that Roll Call vote, Representative Mulligan to close."

Mulligan: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In the current climate of trying to reduce business regulations and allow companies to move forward, what we find here is certain companies have been put under such excessive business regulations from the City of Chicago, that they're having a hard time operating. And they're in fear that these regulations will get only get worse. We are not asking that they be held to a lower standard, we are asking that they be held to a higher standard. Both on insurance and as to their drivers who will hold commercial drivers license which are federally regulated. These drivers are drug tested, the cars are tested twice a year, the higher standard than the city. We are not taking out...anything away from the city as fall as regulating traffic, any taxes. They may also do these same registrations, and the people will have to prove that they are registered in this manner. We would hope for your favorable vote on this. It's a very important piece of legislation to a number of people and a number of constituents. I thank you, and I hope for a favorable vote."

Speaker Churchill: "The question is, 'Shall Floor Amendment #3 to House Bill 224 be adopted?' All those in favor will vote 'aye', all those opposed will vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 60 voting 'aye', 54 voting 'no',

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and one voting 'present', and Floor Amendment #3 to House Bill 224 is adopted. Further Amendments Mr. Clerk?"

Clerk McLennand: "No further Amendments. Third Reading. Mr. Clerk, please read House Bill 359."

Clerk McLennand: "House Bill 359, a Bill for an Act to amend the Environmental Protection Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor Amendment #2, offered by Representative Persico is approved for consideration."

Speaker Black: "Representative Black in the Chair. On Floor Amendment #2, the Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker, and Members of the House. Amendment #2 to House Bill 359 becomes the Bill. Basically this Amendment, not basically, the Amendment deletes all substantive language for the Brownfield Redevelopment Plan. The Bill is to become a vehicle and will be amended with the final agreed version between the industry and the IEPA for Brownfield? I ask for your adoption for...to Floor Amendment #2 and I will answer any questions that you may have."

Speaker Black: "And on the Amendment, the Gentleman from Kankakee, Representative Novak."

Novak: "Yes Mr. Speaker, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Novak: "Yes, I know, Representative Persico, you and I have been working very hard on this legislation. Brownfields is major environmental initiative. There are numerous...perhaps more than a hundred contaminated industrial sites that have not been put back properly on the tax rolls. This initiative is a result of your efforts and the manufacturers associations efforts and other

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business groups, and concerned citizens groups have tried to put these properties that are contaminated back on the tax rolls. Especially so many of them are...so many of them are situated in blighted and economically depressed areas. There are many of them in the City of Chicago, and I know I'm speaking to some of the lobbyists with the city. They are very concerned about trying to get some this property back on the tax rolls to generate jobs, and we have numerous sites in many other parts of downstate. What Representative Persico is simply doing, is gutting the Bill to make it a vehicle Bill, and I know many of us are skittish about passing vehicle Bills, but we want to keep the process moving. There is going to be a lot more negotiation on this Bill, because there are a lot of questions and concerns about it, so we want to more time specifically, probably the whole month of May, right Representative?"

Speaker Black: "Representative Persico."

Persico: "That is correct Representative. There were, as in any major Bill like this, there were many concerns that needed to be answered and what we're trying to do right now and what they have been doing for the last few weeks, is meeting with the IEPA and members of industry, chambers as well as the bankers and to come up with a consensus Bill. And in order to keep the negotiations going, what we needed to do was gut this Bill and make it a vehicle and move it on to the Senate and wait for our further negotiations to come up with the Agreed Bill."

Speaker Black: "Representative Novak."

Novak: "Yes, Representative, you're exactly correct. So, Ladies and Gentlemen, this Bill has nothing in it other than an title, and you have my word from the Members on my side of

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the aisle, and I'm sure Members on the other side of the aisle can speak on behalf of Representative Persico, with his word that our only intentions is to form and fashion a reasonable, effective and competent Brownfield Bill to address the serious environmental concerns in situations that exist in Illinois with respect to contaminated industrial sites. Put those sites back into operation; clean up the sites with responsible parties; determine the proper liability; provide jobs for Illinois citizens, and make our environment better for all of the Illinois public. Thank you."

Speaker Black: "Further discussion on the Amendment? The Lady from Cook, Representative Kaszak."

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

Speaker Black: "He indicates he will."

Kaszak: "Representative Persico, do you anticipate that representatives of the Illinois Environmental Council and other environmental groups will also participate in the discussions on this Amendment to the Bill when it is working its way through the Senate?"

Speaker Black: "Representative Persico."

Persico: "Representative, it's my understanding I think, that they did meet once, but I'm not positive on that, again this has not reached its final form yet, and hopefully all concerned parties are going to be able to participate in the negotiations."

Speaker Black: "Representative Kaszak."

Kaszak: "To the Amendment, Mr. Speaker. I would strongly urge the Sponsor and other participants to include representatives of the Illinois Environmental Council and other environmental groups in this discussion as it is progressing, and with that hope in mind, I speak in favor

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of it. I believe that addressing the question of brownfields is one of the most critical questions we have to face, both in terms of jobs and urban planning, and I strongly urge a solution to a lot of these...the problems that are besetting not only the urban areas, but the suburban areas. So, I would urge everyone to vote in favor of this Amendment."

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

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

Speaker Black: "He indicates he will."

Granberg: "Representative Persico, I was a supporter of your legislation before your attempting of shell it, and I'm still a supporter, but some of our Members on this side of the aisle I think, were in opposition to your Bill previously and some of them would actually like to see the Bill not moved forward. So, for their knowledge, can you tell us who is in opposition to the Bill that you crafted, you and Representative Novak filed?"

Speaker Black: "Representative Persico."

Persico: "Are you talking about who's in opposition to this Amendment to make it a vehicle?"

Speaker Black: "Representative Granberg."

Granberg: "You're removing language that a number of Members I think on this side of the aisle were in opposition to, and they still might be in opposition, but for their concerns what groups were opponents to your Bill, or are currently opponents to your Bill until you make it a vehicle?"

Speaker Black: "Representative Persico."

Persico: "Representative, House Bill 359 has been held on Second Reading for about three or four weeks now, and this is one reason we haven't moved it forward until this time to make

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it a vehicle. At that time, there were a lot of concerns. Among them were the Illinois EPA, the bankers had some concerns, the Environment Council had some concerns, even the Attorney General had some concerns, and so about two weeks ago, we all sat down and tried to negotiate a consensus Bill and they made tremendous strides in that way, and so we're trying to move the Bill along in the process until we get that final agreement."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you, Representative. Now I stand with you, but for some of our Members would not, and I wanted them to be aware of the opposition to the Bill and that has not been...I assume that opposition has not been removed even with this Amendment. Can you address that issue please?"

Speaker Black: "Representative Persico."

Persico: "Well, Representative, I did talk to Mary Gady of the Illinois EPA, and told her what the intent of this legislation was, and she was in full agreement to go ahead and make it a vehicle and move it along to the Senate in order to reach this consensus."

Speaker Black: "Representative Granberg."

Granberg: "I assume the EPA now has agreed to this, the Environment Council and the other environment groups who had major concerns over the legislation. They have now removed their opposition to the Bill, they would like to see it moved forward so a consensus can be reached?"

Speaker Black: "Representative Persico."

Persico: "Again, yes, the EPA was in full agreement to make it a vehicle. I haven't heard from the Environmental Council. I did let them know what I was doing, and she voiced no opposition at that time, so I think that everyone is very

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well aware that this Bill is not in its final form and this is what we're trying to do in order to move it along in the process."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you, Representative, for taking the time to answer that. I just wanted to make sure all of our Members knew the groups involved because some were in opposition and some would not remove that opposition I don't think, unless you clarified it. So, Representative, I too, agree with what you're doing. I think it's a very serious problem that needs to be addressed. The Bill might have had some concerns, but you have undertaken the responsibility of trying to reach a consensus and I applaud you for those efforts in trying to address the problems with the EPA and the business community, so I rise in support of Amendment #2. Let's keep the negotiations...let's keep the negotiations moving forward and I think Representative Persico and Representative Novak can reach a consensus on this very important issue."

Speaker Black: "With no one is seeking recognition, on the Amendment to close, Representative Persico."

Persico: "Yes, thank you, Mr. Speaker, and Members of the House. I just urge an 'aye' vote on Amendment #2 to House Bill 39 (sic-House Bill 359) to keep it moving along in the process."

Speaker Black: "Any no further discussion, I assume you're ready to vote. All those in favor of Floor Amendment #2 to House Bill 359, signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and Amendment #2 is adopted. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Black: "Third Reading. Mr. Clerk, what is the status of

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House Bill 2221?"

Clerk McLennand: "House Bill 2221, a Bill for an Act to amend the Rural Bond Bank Act. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Floor Amendment #3, offered by Representative Cross, is approved for consideration."

Speaker Black: "Mr. Clerk, has Floor Amendment #3 been printed and distributed?"

Clerk McLennand: "No it has not."

Speaker Black: "Take the Bill out of the record, we'll get back to it in just a few minutes."

Clerk McLennand: "The Rules Committee will meet immediately in the Majority Leader's Office. Rules will meet immediately in the Majority Leader's Office."

Speaker Black: "On House Bill 2221, on Floor Amendment #3, the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I move to withdraw Floor Amendment #3."

Speaker Black: "Floor Amendment #3 has been withdrawn. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Black: "Third Reading. We will now proceed to the Order Of House Bills, Third Reading. Mr. Clerk, on page 17 of the Calendar, appears House Bill 2317. Please read the Bill."

Clerk McLennand: "House Bill 2317, a Bill for an Act that amends the Criminal Code of 1961. Third Reading of this House Bill."

Speaker Black: "And on the Bill, the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker, Members of the House. House Bill 2317 as amended, is the Amendment we worked on...the two

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Amendments we worked on two days ago. The Bill does two things. It changes the Criminal Code; makes nitrous oxide the possession...amends the Criminal Code and makes it a Class B Misdemeanor to sell, offer to sell, or distribute, or give away a small nitrous oxide cartridges, balloons or other containers. It exempts wholesalers, jobbers and manufacturer who use nitrous oxide in a normal course of their business to manufacturer other lawful items. Makes it a Class B Misdemeanor to inhale or otherwise induce into one's respiratory system, nitrous oxide, except under the direct care of supervision of a licensed physician. The Bill also, as amended, changes the...amends the Criminal Code and increases the statute of limitations on sexual assault and criminal sexual assault from five years...from three years to five years, if reported within six months. I'd appreciate your 'yes' vote."

Speaker Black: "And on House Bill 2317, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, what is the projected amount of...on a county level, the individuals who will be serving any type of time over this Bill?"

Speaker Black: "Representative Bost."

Bost: "That would be unknown."

Speaker Black: "Representative Dart."

Dart: "Were they able to give you any estimate whatsoever, from the counties on how much an average Class B misdemeanor serves?"

Speaker Black: "Representative Bost."

Bost: "Class B misdemeanants can be sentenced from three to six months."

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Speaker Black: "Representative Dart."

Dart: "Have the counties told you though, how much Class B misdemeanants have cost them as far as the amount of time they have taken up in the jail cells, at local county jails?"

Speaker Black: "Representative Bost."

Bost: "No they have not."

Speaker Black: "Representative Dart."

Dart: "Mr. Speaker, I want to take this off Short Debate and I'm joined by the requisite number of hands here."

Speaker Black: "All right."

Dart: "Representative, what was the incident or fact pattern that brought about this legislation? My concern is that there is...whether or not there is any existing laws that have been used or whether or not this arose based on some case or on a specific incident that occurred?"

Speaker Black: "Representative Bost."

Bost: "There was...the City of Carbondale passed an ordinance to try to handle this problem. The problem was, there was no law on the books when at these concerts or wherever it would occur, these people would be inhaling nitrous oxide and they would basically tell the police officer, there's nothing you can do about it, and they'd checked and there wasn't, and so, Carbondale enacted the law, but with it just being for one city, it had very little effect, and so this just basically goes out to the rest of the state."

Speaker Black: "Representative Dart."

Dart: "Has this been something that's been an increasing problem? Is it something that is a new twist on the people who are using drugs or inhaling things or along those lines that requires us to act on this now?"

Speaker Black: "Representative Bost."

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Bost: "Yes. Apparently, there has been an increase...an increase to the amount that even whenever we were presenting this Bill, that the manufacturers came and the people that have storage facilities where this is kept, even complained about breaking and entering and an increase in theft on these particular tanks that hold nitrous oxide, so obviously it was on the upswing."

Speaker Black: "Representative Dart."

Dart: "If you have them fined, just let me know, do you have any statistics based on the State Police or any other FBI or any other organization that does the statistics in regards to the criminal justice information authority that does statistics on the increase and different types of crime? Whether or not there has been a marked increase in this type of activity or not. Do you have any of those statistics, and if so, what are they?"

Speaker Black: "Representative Bost."

Bost: "No, I do not have any of those statistics at this time."

Speaker Black: "Representative Dart."

Dart: "Well Representative, I just wanted to go through the second portion of this Bill now to firm up what we're doing in this area and that is the extension of the statute of limitations for criminal sexual assault and aggravated criminal sexual assault. They are extensions of it and you're going to look into the rationale behind us setting a six month limit. Were you able to find any information on that?"

Speaker Black: "Representative Bost."

Bost: "Basically, with talking...with attorneys in the field, they felt like that was a good line to draw."

Speaker Black: "Representative Dart."

Dart: "Did the states attorneys voice any concern to you

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whatsoever, that there would be any discretion taken away from them in the prosecution of these cases? Not so much in the prosecution, but in the fact that they would not be able to take advantage of this extension of statute of limitation because of the six month cap on it?"

Speaker Black: "Representative Bost."

Bost: "No."

Speaker Black: "Representative Dart."

Dart: "For the record then, the six month cap was in an effort, to extend the statute of limitations, but at the same time, take cognizance of the fact that you want to make sure that there aren't people utilizing this for the wrong purposes and contriving these types of allegations, based on something other than the truth?"

Speaker Black: "Representative Bost."

Bost: "Yes."

Speaker Black: "Representative Dart, your time has expired. Further discussion on the Bill, the Gentleman from Rock Island, Representative Brunsvold."

Representative Brunsvold: "Thank you, Mr. Speaker."

Speaker Black: "I'm sorry, it's Representative Brunsvold. I'm seeing your seatmate there."

Representative Brunsvold: "Representative Wennlund would like to ask a question here from my desk, I think."

Speaker Black: "Well, I recognize Representative Brunsvold, he'll have to go back to his own seat."

Representative Brunsvold: "Mr. Speaker, this is no laughing matter. Let's get serious about this."

Speaker Black: "Representative Brunsvold."

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

Speaker Black: "He indicates he will."

Brunsvold: "Representative Bost, how is this process going to

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work, with police catching someone with containers? How is that...do you have to have the container on you?"

Speaker Black: "Representative Bost."

Bost: "It's like any other illegal substance that's used, if it's caught in your possession."

Speaker Black: "Representative Brunsvold."

Brunsvold: "I'm very ignorant about this stuff, I didn't know there was any problem with nitrous oxide on anything, and Mr. Dart probably touched on it. Is this something that happens all over, because I don't see this happening? Is this just one incident?"

Speaker Black: "Representative Bost."

Bost: "It not only happens in the State of Illinois, it does happen all over the Untied States. There's a major problem right now and that's what...when we were talking with this with the manufacturers, they say that the major problem exists every time there's a certain rock group that comes to town, all of a sudden, these canisters start disappearing, and these canisters, it's my understanding whenever they sell them or whenever they steal them they bring to concerts, they fill the balloons up and they can sell the balloons for as much as eight dollars a piece for a balloon full of nitrous oxide."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Who has these canisters? Are they at...does the dentist have them, or where do the canisters come from?"

Speaker Black: "Representative Bost."

Bost: "The dentists do have them, but mainly where their stored, or at any facility that stores for industrial use, compressed gas, medical supply companies, any of the other warehouses that have compressed gas also have nitrous...or have nitrous available so they can be put in storage

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there."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Representative, other than the, I guess the obvious situation about being laughing gas, what affects does this have on the body?"

Speaker Black: "Representative Bost."

Bost: "I would say just normal intoxication, light-headedness, and I guess you can finally lose consciousness, but disorientation."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Did you say intoxication?"

Speaker Black: "Representative Bost."

Brunsvold: "Do we incur any..."

Speaker Black: "Did you say intoxication, Representative Bost?"

Bost: "Yes I did."

Speaker Black: "Representative Brunsvold."

Brunsvold: "I said intoxication and someone turned me off. Do we incur any medical costs from students that have breathed this gas and then get ill and go to the hospital. Have we incurred a lot of medical costs on that?"

Speaker Black: "Representative Bost."

Bost: "There hasn't been any reports because it hasn't been illegal or no records kept of that, no."

Speaker Black: "Representative Brunsvold."

Brunsvold: "Thank you Representative, appreciate your answers."

Speaker Black: "Further discussion on the Bill, the Gentleman from Washington, Representative Deering."

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

Speaker Black: "He indicates he will."

Deering: "Representative, I questioned you the other day about the use of nitrous oxide in welding shops and other manufacturing shops. I don't know if this question was

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asked the other day or today, but first offense is Class B Misdemeanor?"

Speaker Black: "Representative Bost."

Bost: "That's correct."

Speaker Black: "Representative Deering."

Deering: "What about second or subsequent offenses? Is that spelled out in the Bill?"

Speaker Black: "Representative Bost."

Bost: "We didn't deal with subsequent offenses in this legislation. We did not deal with the subsequent...the subsequent offenses in this legislation."

Speaker Black: "Representative Deering."

Deering: "So, if we're not dealing with subsequent offenses, if a person gets caught and gets convicted of this, it would be a Class B Misdemeanor time and time and time again. And there's nothing left open in the language allow JCAR or anybody to implement or increase any penalties or fees or anything is there?"

Speaker Black: "Representative Bost."

Bost: "No. No, it has not been an offense as of yet. That's what we're trying to do, make it an offense then we'll work more on it later then."

Speaker Black: "Representative Deering."

Deering: "Currently if I'm...I understand if I'm a wholesaler or supplier, that if I am a dentist or if I am in manufacturing, do I have to be registered in order to purchase nitrous oxide to use in my business, and if not, is this Bill requiring me to be registered?"

Speaker Black: "Representative Bost."

Bost: "No, it does not require you to...you're not required now and no, this does not make you become required."

Speaker Black: "Representative Deering."

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Deering: "Thank you Representative."

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

Bost: "Thank you, Mr. Speaker, Members of the House. I would just appreciate you 'yes' vote on this. I think it's good legislation, and just appreciate a 'yes' vote."

Speaker Black: "The question is, 'Shall House Bill 2317 pass?' All those in favor vote 'aye', opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'aye', one voting 'no', five voting 'present', this Bill having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen of the House, we're...on behalf of Representative Pat Lindner, I would like for the House to welcome the 4th, 5th, 6th, and 7th grade classes at Summitt School in Dundee, Illinois, and their teacher, Kathy. They're up in the gallery. Welcome to Springfield. On page 12 of the Calendar, there appears House Bill 1125. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 1125, a Bill for an Act amending the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Black: "And on the Bill, the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1125 takes the Code Hearing section that was passed by the House two years ago for building code violations, and allows the municipalities to also prosecute zoning violations through the same process. It has two very good points to it; number one, it will relieve the backlog of cases in the circuit courts and free those

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courts up for other cases, criminal cases, traffic cases, and other things, and the second thing is, it's a faster, much more efficient way to prosecute zoning offenses. The way this would work, would be the same way as it works for building code offenses. People would get, what in essence, is a ticket. They would have the right to appeal to a hearing officer that would be hired by the municipality. Those cases are then subject to administrative review after the hearing is over. It's permissive and all it does is allow municipalities to enforce more of their codes in a much more efficient way, and also relieve backlog from the counties in the circuit courts. I'd ask for a favorable vote. Be happy to answer any questions."

Speaker Black: "And on House Bill 1125, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Just another one of those seventeenth judicial district Bills that are...just for that Rockford area?"

Speaker Black: "Representative Scott."

Scott: "Well, it will help the seventeenth judicial circuit, but it will also applicable for every other circuit in the state."

Speaker Black: "Representative Dart."

Dart: "And those are the kind of seventeenth district Bills we like around here. The changes your making in here right now, dealing with the zoning thing, you're taking them out of the circuit court, is that correct?"

Speaker Black: "Representative Scott."

Scott: "Yeah, the way it would work right now, for example, Representative Dart, if you had a car up on blocks, parked in the front yard of your house, that could be a zoning

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violation under a number of different municipal zoning codes. Instead of filing a complaint in circuit court and having it wind all the way through that court process, what would happen is, the zoning officer would issue you a complaint at that time. You then would be able to ask for a hearing within 30 days after that point, if you have abated the violation by the time you come in for the hearing, then there is no fine involved. If you have not abated the violation by that time, and the municipality proves up that a violation existed, then you would be subject to a fine. All of those decisions by the hearing officer are then subject to administrative review."

Speaker Black: "Representative Dart."

Dart: "Did you say this was an ABATE Bill'?"

Speaker Black: "Representative Scott."

Scott: "No, it didn't make any reference to a motorcycle being in your yard. I said if your car was up on blocks."

Speaker Black: "Representative Dart."

Dart: "Has the judiciary...have they taken a position on this, as far as whether or not they're in favor of having these cases removed from their authority or jurisdiction right now?"

Speaker Black: "Representative Scott."

Scott: "No, there's no formal position that they've taken. When the Code Hearing Law was passed, in speaking with judges at the time, they thought it was a good thing to remove those cases from the court, with respect to building violations, so I imagine...although there isn't a formal position, I imagine they would like to reduce their own backlog."

Speaker Black: "Is...what is the purpose behind changing the definition of property...buildings...references to buildings, to property throughout the Act has been changed,

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what's the purpose in making those changes?"

Speaker Black: "Representative Scott."

Scott: "When the Code Hearing Law was passed originally, it was just with respect to building codes, and so to make it consistent and have it apply to other codes as well, we had to change the word building to property wherever it appeared in the rest of the statutes."

Speaker Black: "Representative Dart."

Dart: "Will there be any problems caused by the fact you made that change in reference to how it would affect other statutes on the books now?"

Speaker Black: "Representative Scott."

Scott: "No, it won't. As a matter of fact, it would be totally consistent with the zoning...the whole separate part of the municipal code that deals with zoning and planning."

Speaker Black: "Representative Dart."

Dart: "Under this Bill, if you were to have problems with such things as abandoned cars, how would this Bill...how would you go about doing that under the Bill, if you wanted to in fact, add something such as an abandoned car removed, how was you do that and how would it changed under here?"

Speaker Black: "Representative Scott."

Scott: "Well, municipalities now have the authority to adopt a zoning code, and under that zoning code, they can make whatever conditions on property that they want to, subject obviously, to other certain state and federal laws and constitution. And to use an example, the abandoned car, that would be, say in Rockford for example, that would be a violation of the zoning code, and again, that would now go through the process that I described earlier. Instead of the current process, which is to file a complaint and go to circuit court, have a long time to be on the backlog of

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cases, it also will provide for the people that are actually in violation of these offenses, it will also provide the opportunity to be heard in a much more quick manner. So, what I think will happen, is they'll have a lot more cases abated than have now, because they know...defendants know they can drag it out through a court system for a long period of time."

Speaker Black: "Ladies and Gentlemen, if we could keep the noise level down. Representative Scott, Representative Dart, discussing a very important Bill and they're only two and a half feet apart on the floor and they need your cooperation. Representative Dart."

Dart: "Thank you, Mr. Speaker. To the Bill. I think this is a very good Bill. Long over due, and the Sponsor should have done this maybe last year, but I think the fact that he wasn't here probably hurt him a little bit. But, I think it is a very good idea, yet another good idea coming from that Rockford area, and I would urge your support."

Speaker Black: "Further discussion, the Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Balthis: "Representative Scott, does this legislation create any kind of a bureaucracy for which one could receive an award?"

Speaker Black: "Representative Scott."

Scott: "I don't believe so, Representative Balthis. The state government is not growing as a result of this, as a matter of fact, it may actually take circuit court judges and reduce their backlog. Maybe we could get a shrink award for this."

Speaker Black: "Representative Balthis."

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Balthis: "Representative, is this testimony that's given in front of this Appeal Board, is this done by under oath or is this just someone coming in talking to an officer? Can you explain that process to us?"

Speaker Black: "Representative Scott."

Scott: "Certainly, Representative, it's exactly the same process that now exists for the Code Hearing Department with respect to building code violations which was passed I believe, two years ago in this same General Assembly was Representative Maureen Murphy's Bill I believe at that time. Yes, the testimony can be under oath. I mean, some of the procedures for doing that, are up to the local municipality, and there may be some variances between them. The statute really doesn't set out all the procedures that may be used. It really sets a floor of the procedures to be used by any particular municipality. And again, that's all permissive. The municipality chooses to continue to take these to the circuit court. They don't have to adopt the Code Hearing Section of the statute to begin with."

Speaker Black: "Representative Balthis."

Balthis: "In this process, is there...you said there is no definitive rules. Is there a minimum or maximum fine that can be imposed on any one of these issues, or is that also left up to the local government?"

Speaker Black: "Representative Scott."

Scott: "Well, municipalities have a limit as to the amount of fines that they can levy for any particular offense set by us in the statute, so this wouldn't change that at all. They...the municipalities would still be limited to a fine of \$500 per offense, and zoning violations as with building code violations, that can be \$500 per day for each day the offense occurs, but they are still limited to that amount

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set by statute."

Speaker Black: "Representative Balthis."

Balthis: "Would the local government, if they adopt this, would they would have to establish a set pattern of rules that they're going to operate under? In other words, they couldn't fine me today, \$50 for doing something and another person came in tomorrow with the same offense, they could fine him a \$100, would they have to establish some set of rules and how would they do that without not being in compliance with this?"

Speaker Black: "Representative Scott."

Scott: "That...the statute allows them to pass an ordinance which would adopt the Code Hearing Procedure. In that ordinance...as a legal matter, they're going to need to adopt provisions, so they don't run into a due process problem or an equal protection problem, they're going to need to establish set procedures for doing that or they're going to run the risk of administrative review but, all their cases are going to get thrown out anyway. Even though we don't establish it in the Bill, or wasn't established originally, in the Code Hearing Procedure, those procedures have to be set up by the individual municipality for this to be effective."

Speaker Black: "Representative Balthis."

Balthis: "Part of your answer there, leads me to another question in regards to the appeal process. Can you go through what the appeal process is and who they appeal to in order to...if they don't like the ruling of the local community?"

Speaker Black: "Representative Scott."

Scott: "The decision of the hearing officer is the final decision for purposes of the administrative review law, so a person who thought they were aggrieved by the decision, which

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could also include the municipality if they thought the decision was wrong, although I think that's less likely. They could appeal that to the circuit court in the jurisdiction where they sit, so for example in Rockford, they'd appeal the circuit court in the 17th judicial circuit. That decision of the...the court then looks at the administrative review, the same standards that it would for any other administrative review, trying to see if the procedures were followed, if any...you know, if there's enough evidence on the record to support the decision that was made. That decision then of the circuit court is appealable to the rest of the state courts."

Speaker Black: "Representative Balthis."

Balthis: "My final question in our analysis, it appears that they're talking about housing establishing rules and regulations for that, but in the language of the Bill, it appears that we're talking about any building or any structure with it, so it would apply to businesses as well as residential, this is not just targeted at residential property?"

Speaker Black: "Representative Scott."

Scott: "No, Representative Balthis, the original Bill actually pertains to any building code violations which would be commercial, industrial, as well as residential, and this would keep that same condition. There isn't any distinction between commercial, residential, or no, even unoccupied property."

Speaker Black: "Further discussion on the Bill, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Black: "It's doubtful, but he says he will."

Lang: "Hi, Representative. Having a good day? Good. I have a

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few questions about your Bill. You defined the term building inspector, is that correct?"

Speaker Black: "Representative Scott."

Scott: "Well, the prior term was building inspector, now we're changing that to property inspector, to encompass the zoning codes. By the way, I must compliment you on your suit, I think it's a very fine suit."

Speaker Black: "Representative Lang."

Lang: "Thank you, and your suit seems to be just as fine, although I think I like your tie better. Representative, this term has never been defined in the law at all?"

Speaker Black: "Representative Scott."

Scott: "Yes, it is defined in the law. We're just defining it for purposes of this code hearing authorization which was passed two years ago."

Speaker Black: "Representative Lang."

Lang: "And so, would it be fair to say that in the entire history of the Illinois General Assembly, it took you to be here to think this up?"

Speaker Black: "Representative Scott."

Scott: "Well no, not exactly, but with respect to the zoning violations, it was very frustrating as a municipal prosecutor, to take cases through the court that could have been settled much more quickly, then to have them drag on for months and months. It's very bad for neighborhoods and I think this will speed the process up and really help."

Speaker Black: "Representative Lang."

Lang: "Representative, is this your first Bill?"

Speaker Black: "Representative Scott."

Scott: "No, second."

Speaker Black: "Representative Lang."

Lang: "But perhaps, your first good Bill?"

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Speaker Black: "Representative Scott."

Scott: "I like to think I had a lot of good Bills. This is just the second one that is up for consideration by the Body."

Speaker Black: "Representative Lang."

Lang: "Well, Mr. Dart indicated earlier, there'd been a lot good ideas coming out of that Rockford area, I think that's debatable. I think I kind of like this one. Can you give me an example of why we need this? A factual example of something from your district where this is necessary, if we don't do this, lightning will strike or something bad will happen to us."

Speaker Black: "Representative Scott."

Scott: "I don't know if I have any that take on Biblical proportions, but I'll try to give you an example. If you have, for example, a car...auto repair lot that is not zoned properly, say it's in a residential area, it's next to your house and a person is fixing cars, he's got cars parked all over the place, that would be a zoning code violation in almost every municipality in the state. Well, instead of having...forcing that municipality to go into court, file a complaint, that gets answered, then you go through a long court process. If you're clearly in violation of a zoning ordinance, you would receive one of these, in essence what's like a ticket, from the property inspector, you'd...your hearing would then be set up, you could go the hearing officer, if the violation had been abated by that time there wouldn't be any fine that would accrue to you. We think that will serve the purpose of getting something like the illegal car repair dealership or a car repair lot. Get it abated much more quickly, and I think it will also serve as something that you, as the violator of that particular law or the car person in that

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case, would be subject to far less fines as a result of it because they are not dragging the process out incurring the \$500 a day costs."

Speaker Black: "Representative Lang."

Lang: "Well, when you said 'you' as a violator, you meant the editorial you, not 'you' as in 'me'. I haven't violated any laws in Rockford the last I saw. Representative, I just want to say that I hope the majority party was listening. Majority party here is a Representative, you ask him questions, you get answers, you find out all about the Bill so you can find whether it is a good Bill or bad Bill, and I'm here to thank Representative Scott for understanding his Bill well enough to explain it without staff people around him, without a Bill file. This man knows his Bill. He knows how to answer questions about his Bill, and we're going to keep him over here, you can't have him."

Speaker Black: "Was that a question Representative Lang? I'm sorry, I thought that whole repartee was a meeting between two subscribers to Gentlemens Quarterly or something, the way it started out. Whatever. Ladies and Gentlemen of the House, we're honored to have with us today, a former Speaker of the House, current Secretary of the State, the Honorable George Ryan. Further discussion on the Bill, the Lady from Will, Representative Ciarlo."

Ciarlo: "Thank you, Mr. Speaker. I'm certainly glad that as the new Member on this side of the aisle, I had the good sense to sign on to this Bill, and it's...I very pleased to be cosponsor. What Representative Scott is trying to do is good. It cleans up some language and its been much needed, so, thank you very much. I rise in support of this Bill."

Speaker Black: "Yes, the Gentleman from Cook, Representative

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Parke. What purpose are you seeking recognition?"

Parke: "Thank you, Mr. Speaker. I just to make sure now, on our side of the aisle, if we tell Representative Lang that he has a nice suit, he'll say good things about us also. I just to make sure that all the people on this side understand what the formula is so that he'll be a little bit easier on all of us."

Speaker Black: "I find that the Chair has always found it nice to...and beneficial to compliment the Honorable Gentleman from Cook. With no one seeking recog...with no one seeking recognition, Representative Scott to close."

Scott: "Thank you, Mr. Speaker, Members of the House. I appreciate all the questions on the Bill. I think it will do some good things, not only for municipalities and neighborhoods, but we'll also do some good things for the circuit courts in removing some of their backlog and I appreciate an 'aye' vote."

Speaker Black: "The question is, 'Should House Bill 1125 pass?' All in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, 115 voting 'yes', none voting 'no', none voting 'present'. This Bill having received the Constitutional Majority is hereby declared passed. Committee report... committee reports, Mr. Clerk."

Clerk Rossi: "Representative Churchill, Chairman from the Committee on Rules, which the following Res... Amendments were referred, action taken on April 27, 1995. Reported the same back with the following recommendations: 'do approve for consideration' Floor Amendments 2 and 3 to House Bill 931; Floor Amendment #2 to House Bill 944; Floor

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Amendment #3 to House Bill 1123; Floor Amendment #3 to House Bill 1456; Floor Amendment #2 to House Bill 1937; Floor Amendment #7 to House Bill 2045 and Floor Amendment #2 to House Bill 2393."

Speaker Black: "Any notices, Mr. Clerk?"

Clerk Rossi: "The House Revenue Committee will meet today at 1:00 p.m., in Room 122-B of the Capitol Building, to consider Floor Amendments 1 and 2 to House Bill 430 and Floor Amendment #2 to House Bill 1123 and Floor Amendment #3 to House Bill 1649. The House Executive Committee will meet today at 12:00 p.m., in 122-B of the Capitol, to consider the following Amendment. Amendment #1 to House Bill 1941. The House Elementary and Secondary Education Committee will meet at 12:00 p.m. in D-1 of the Stratton Building to consider Amendment #6 to House Bill 445."

Speaker Black: "Okay, Mr. Clerk. Ladies and Gentlemen of the House, if I could have your attention, on behalf of Representative Tom Ryder, we're pleased to welcome the Macoupin County Alternative School, Becky Bolin and students. Welcome to Springfield."

Speaker Daniels: "Speaker Daniels in the Chair. It's Bill 2205, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 2205, a Bill for an Act in relation to Blood Alcohol Concentration Levels. Third Reading of this House Bill."

Speaker Daniels: "Members of the House. Ladies and Gentlemen of the House. Ladies and Gentlemen. Young ladies. Representative Johnson."

Johnson, Tom: "Yes, Mr. Speaker, Members of the House. This morning, I bring to you House Bill 2205, a Bill which will give us all an opportunity to vote on saving lives. House Bill 2205 lowers the blood alcohol concentration level at

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which a person is presumed to be driving under the influence from .10 to .08. The time for .08 has come in Illinois. It is a proven scientific fact that at .08 you are too impaired to drive safely. It is a proven fact that a .08 law will save lives. I can't think of anything more important than passing legislation that will help save and protect the lives of innocent Illinois residents. That is why Secretary of State, George Ryan has continued to push for .08 year after year, and that is why I ask for your favorable vote this morning on this important Bill. Essentially, what this boils down to is this. Currently, 629 lives were lost to alcohol related crashes during 1993 in Illinois. A .08 law will reduce that number substantially. The voters want it. The results of a poll conducted by Kemper National Insurance Company in Illinois shows that 61% of Illinois voters favor lowering the illegal blood alcohol content level to .08. The need for .08 law in Illinois is clear. I only ask that you listen to your conscience this morning and not the special interest groups and do what is right for all the citizens of this State of Illinois. I ask your favorable consideration for this Bill. Questions?"

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

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

Speaker Daniels: "He indicates he will."

Granberg: "First of all Representative Johnson, I appreciate the efforts the Secretary of State has made in regard to this very serious issue. So, I don't think any of us in this Body are in favor of accidents contributed to DUI. It's a terrible, terrible tragedy and we applaud the efforts of Secretary of State George Ryan in this regard. Our

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concerns are, what issues are being addressed currently and how can we better effectuate current law enforcement standards? So having said that, where does Illinois rank in terms of fighting alcohol related driving incidents. Is there a certain level that we've obtained?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "I believe that different groups have ranked, as we rank very, very high thanks to the efforts of the Secretary of State over the past years. I believe MADD has ranked us number one in 50 states. But I might add, that number one is never good enough as long as we continue to leave... lose lives to alcohol related deaths and we should continue to do everything we should to reduce that number."

Speaker Daniels: "Representative Granberg."

Granberg: "Well, Representative, given that, what is the average blood alcohol content level for DUI arrests in this state?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Are you asking the average where alcohol related deaths are involved?"

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, for actual convictions of DUI."

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "The average on convictions, if I understand your correction... or your question, you know I think most of them are between .15 and 2."

Speaker Daniels: "Representative Granberg."

Granberg: "My... my question Representative, is this, given that information. Why would we not give more serious consideration to a graduated penalty structure? That is, the higher the BAC content, why would we not increase the penalties and... with in direct correlation to the BAC? Why don't we go to the other end of the scale where the

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real problem is, that all of us are very concerned with, but we feel there's more serious problem at the other end of the scale where most of the accidents occur at that level. Where most of the incidents occur at that level and not the... the social drinker at the other end of the scale that you're addressing today. So, why do we not have a graduated penalty system, the higher you blow the greater the penalty?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "You raised several... issues in your question there Representative. One is the question of why we don't increase penalties the higher the blood alcohol content. The... I don't think any of us would object to ever looking at that issue, however I think it's a... you are impaired and the studies will show that drivers are impaired at .08 and above. If you are impaired it should make no difference whether or not you are impaired at .08 or you impaired at .20. The fact is, you are impaired and you should not be driving. So, the issue of penalties is not really where it's at. You also mentioned that, why are... why would we go after the social drinker? I think it's important to know that at .08 it would require four drinks per hour for 160 pound person. Now, I don't believe that that is necessarily being social."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Well, Representative, you drew the analogy between .08 and .20. I would submit there is a very, very serious difference and it is higher on the scale with the BAC, that the more impaired the driving becomes, and that's where the higher incidents of a convictions, that's where a higher incidents of accidents occur and those people are the problem on the road. But given that, Representative,

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earlier you indicated that the public opinion poll showed that 61% of the public in Illinois I believe, would like to see the blood alcohol content standard lowered. Did that poll indicate to what level they would like to go, from .10 to .08, or would they like to go to .05 or..."

Speaker Daniels: "Representative Granberg, your time is up. But could you bring your line of question to a close?"

Granberg: "Would they like to go to .08 or do they want to go to .05? And with that, Sir, I would ask you, is it your intention next year if this becomes law to go to .05 next year and to finally go to .00 tolerance for all the public in Illinois? Is that your intention, Sir, and how would you impact the .08? Thank you."

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "No it is not the intention to go any lower, in fact no other state is below .08, nor do the scientific studies show that it's necessary to go below .08."

Speaker Daniels: "The Lady from Lake County, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of this Bill. I think it's an important one for Illinois. Illinois during 1992 had alcohol related crash... crash fatalities and injuries costing more than \$1.2 billion. The average economic cost of an alcohol related crash is estimated at 800,000 per death and 20,000 per injury with nearly 30% of the first year medical cost being paid for by tax dollars. Illinois will lose even more money as tax payer's absorb all of the medical cost accrued to alcohol related crashes. What will happen financially if Illinois... if Illinois does not pass a .08 law? Illinois stands to lose more than \$4 million in federal highway safety funds if a .08 law is not in effect

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by September, September 30th of 1996. That's \$4 million in federal highway safety funds. Any law which decreases alcohol related crashes will have a very positive financial impact for the citizens of Illinois and it will provide for a safer travel throughout the state. I support this Bill and commend the Secretary of State for bringing it forward."

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

Mautino: "Thank you, Mr. Speaker. Will the Sponsor yield? Representative, over the past decade we've had about a 30% decrease throughout the State of Illinois in the area of traffic fatalities and accidents as a result of some of the strengthening the laws in the State of Illinois. What factors do you... what are the factors that you attribute to that?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "I think that's a tribute to our law enforcement. I think it's a tribute to the industry. I think it's a tribute to public awareness. I think there's many reasons for that. I think there's far more awareness of what alcohol can do when you mix it with driving and I applaud the efforts of everyone in this state on behalf of lowering this. We still have some ways to go."

Speaker Daniels: "Representative Mautino."

Mautino: "Representative, there are... there are many factors which have attributed to that, the lowering from .15 to .10 some... a changing of the attitudes of the people in regards to drinking and driving. There's been also a very concentrated effort between or inside the industry itself. Are you familiar with a program which is know as TIPS?"

Speaker Daniels: "Representative Mautino. Representative

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Johnson, excuse me."

Johnson, Tom: "Yes, I am. A very good program."

Speaker Daniels: "Representative Mautino."

Mautino: "That's a program along with some others, the ADDIE programs which have contributed and it's... it's been the... the industry's way of helping to protect the citizens throughout the State of Illinois, in addition to that, there have been also, changes in the industry as far as the way that they operate. You see designated driver programs, so everyone does care about this. I guess probably some of the concerns... there was question that was asked a little bit earlier about the average blood alcohol content in the state for an arrest, it's about .16. Across the nation is .17 and I think that a lot of the... and a lot of the Members probably feel that the problem, which we are trying to address, is what the repetitive and the problem people who come in at that level. I know that 93% of the arrests and problems occur above this level. As far as the... do you have any, any numbers or anything as far as proposed reductions by going to a .1, or a .08?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Yes Representative, according to the National Highway Traffic Safety Administration, at .08 a person is three times more likely to be involved in a car crash than a sober driver. Eleven times more likely to be involved in a fatal single vehicle crash. In California alcohol related crash fatalities declined almost 30% between 1989, which was pre .08 and 1992, two years after the enactment of .08 and I might add, that the other experience in Maine after the .08 we had a decline of about 17% in alcohol related fatalities. Now, if you use the statistics in Illinois, of the 629 alcohol related fatalities in 1993, if

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we were to experience even a 15% reduction due to .08 that would save almost 100 lives."

Speaker Daniels: "Representative Mautino."

Mautino: "Thank you. Now, you cited California. Now, are you aware that during the time the state of... the time that California enacted .08, the State of Illinois additionally had a reduction of 30%? And in the ratings, we are the highest rated state as far as traffic safety and we have an 'A' rating from MADD. So, I don't know that it's..."

Speaker Daniels: "Representative Johnson. Representative Mautino, your time has expired, Sir. Representative Johnson will answer your question."

Johnson, Tom: "Yes, I am aware of that. And again, as I say, I applaud our reduction. I think it's terrific. But the statistics are showing that if we were to enact this, we could save another 100 lives. Now what's wrong with that?"

Speaker Daniels: "Ladies and Gentlemen of the House, just for a second, if I could have your attention. We know, of course, today is the national day for bring your daughters to work day, so we want to welcome all the daughters of our Legislators and employees in State Government to the Capitol and congratulate them on being young... wonderful young women. And of course, those of us whose daughters are back in school, elsewhere in the state, we want to send them a note of special love to them as well. Further discussion? The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. We've heard a lot of discussion today about that we should be concentrating on the high end of the scale for alcohol related accidents because that's where the most serious accidents are. But I think the evidence shows that if we want to attack

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accidents of the higher alcohol level, the way to do it is to enact the .08 law. And this conclusion has shown by experience in states that have the .08 law and what has happened in reductions of their fatalities at the higher end of the alcohol level. For instance, California had the .08 law and accidents in which the driver had... excessively high alcohol level above .10 decrease by 4%. In Oregon, after the .08 law, the alcohol in accidents with the high... at the higher level decrease by 11% and in Vermont, those high level accidents decreased by 31%. So, the fact that we have a .08 law, show that there is a very strong perception to the public that driving laws are strict and in... and in fact, we end up reducing alcohol levels at the .08 law. I would also like to point out, that other countries have stricter laws than...than Illinois and that we do in general and in fact a number of countries have the .08 law such as point, such as Austria, Canada, Denmark. And some countries even have a .05 law, Finland, Iceland, Japan, Norway. We really cannot tolerate drinking and driving if we want to... end accidents at the high end of the alcohol spectrum. The way to do that, is to point the... is to pass the .08 law and and get the word out that our alcohol laws are very strict. Thank you, Mr. Speaker."

Speaker Daniels: "Further discussion? The Gentleman from St. Clair, Representative Hoffman."

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

Speaker Daniels: "He indicates he will."

Hoffman: "Representative, I just have a couple of questions regarding the contents of the Bill itself. On page 8 of the Bill..."

Speaker Daniels: "Representative Johnson. I'm sorry,

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Representative Hoffman. Excuse me, my..."

Hoffman: "On page 8 of the Bill, item 31..."

Speaker Daniels: "Representative Johnson."

Hoffman: "It say's beginning on January 1, 1991, has refused to submit to a test as required by section 11-501, where as submitted to the test resulting in an alcohol concentration of .08 which, which changes from .10. This is the provision regarding the...the summer suspension I believe. The question is, we're not changing the date of January 1, 1991, we're only changing the .08 provision. So, the question...the question then becomes, if there was an incident where you may have been arrested and blown a .08, between .08 and .10 and you are not...you are not...had your license suspended as a result of that, could they then go back to these cases that occurred between January 1 of 1991, and today and say, now your license is revoked?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "No, Representative Hoffman. This does not apply retroactively. Obviously, we can't pass ex post facto laws and secondly, all of these suspensions have already been served and in fact, it would be double jeopardy and so on. And so, no, that does not... would not impact it."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, you're aware of the... the court decisions, Representative, that have indicated that it is not a right to have a driver's license in the State of Illinois. It is not... you don't have that right as it is in deed, a privilege. So that the issue as to double jeopardy and the constitutionality of these issues, I don't believe applies and there have been cases that have indicated that fact. So, couldn't you under this... under this Bill and the way it is drafted, couldn't you go back to individuals who may

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have... have taken a blood alcohol test and got... gotten between .08 and .10 after January 1, 1991, and read... and go back and suspend their license now, even though they couldn't... you didn't then?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "No."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, do you agree with my comments that the... is not... that the courts have ruled in the past that there is no right under Illinois law to a driver's license?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Yes I do agree with that and that is precisely why we should be passing .08."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, my concern, not only, I guess, with some... some of the things that other people said, but potentially with the... with the drafting of this. I think it could be read, and I just want to make sure that it is your intention not to go back to individuals who may have taken a test between January 1, 1991, and...and the effective date of this Act and revoke their license in a retroactive manner. That's not your intent under this law, right, Representative?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "That is correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Just one final question. Representative, under current law, it's my understanding that an individual already in Illinois, if he... if he takes a... a blood alcohol test and he scored between .05 and .10, he currently can be charged with driving under the influence of alcohol and indeed can be convicted of driving under the influence of

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alcohol. Is that right?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "That's correct. But as you know, it requires a lot of additional work, evidence and so on, to show that what this does is shifts it. It would be per se and it would be then up to the defendant to prove that it had not affected his driving. Which he has that right or she has that right."

Speaker Daniels: "Representative Hoffman, you're almost out of time Sir."

Hoffman: "Just...just in closing real quick. I would like to certainly applaud the Sponsor and applaud the Secretary of State for coming forward with initiatives such as this. Unfortunately and reluctantly, I think that it currently is in current law and... and as a result to that I'm going to go with voting 'no'. I think that... that reasonable minds could disagree on many of these things and I understand that the individual bringing forward this... this Bill is certainly, believes in this Bill. However, I think we just simply disagree."

Speaker Daniels: "The Gentleman from Washington, Representative Deering."

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

Speaker Daniels: "He indicates he will."

Deering: "Representative, there are those that support this type of legislation that say's that the state will lose \$4 million in federal grants, if we do not pass the .08. Is that correct?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "Illinois will stand to lose more than \$4 million in federal highway safety funds if a .08 law is not in affect by September 30, 1996. So, there is a possibility

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right now, we will not lose \$4 million. I don't think that that's the real motivation or purpose of moving this legislation, it's to save lives."

Speaker Daniels: "Representative Deering."

Deering: "Well, Representative, that may not be the real purpose, but that is some of the argument that is out there and just to clarify the... the federal guidelines a little more. To qualify for the discretionary grants under section 410 of the federal statute, a state must meet four out of five criteria, currently Illinois only meets three. The other two that... one of the other two they would have to meet is a .08 BAC law or they would have to have... they would have to have administrative revocation of a license in 30 days. Currently, we don't do that because in Cook County it takes 45 days as I understand it, to revoke a license. So, if we could get the rest of the state in line with the 30 day revocation, I think that we would still be in line for the federal dollars. Is that not correct?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "That is correct. Again, the... the real motivation behind this law, is to save lives."

Speaker Daniels: "Representative Deering."

Deering: "Representative, as stated by Representative Hoffman, you know, I do applaud the Secretary of State's efforts here. I'm not going to vote for the Amendment or for the Bill, but there are a lot of groups that are opposed to this. These groups also sent you, as the Sponsor of the Bill and the Secretary of State, a letter asking for a meeting to discuss alternative proposals, such as a graduated penalty system, which in my opinion would go after those individuals who have a BAC of .1 or greater, make the penalties stiffer for them. The problem, the

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chronic drinkers getting them off the road, I think that, that is where we should be going, not making it discretionary .08. Would that not of been a better proposal and... and why would you not meet with those groups and discuss that proposal?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "The Secretary of State will be very happy and so will I, to meet with any groups with ideas for cutting alcohol related deaths and mayhem and fatalities on the roadway. However, it is the Secretary's position and mine that, that is no substitute for .08. That should be in addition to .08 and you are impaired at .08 and every study out there now will show that. And so therefore, it's not a substitute, point 08 will save lives. We now have that history and background in other states who have been already imposed the .08 and why should we not do everything we can including .08 to reduce the mayhem on our highways?"

Speaker Daniels: "Representative Deering, your time is almost out Sir."

Deering: "Yes, a final question Mr. Speaker. I have a quote from the Decatur...from the Decatur Harold and Review which Secretary of State Ryan, states that .08 would be just and I'm quoting a first step toward .05. If this Bill is signed into law will you be considering Sponsoring the Secretary's .05 legislation if he in fact, would introduce that?"

Speaker Daniels: "Representative Johnson."

Johnson, Tom: "No."

Speaker Daniels: "Representative Deering. The Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker. Ladies and Gentlemen to the Bill. What we're talking about here is, we're talking about

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a drug. Yes, obviously a socially accepted drug. It has been proven time and time again that at .08 blood alcohol content, a person is impaired. Now, this isn't about drinking or not drinking or consuming alcohol or not consuming alcohol. This is about getting into a vehicle and powering that vehicle and having all the faculties about yourself so that you don't damage people in that process. Somehow or another, we've gotten lost along the line here, and this is an alcohol, non-alcohol issue. It is not. It's pure and simple. If you consume enough alcohol to raise your blood alcohol content to .08, you are impaired. I didn't say intoxicated, I said impaired. Now, those of you that have ever been effected or know friends and relatives or family that have...had to go through the things that many of our families have had to go through as a result of an impaired driver behind a wheel of a vehicle, this is what we're talking about here today. I rise in strong support of this Bill and I would urge all my colleagues for an 'aye' vote. Thank you."

Speaker Daniels: "The Lady from DuPage, Representative Pankau."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye', opposed 'no'. The main question is put. Representative Tom Johnson to close."

Johnson, Tom: "Again, Members of the House, this is quite simple. Point 08 is effective because it saves lives. The voter's want it. As discussed earlier, the results of a recent poll conducted by Kemper National Insurance Company, show that 61% of Illinois voters favor lowering the illegal blood alcohol content level to .08. Perhaps even more impressive is the fact that the support for .08 is equally

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distributed throughout the entire state. If that's not enough to convince you that Illinois wants and needs .8, fiscal implications will. The average economic cost of alcohol related crashes are estimated at \$800,000 per death and \$20,000 per injury with nearly 30% of first year medical costs ending up being paid for by tax dollars. But in the end, people, the evidence shows clearly with states who have enacted this legislation, you will save a substantial amount of lives. Isn't that worth it? I ask for your support and ask for a favorable vote on this Bill. Thank you."

Speaker Daniels: "The Gentleman has moved for the passage of House Bill 2205. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 91 'ayes', 25 'noes', none voting 'present' This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 320, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 320, a Bill for an Act in Relation to Child Care Development Council. Third Reading of this House Bill."

Speaker Daniels: "Representative Erwin."

Erwin: "Thank you. Thank you, Speaker. House..."

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

Erwin: "Thank you, Speaker. House Bill 320 attempts to address a serious problem that not-for-profit child care centers have. Not-for-profit child care centers, let me be more specific, that serve low income families and it deals with

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the difficulty that not-for-profits have in terms of accessing capitol for expanding child care centers, for building new, acquiring property. This deals specifically with the facilities themselves. If you're a not-for-profit day care, child care center and you rely on basically moms, families that have a subsidy from the state or it may a direct grant from DCFS. You know you have clients coming in the door but what you don't have is a pool of dollars that you can access to do repairs, expansion and so forth. Two years ago, Representative Roskam and I, Sponsored a Bill that in... really in the spirit of this, was nearly identical. It was to resolve the same problem. And we got it to the Governor's desk with the help of Senator DeAngelis. It was approved by the Senate. It went to the Governor's desk. It dealt... it gave the authority however, to the Illinois Development Finance Authority. The Governor vetoed the Bill. He did not feel comfortable with the debt retirement in... in the authorizations to IDFA. So we came back to the board, this year, to try and draft something that addressed the Governor's problems, while at the same time, trying to resolve this problem of access to capitol funds for expansion. This Bill is unique in that, we are utilizing the great expertise of an organization called the Illinois Facilities Fund. I think a number of you have received these dark orange packets from them. The Illinois Facilities Fund was a creation of the Chicago Community Trust. It is a not-for-profit, real estate, capitol improvement and planning agency that only deals with not-for-profit. So this is an organization who has a great deal of expertise. And in fact, has assisted in many of your districts in providing the funds by accessing and leveraging private funds, foundation funds,

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as well as conventional, commercial lending loans, from commercial lending institutions. They have financed day care, community based mental health services, all over the state. So, the State of Illinois, the Department of Public Aid, DCFS, and Mental Health actually have a great deal of experience with the Illinois Facilities Fund. In this legislation, we are creating a fund, we are not putting any money in it. I think we explained last night when we adopted Amendment #3, there are no state funds. But we are creating a child care deve... development fund, in which we want to deposit state funds at some point, and access federal funds, which we believe are available from the National Enterprise Zone Act. So that we... the Illinois Facilities Fund can then leverage this and provide the capital necessary to make revolving... this would create a revolving loan fund, so that child care centers could apply for loans. So that they can do their own rehab and expansion. I urge an 'aye' vote and I'd be happy to attempt to answer any questions."

Speaker Daniels: "The Gentleman from Jersey, Representative Ryder is recognized."

Ryder: "Thank you, Mr. Speaker. I don't have questions for the Sponsor of this Bill because the Sponsor is providing an answer. This Bill and the Sponsor's effort, the bipartisan sponsor's effort... By the way, Representative, it was a nice idea to include the Speaker on this. You're to be complimented for that. This is an answer to one of the most difficult issues that we face in Illinois today. If you talk to those people who are working class people, to those people that are on welfare and want to be working class people, and you ask them, 'what is it that take... that it would take to help you in your life?', on each and

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every survey they say 'adequate, competent, available child care. Child care! Taking care of our children! What could be more important? What could be more critical to the people of this state than child care? But this Bill...this Bill goes beyond that. It says we understand that child care doesn't have to be some state bureaucracy. This Bill says that we understand that child care doesn't have to be part of a welfare system. This Bill says, let's help foster, private, not-for-private child care. The state has a role. We can't attempt to garner federal funds to do this. We can attempt to garner state funds, but there are no state funds in this Bill today. What this Bill does is say, let the state facilitate. Let the state help private, not-for-profits expand, develop, create job opportunities, so that caring people can take care of children. Expand where they are already present, so that we can take care of our children. All of us are here for a reason. We're here because we wish to be Legislators and I believe we're here because we wish to do good. I can think of no better legacy. I can think of no better reason to go home when we finish this, hold our head high and say, 'when I went to Springfield, I helped to develop child care for the State of Illinois'. I helped the children and the parents of children because of how important that is to this state. The Sponsor and the cosponsors are to be congratulated for taking an issue that is very very difficult and coming up with a solution that is extraordinary. I wish as a final note, to correct the statement that I made earlier. I apologize, when I made reference to Amendment #3, apparently that was incorrect. There are only 2 Amendments adopted on this Bill. If I mis... if I misled someone in that comment, I

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apologize. For the children of this state, for those organizations that are providing care for the children of this state, for the State of Illinois, this is one of the best pieces of legislation we've had the good fortune to see in this Session."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Thank y... thank you, Mr. Speaker and Ladies and Gentlemen of the House. I too, want to congratulate you on the Sponsorship of this... this legislation and the wonderful cosponsors that you have on this Bill. Just a couple of questions, because this is a unique formulation of how we're going to do it, I thought it might be useful just to understand, if the Illinois Facilities Fund is a private organization, not a state organization, and there are no state dollars being appropriated for this, then what exactly is the role that the state... why do we need this legislation? What role is the state going to play, either now or in the future, in helping to create more facilities or improve facilities for day care?"

Speaker Daniels: "Representative Erwin."

Erwin: "Thank you, Representative, that is a very good question. As you know the Illinois Facilities Fund has actually been making loans to many not-for-profit in the state. And I have a long list of all of them, if anyone is interested, statewide. The truth is, though, they rely on foundation dollars. They rely on commercial lending institutions that will give them very low interest loans. They are, in themselves, this unique entity. They are a not-for-profit lending institution, which is a... on the face of it, a unheard of entity. But as I said, the Chicago Community Trust funded and organized the Illinois Facilities Fund to address this very unique need. And that is, social

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service, not-for-profit agencies, that rely upon government contracts to assist in paying their bills and so, government contracts and government vouchers, if you will, to the extent that they are poor children and families that become all of our responsibilities. I have been trying to zero in for three years on this specific difficulty with child care because I do believe that is a very specific and difficult issue. We discovered that while they might know they have enough clients, that indeed they don't have the access to the capital to do the expansions. I turned to the Illinois Facilities Fund, when I realized that the Illinois Finance Development Authority did not appear to be the way the administration wanted to go. And so what the Illinois Facilities Fund...what we are really doing is legislating, we are contracting with them, because they in deed are the experts. Not unlike how we rely upon Maryville to care for many of the guardians of the state or how we contract with hospitals to provide health care. We are in effect, will be placing the Illinois Facilities Fund as the oversight, as the...as the executor, if you will, of this fund. But Representative Schakowsky, it is a state fund so, it will be a fund created in... in the State Treasurer's office. It will have an advisory counsel. There are parameters. The funds, the revolving... the loans must go. A large percentage must go to low income. So for instance, let's take the scenario of a child care center that has 60% low income, but maybe 40% who can afford to pay more, which many of them do to help pay the bills. We can then assist that child care agency that relies so heavily on serving low income and therefore probably state funds or state vouchers. We can assist them with their expansion through

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a revolving... through this revolving loan fund. Now, they will be paying back these loans. This is an instrument, a financial instrument, if you will. These are not state grants. This is not the state, although it might... I think it might be a...a good thing, this is not the state saying, 'we'll build you know, or expand for you'. This is indeed, their own authority. But what we need to do with this assistance is, as Senator... as Senator coul...would be a good Senator... is Representative Ryder, eloquently stated, we need to facilitate this. To get them to the point at which they can make these capital expansions."

Speaker Daniels: "That's the first five minute answer we've had during the whole Session. But, Representative Schakowsky, you're almost out of time."

Schakowsky: "I think she said it all, Rep...Mr. Speaker. And I would urge an 'aye' vote."

Speaker Daniels: "Okay, the La... the Lady has moved for the passage of House Bill 320. All those in favor, signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'ayes', none voting 'no', 1 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill #3, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3. A Bill for an Act in Relation to Collection Agencies. Third Reading of this House Bill."

Speaker Daniels: "Representative Saviano? Take the Bill out of the record. House Bill 160, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 160, a Bill for an Act amending the Code of Criminal Procedure of 1963. Third Reading of this

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House Bill."

Speaker Daniels: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. House Bill 160 amends the Code of Criminal Procedure. There's a Statutory Section under 15...115-10 that currently allows for hearsay testimony when a child has been abused sexually. That hearsay testimony is allowed to come into evidence in a court of law when that child is 13 years of age and under. What this Bill does is raise the age to 15 years. Some of the cases have slipped through the cracks because 14 and 15 year olds are not covered. This Bill corrects it. I'd be glad to answer your questions."

Speaker Daniels: "Any discussion? The Gentlemen from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Hoffman: "Representative, what is the genesis of this Bill and why do we need it?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Thank you, Mr. Speaker. Representative, the State's Attorney's Appellate Prosecutor's office had contacted me and asked me to Sponsor this Bill. They had cited a couple of cases in the State of Illinois, where a 14 year old had related sexual abuse to an adult. That testimony would have been crucial for the case. Because it was not allowed, it was believed that the cases were lost. And the courts had ruled that the evidence should not have been admissible. And so there's an overturn. I don't have the citations however, for you."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Mr. Speaker, before preceding with questioning, I'd like to make the Motion to remove from Short Debate, being

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joined by the requisite number of individuals. Representative, in addition, it's my understanding that this would make child's statements admissible if they were 15 or older at the time a statement was made. Is that correct?"

Speaker Daniels: "Representative Turner."

Turner, J.: "That is correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, first of all, what we're saying is, the hearsay exemption for statements made by a child applies...the statements maybe...by children under 15 and then later we say, a child's statements are admissible if they were 15 or older at the time the statement was made. So, when does this stop; 15 or older, does it go to age 40, age 50? What's the definition of a child?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, this is a good question. I think you're somewhat misinterpreting the intent and in fact, this specific language. It...the protection goes up until the age of 15. What... what the Bill does, however, is take into consideration, is if the 15 year old, a week or two later relates of sexual abuse, to an adult, that adult could still testify as to the sexual abuse that occurred prior to the child reaching 15. What we're getting at is just because they have turned 15, before they have related the abuse, that should not preclude the hearsay exception to apply. As to when it stops, of course, as you well know, the statute of limitations can come into play. And certainly, there are protections in this statute, as you well know, as well to make sure that the hearsay testimony has some degree of reliability."

Speaker Daniels: "Representative Hoffman."

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Hoffman: "I'm not disagreeing with the concept of the Bill, Representative. My question is though, as we know, in the courtroom, the reason that we have the rule regarding the inadmissibility of hearsay, is because we deem it necessarily unreliable. And when we deem things necessarily unreliable, we say that it is inadmissible unless there is some given exception. The given exception in this case, is simply based on age. And you're saying now, that individuals between 13 and 15 makes any type of a statement, it is necessarily reliable. Regardless of the statement because now you're saying it's a hearsay exception. And it will be admissible. How do we justify that?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Well, Representative, we would justify it under the same rationale that we justified it for children who attained the age of 13. Or children who had not attained that age, who were below the age of 13. So, the rationale is exactly the same and as I indicated before, there are safeguards in the statute to make sure that the hearsay testimony does come in and is reliable and has corroboration."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Well, just from a political standpoint, Representative, you know, that this is a very difficult Bill to vote against. And I'm not going to vote against it. My only concern is that a practical matter, is what we're essentially saying here, when we make exceptions to the Hearsay Rule, we're saying that a given statement is admissible for the truth of the matter asserted. We're saying that now, we can take that as truth and I think that I don't believe that a kid between 13 and 15, every

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statement that they made, we should necessarily take as true. But what we're saying is, we're going to make...we're going to allow that to be admissible and it is an exception to the Hearsay Rule. Now you can still question them, I understand. You can still question them as to the truth of it and the veracity of it. I'm just a bit concerned because I don't know what follows. I'm going to vote in favor of it, because I think it's very difficult not to."

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

Dart: "Thank you, will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Dart: "Representative, in regards to the changes in here. The one changes are obvious and straight forward. Just changing the...just changing the age, that's real obvious and straightforward. Do you have any statistical evidence or so, that would be beneficial for us, as far as (a) how often the 115-10 hearings are used? And (b) how often the...what...if there's any guess or guesstimate on how many additional children, this would be...more available to now that we're changing the age?"

Speaker Daniels: "Representative Turner."

Turner, J.: "That information was not supplied to me by the Appellate Prosecutor's office. As I'd indicated, they asked me to Sponsor this Bill because they thought there was a need for it. My guess is that state attorneys' across the state had contacted them and had suggested to them, certain cases were not prosecuted because the hearsay exception was not extended up into children who had obtained the age of 15. But, I don't have any data. There were two cases that the Appellate Prosecutor's

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office had cited to me and I can get those cites for you.

I don't have them right now."

Speaker Daniels: "Representative Dart."

Dart: "Would your staff person there, be of any...would he have any of the answers I want? I doubt it, yet. Secondly, I just want to ask you in particular, the second part of the change in here, dealing with the provision that says 'a statement may...shall not be inadmissible under this Section on the ground the child was 15 years of age or older at the time the statement was made'. Why...why is that portion required?"

Speaker Daniels: "Representative Turner."

Turner, J.: "The reason that language is included, is because if the child, for example would be 14 years and 11 months and so many days, and sexual abuse occurred. It only stands to reason, if... that if they waited a few days, as children sometimes do, to report the sexual abuse that had occurred to them, that it should still be admissible. That is the testimony from the adult to whom the sexual abuse was related, should be allowed to come into court and testify. Because the criminal act occurred prior to the child obtaining the age of 15. They simply related it after they had obtained that age."

Speaker Daniels: "Representative Dart."

Dart: "Now, the plain reading of this, the way this is set up now, is there any conflict with the fact that the beginning says that the child has to be under the age of, it would be 15 now. And now, in the second part, we're saying... to be... to take advantage of the statute. And then in that last part of it now, we're adding the statement shall not be inadmissible on the ground that the child was 15 years of age or older. Is that...I mean, are

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we basically in Section E, sort of negating the entire age requirement at all and if not, can you explain to me why...how that is for legislative intent?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative, I don't believe there's any inconsistency there at all. As I already indicated, the language that speaks to the test...testimony coming in after the child has attained the age of 15, simply is to cover circumstances where the minor has been sexually abused before reaching 15, but has related it after reaching 15."

Speaker Daniels: "Representative Dart."

Dart: "And I understand that. I was just looking plain meaning of the statute itself. The new language that says 'a statement shall not be inadmissible under this Section on the ground that the child was 15 years of age or older at the time the statement was made'. So, that if the statement by an 18 year old, say the statement was someone old... older than 15 years of age. Say 18, the statement was made. Does this Section not say then that the statement is not inadmissible because the child is 18 years of age?"

Speaker Daniels: "Representative Turner."

Turner, J.: "Representative Dart, certainly under the reading of the statute, which you're reading it very carefully and I appreciate that, an 18 year old, yes, could relate something that had happened to them, prior to the time that they reached 15. Now, would a court of law allow that to come into evidence? I think probably not. The test is in the statute as you know, and the testimony is only admitted if the court finds in a hearing conducted outside the presence of the jury, that the time content

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and circumstances of the statement, provides sufficient safeguards of reliability. Now, if you apply that standard and the courts certainly would apply that standard, my guess, except in very rare and extreme cases, the court would not allow testimony in the example you've just cited to me."

Speaker Daniels: "Representative Dart, your time is out. The Gentleman from Cook, Representative Durkin, is recognized."

Durkin: "I rise in support of this Bill, Representative Turner. As we...as we look through this Bill, what we're intending on doing is taking the chilling affect of the court room experience on the youthful victims of a sexual abuse. By going under, from the age of 15 down lower, we're protecting a very, very innocent part of society, who are often manipulated in the court system. This Bill would not substitute for an in-court of identification of the victim. What we're saying is that, allow this person's statement to be brought in, this third party statement, this hearsay statement, be brought in as in the state's case-in-chief, as you can tell through the 115-10 Section, there are sufficient safeguards for it's reliability. These types of hearings take...are done on a day in, day out bases throughout the state. They're very detailed and they are...there are extremely large amounts of safeguards to ensure it's reliability. There should be no concern as to whether or not the statements coming in are manipulated. There are...the adversarial process is still intact through this type of pretrial motion. I strongly support this Bill. This is a Bill which is going to help the young children who have often, a very difficult time testifying in court. Allow them to tell their story and to actually assist the prosecution and make them believable. I would

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strongly support the way this Bill is drafted and encourage an 'aye' vote."

Speaker Daniels: "The Gentleman from Logan, Representative Turner, to close."

Turner, J.: "This Bill's designed to protect victims or minors who have been sexually abused. I move for favorable action."

Speaker Daniels: "Question is, 'Shall House Bill 160 pass?' All those in favor, signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Clerk will take the record. On this question, there are 109 'ayes', none voting 'no', 6 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. House Bill 3, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 3, a Bill for an Act in Relation to Collection Agencies. Third Reading of this House Bill."

Speaker Daniels: "Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3 is a...is a conglomeration of three Practice Acts, which are sunseting and we're renewing. And also, a small technical Amendment which addresses some concerns of the suburban area in aging, regarding the Social Work Practice Act. On the Social Work Practice Act, the area....Suburban Area Agency on Aging came to us regarding some problems with the investigation of elder...elder abuse in Illinois. What it simply does, is allow a social worker to disclose privilege information to the department when the information has been gained as a part of an elder abuse investigation. The Physical Therapy Act is renewed under this Bill. The Roofing Industry Licensing Act is renewed under this Bill and the main

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title of this Bill, the Collection Agency Act is also renewed under this Bill. I could tell you that all of this is all agreed language. We've negotiated it, with all the pertinent parties. And we'd like to get it over to Senate because we've got the same Bills coming over here. And we'd like to get it over there as soon as possible. I'd ask for a favorable vote. Thank you."

Speaker Daniels: "Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hoffman: "Yes, Representative, you indicated in your initial comments, that this... that this stops the sunset of several regulatory Acts? Could you be more specific as to which Acts those are?"

Speaker Daniels: "Representative Saviano."

Saviano: "Yeah, as I stated, it renews the Physical Therapy Act, the Roofing Industry Licensing Act and the Collection Agency Act."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Does it make any other changes in the Roofing Industry Licensing Act?"

Speaker Daniels: "Representative Saviano."

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

Speaker Daniels: "Representative Hoffman."

Hoffman: "Does it make any other changes in the Roofing Industry Licensing Act? Or does it just repeal the sunset?"

Speaker Daniels: "Representative Saviano."

Saviano: "The only thing that we've changed is it now requires a \$5,000 bond to be filed with the department."

Speaker Daniels: "Representative Hoffman."

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Hoffman: "Is the industry in favor of that?"

Speaker Daniels: "Representative Saviano."

Saviano: "The Ro... it was an issue of the Roofing Industry,
yes."

Speaker Daniels: "Representative Hoffman."

Hoffman: "With regard to the...the Collection Agency Act, the
specific changes that you are making is...is the raising of
certain fees for renewal of licenses. Isn't that right?"

Speaker Daniels: "Representative Saviano."

Saviano: "The industry has imposed on themselves an increase to
increase monitoring of their industry. One of the pro...
one of the main concerns when we were working on this
Bill, was the lack of enforcement within the industry.
And they needed... they recommended the additional fees on
themselves so they could be monitored more closely."

Speaker Daniels: "Representative Hoffman."

Hoffman: "And that is their initiative so, everybody who would be
affected, or not everybody, but the agencies that would be
affected, the collection agencies, are in favor of that
fee increase, is that correct?"

Speaker Daniels: "Representative Hoffman."

Saviano: "Yes."

Speaker Daniels: "Representative Saviano, I'm sorry. All right,
Representative Hoffman."

Hoffman: "And are there any other fee increases in this Bill? I
think that some targets may just want to know."

Speaker Daniels: "Representative Saviano."

Saviano: "That... that is the only fee increase in the Bill."

Speaker Daniels: "Representative Hoffman."

Hoffman: "House Amendment #2 corrected some drafting errors. Has
that been made a part of this Bill?"

Speaker Daniels: "Representative Saviano."

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Saviano: "Yes, Floor Amendment #2, dealt primarily with the Physical Therapists. That was some of the concerns they had, that they wanted cleaned up under the new Act."

Speaker Daniels: "Representative Hoffman."

Hoffman: "So now, it is my understanding, through Floor Amendment #2 that we're extending the sunset dates, for the Physical Therapy Act and the Roofing Industry Licensing Act, all the way til January 1st, of 2006. So we won't have to continually do this year in and year out, correct?"

Speaker Daniels: "Representative Saviano."

Saviano: "That is correct."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Is the department in favor of this... this Bill?"

Speaker Daniels: "Representative Saviano."

Saviano: "Every aspect of this Bill as been negotiated. Not only with the department but with the respective industries, the consumer groups. It's all been worked out. Has evolved over the last two months. I, myself, have appeared at many meetings in downtown Chicago on all these different Acts and we're satisfied with everybody being in agreement."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Yes, I would just like to commend the Sponsor of the Bill and all the individuals involved. It's my belief that this is a good Bill. I think that it certainly deserves passage and needs to be passed in order to avert the sunset of some of these Acts. I just need and feel as my duty as a Floor Leader to make the point that for individuals why may or may not be interested in it, with regard to the Collection Agency Act, the...I'm voting in favor of this Bill. And one of the reasons is, it's my

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understanding that the collection agencies want to impose this on themselves. However, so everyone knows, how when they vote, that there is a fee increase contained in this Bill. So you may want to vote accordingly. However, I am in favor of it because in my opinion, if the industry would like to regulate themselves and want to do it through that means, that that is a valid means for doing that."

Speaker Daniels: "The Gentleman, Representative Saviano, to close."

Saviano: "This... this Bill addresses some very pertinent state business. As you know, one of the problems we have in certain aspects of the Department of Professional Regulation, is the lack of enforcement. Through that increase in fees we're trying to address those problems. I would urge an 'aye' vote. There's a lot of work that went into this Bill with a lot of help from a lot of people. And I would appreciate an affirmative vote. Thank you."

Speaker Daniels: "Gentleman moves for the passage of House Bill 3. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 106 'aye', 10 voting 'no', none voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. House Bill 226, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #226, a Bill for an Act relating a School Lands and Facilities. Third Reading of this House Bill."

Speaker Daniels: "Representative Lindner."

Lindner: "Yes, thank you, Mr. Speaker. As we discussed yesterday, House Bill 226 is the School Impact Fee Bill."

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And this is now a Shell Bill or a Vehicle Bill. The groups involved in this who are all the school districts and the school boards, the home builders, the realtors and the other groups are negotiating on this and we would ask that you pass this out as a Shell Bill."

Speaker Daniels: "Representative Schakowsky."

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

Speaker Daniels: "She indicates she will."

Schakowsky: "You indicated yesterday, Representative, that negotiations were going on. I just thought I'd ask about the progress here. How are we doing in coming to some consensus? Isn't this the one that we... go ahead."

Speaker Daniels: "Representative Lindner."

Lindner: "Yes, I said that they met in Springfield two days this week and they are meeting today in Chicago. So, they're meeting this afternoon in Chicago. So I've not talked with anybody."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Once again, though, Representative, I ask you why it is that we need pass out this Bill, when I'm sure there are going to be a number of Bills that we could amend that come over from the Senate and other Vehicles that we could use? Why do we need to pass a Shell Bill at this time?"

Speaker Daniels: "Representative Lindner."

Lindner: "This is the Bill that the school districts filed. It is the agreement of all the parties that are negotiating that this Bill would be passed out as a Shell Bill so that if there is an agreement, the Bill would be used for this purpose."

Speaker Daniels: "Representative Schakowsky."

Schakowsky: "Representative, I for one, do not like to put my vote on a Bill on Third Reading of this House and pass it

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out of here, when we have no idea what it is that's going to be done. We have no idea what might or might not come back here. There are many other opportunities for us to... for these negotiations to precede for a vehicle to be found. But for us to pass something out of here that has nothing in it what so ever, it seems to me as inappropriate at this time. And I urge a 'no' vote."

Speaker Daniels: "Gentleman from Adams, Representative Tenhouse."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor, signify by saying 'aye', opposed 'no'. The 'ayes' have it. Representative Lindner to close. The Lady moves for the passage of House Bill 226. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. This question, there are 66 'ayes', 45 'noes', and 4 voting 'present'. This Bill having received the Constitutional Majority, is hereby declared passed. House Bill 301, read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 301, a Bill for an Act amending the Unified Code of Corrections. Third Read of this House Bill."

Speaker Daniels: "Representative Cross."

Cross: "Thank you, Mr. Speaker. House 301 is a Bill that's had a good bi... bit of work put into it and may even still need a little more work. But at this point, House Bill 301 provides that the state shall provide detention facilities throughout the state, or potentially, throughout the state to house juveniles that have been either automatically transferred to adult court or transferred to adult court

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through a petition filed by the state attorney's office. As many of... as many of you know, throughout the state we have a shortage of places to house juveniles. And our county boards have all been struggling with how to resolve the problem. This is an attempt to take care of that problem. The counties would reimburse the state once this facility or if these facilities were built, to reimburse them on a per diem basis. And I'll be glad to answer any questions that unam... unanimously came out of the Criminal Law Committee after a lot of debate and..."

Speaker Daniels: "Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Daniels: "Indicates he will."

Hoffman: "Representative, I know that we're essentially passing the underlying portion of this Bill over to the Senate so that we can continue to work on... on this very important piece of legislation. Do you have any indication of where you want this to end up? What's the final provisions that you foresee in this legislation are going to be?"

Speaker Daniels: "Representative Cross."

Cross: "Well, Representative, ideally, I'd like to have the state build a couple of this facilities throughout both in the north and southern part of the state. To take care of problems, overcrowding, either down in Southern Illinois or up in the northern region. I'm not sure if the state has the money to do it right now. Potentially, over in the Senate, when we've been working on some language, we may give counties the authority to come together to create authorities which would have some bonding authority. A lot like maybe a public building commission."

Speaker Daniels: "Representative Hoffman"

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Hoffman: "Well, my initial concern in committee, was that we would potentially be utilizing some state dollars here to serve a very limited portion of this state. Do you foresee that as changing?"

Speaker Daniels: "Representative Cross."

Cross: "It is not my intention and I believe that you asked that question of the Juvenile Justice Commission in committee. It's not his intention, nor is it mine, that this be limited to one part of the state. As we said... it says regional in the Bill. And when we get over to the Senate, if we could clean this up, Jay, I will take that word out. This is designed, this concept is designed to take care of a problem statewide. And as I've told you earlier, we'll continue to work with you on this. But this is not limited to one part of the state, by any means."

Speaker Daniels: "Representative Hoffman."

Hoffman: "The only reason that I... that I raise that concern is as you know, the second portion of this Bill, Amendment #8, which Representative Mautino has crafted, attempts to address the problem regarding the funding of detention officers. And indicates that we would properly fund detention officers. Unfortunately, in this state, we've had a finite amount of money and what has happened is, the Administrative Office of Illinois Courts, the budget line item for these detention officers, has not been fully funded. So, if we open up another facility and we take more money out of that pot, we could actually be decreasing the amount of money that individual counties who presently run detention facilities receive as reimbursement to pay for their detention officers. Is in your...is that your intent, in any way, by moving this Bill, or is it your intent to attempt to find additional

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dollars to do these types of things?"

Speaker Daniels: "And Representative Cross?"

Cross: "Jay, it's not my intent to affect the Section tha... or the Amendment... Representative Mautino and I have."

Speaker Daniels: "Representative Hoffman."

Hoffman: "What you're trying to get at here, Representative, is... is the problem of juvenile transfers to adult court. Would this only be as... or utilized in... on a basis whereby the juveniles are waiting trial as opposed to as a dispositional alternative?"

Speaker Daniels: "Representative Cross."

Cross: "J... Representative, as you know, about those that have been transferred to adult court, potentially are... the counties are potentially required or could hold them up to a year. And a good bit of time, of county space, is used up to house pretrial stage juveniles to be tried as adults. And that's why we've limit it to this. It was actually a suggestion that came from Mike Mahoney, who you probably know, who've probably worked with. We didn... we tried to limit it so we could... but we felt like with limiting it to this group, that we would have... that we would be able to fill up the bed space without much problem."

Speaker Daniels: "Representative Hoffman."

Hoffman: "Just... joined by the requisite number of individuals, we'd like to remove this from short debate. Just one last question, Representative. Cause I think this is... is something we that nee... do need, indeed, to address is the overcrowding of our detention facilities in this state. And I would like to applaud you for moving forward with this effort. However, the concern, I guess, by some of us, in areas where this isn't designed to cover, is there a

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mechanism whereby us downstate, could potentially come together and create these types of facilities? Is there that in this Bill and do you intend there to be that in this Bill?"

Speaker Daniels: "Representative Cross."

Cross: "I think I heard your question, Jay. And there's no limit on where these facilities would go. As I talked about earlier, cause this is a statewide problem. I believe there are only about 14 or 15 counties with detention centers. One concept that we've talked about with some... some detail, is allowing counties to come together and create an authority, as I mentioned earlier. And once again, there'd be no limit on where that developed. And the... all the counties combined would have the authority to issue bonds and build these facilities. And we're open to that idea as well. But there's no specific area or region that we're trying to focus on. This is a state wide problem."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I think that this... that this a good piece of legislation. And I look forward to working with you on this. I would urge everybody because it's not going to be just a regional issue, but attempt to address the issue on a statewide basis. I see no reason for not supporting this piece of legislation. I'd like to applaud you. And Mr. Speaker... Mr. Speaker, I apologize, I want this... did we take it off short debate?"

Speaker Daniels: "Gentleman from... or the Lady from Cook, Representative Wojcik."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; opposed

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'no'. The 'ayes' have it. Representative Cross to close. Representative Cross moves the pass the House Bill 301. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 107 'ayes', none voting 'no', 3 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. House Bill 1749, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1749."

Speaker Daniels: "Move that Bill back to Second. Ladies and Gentlemen of the House, we have a lot of work left today and tomorrow, to help expedite the process, during the committee break the Clerk will read Bills on the Calendar and holding them on the order of business. No action will be taken. With that, Representative Wojcik moves that the House stands in recess until the hour of 2:00 p.m. and at which time, during which time we'll have Committee Hearings. All those in favor signify by saying 'aye'; opposed by saying 'no'. The 'ayes' have it. Representative Monique Davis requests that she be recorded showing that she should be recorded as 'aye' on the last Bill. With leave of the House that will be shown, House Bill 230. The House now stands in recess until the hour of 2:00 p.m. And before we recess, let me acknowledge the presence of Senate President, James "Pate" Philip here at the podium with me. Welcome, Senator Philip. House stands in recess until the hour of 2:00 p.m."

Clerk McLennand: "Second Reading of House Bills for the purpose of holding them on the Order of Second Reading. House Bill 55, a Bill for an Act making appropriations. House Bill

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70, a Bill for an Act making appropriations. House Bill 75, a Bill for an Act making appropriations. House Bill 353, a Bill for an Act to amend the Consent by Minors to Medical Procedures Act. House Bill 373, a Bill for an Act to amend Nursing Home Care Act. House Bill 547, a Bill for an Act to amend the School Code. House Bill 802, a Bill for an Act making appropriations to the Department of...Illinois Department of Corrections. House Bill 803, a Bill for an Act making appropriations. House Bill 807, a Bill for an Act making appropriations to the State Board of Education. House Bill 808, a Bill for an making appropriations to the Department of Central Management Services. House Bill 809, a Bill for an Act making appropriations to the Department of Central Management Services. House Bill 858, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 863, a Bill for an Act relating to school districts in cities with a population exceeding 500,000 inhabitants. House Bill 944, a Bill for an Act to amend the Soil and Water Conservation Districts Act. House Bill 995, a Bill for an Act to amend the School Code. House Bill 996, a Bill for an Act to amend the School Code. House Bill 1009, a Bill for an Act making appropriations. House Bill 1016, a Bill for an Act making appropriations to the Board of Higher Education. House Bill 1018, a Bill for an Act making appropriations to the State Board of Education. House Bill 1077, a Bill for an Act making appropriations to the Department of Mental Health and Developmental Disabilities. House Bill 1082, a Bill for an Act making appropriations to the Department of Rehabilitation Services. House Bill 1083, a Bill for an Act making appropriations to the Department on Aging. House Bill 1173, a Bill for an Act in relation to security

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guards. House Bill 1229, a Bill for an Act to amend the Public Utilities Act. House Bill 1324, a Bill for an Act to amend the Children's Advocacy Center Act. House Bill 1512, a Bill for an Act to amend General Obligation Bond Act. House Bill 1513, a Bill for an Act to amend the General Obligation Bond Act. House Bill 1522, a Bill for an Act to amend the Illinois Human Rights Act. House Bill 1648, a Bill for an Act concerning motor vehicles. House Bill 1660, a Bill for An Act to amend the Civil Administrative Code of Illinois. House Bill 1691, a Bill for an Act to amend the Environmental Protection Act. House Bill 1866, a Bill for an Act to amend the States Mandates Act. House Bill 1878 (sic-1978), a Bill for an Act to amend the Liquor Control Act. House Bill 2079, a Bill for an Act to amend the School Code. House Bill 2221, a Bill for an Act to amend the Rural Bond Bank Act. House Bill 2223, a Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 2234, a Bill for an Act in relation to the registration of sex offenders. House Bill 2284, a Bill for an Act to amend the Lessor's Liability Act. House Bill 2358, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. House Bill 2478, a Bill for an Act making appropriations to certain state agencies. House Bill 2479, a Bill for an Act to provide for the ordinary, contingent, and distributive expenses of the State Comptroller. House Bill 2481, a Bill for an Act in relation to state borrowing. House Bill 2482, a Bill for an Act making appropriations and reappropriations to various economic development agencies. House Bill 2484, a Bill for an Act making appropriations and reappropriations to various environmental agencies. House Bill 2485, a Bill for an Act making appropriations

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and reappropriations to various human services agencies. House Bill 2486, a Bill for an Act making appropriations and reappropriations to the Department of Transportation. House Bill 2487, a Bill for an Act making appropriations to various public safety agencies. House Bill 2488, a Bill for an Act making appropriations for the Office of State Treasurer. House Bill 2489, a Bill for Act making appropriations for the ordinary and contingent expenses of the Court of Claims. House Bill 2490, a Bill for an Act making appropriations to the Court of Claims. House Bill 2491, a Bill for an Act making appropriations to the Supreme Court. House Bill 2492, a Bill for an Act making appropriations to the Supreme Court. House Bill 2495, a Bill for an Act providing for the ordinary, contingent and distributive expenses of the Office of the Secretary of State. Second Reading of these Bills. These Bills will be held on the Order of Second Reading. Bills will be held on the Order of Second Reading. These House Bills, these Bills will be held on the the Order of Third Reading. House Bill 84, a Bill for an Act to amend the Illinois Educational Labor Relations Act. House Bill 85, a Bill for an Act to amend the Illinois Public Labor Relations Act. House Bill 88, a Bill for an Act that amends the Unemployment Insurance Act. House Bill 89, a Bill for an Act to amend the Unemployment Insurance Act. House Bill 114, a Bill for an Act in relation to criminal law. House Bill 126, a Bill for an Act in relation to compensation for certain veterans. House Bill 144, a Bill for an Act concerning health care. House Bill 194, a Bill for an Act to amend the Property Tax Code. House Bill 236, a Bill for an Act to create the Equity in Education Law. House Bill 256, a Bill for an Act in relation to health care workers.

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House Bill 262, a Bill for an Act in relation to designation of holidays. House Bill 285, a Bill for an Act in relation to underground storage tanks. House Bill 374, a Bill for an Act to amend Property Tax Code. House Bill 375, a Bill for an Act to amend the Property Tax Code. House Bill 380, a Bill for an Act to amend the Illinois Vehicle Code. House Bill 419, a Bill for an Act to amend Illinois Purchasing Act. House Bill 422, a Bill for an Act to amend Civil Administrative Code. House Bill 423, a Bill for an Act to amend the Veterans Preference Act. House Bill 424, a Bill for an Act to amend the Department of Veterans Affairs. House Bill 427, a Bill for an Act to amend Illinois Income Tax Act. House Bill 428, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 431, a Bill for an Act to amend the Service Occupation Tax Act. House Bill 436, a Bill for an Act to amend the Charitable Games Act. House Bill 439, a Bill for an Act to amend the Bingo License and Tax Act. House Bill 446, a Bill for an Act in relation to limiting property tax assessment. House Bill 448, a Bill for an Act to amend the Election Code. House Bill 460, a Bill for an Act in relation to delinquent minors. House Bill 508, a Bill for an Act to amend the Illinois Municipal Code. House Bill 527, a Bill for an Act to amend the Water Authorities Act. House Bill 546, a Bill for an Act to amend the School Code. House Bill 567...637, a Bill for an Act to amend the Public Utilities Act. House Bill 674, a Bill for an Act to amend the Unified Code of Corrections. House Bill 727, a Bill for an Act in relation to income tax exchange. House Bill 748, a Bill for an Act to amend the Barber Cosmetology, Esthetics, and Nail Technology Act. House Bill 774, a Bill for an act to amend the Criminal Code. House Bill 824, a

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Bill for an Act to amend the Civil Administrative Code. House Bill 819, a Bill for an Act to amend the Environmental Protection Act. House Bill 838, a Bill for an Act to amend the Workers' Compensation Act. House Bill 841, a Bill for an Act concerning sulfur dioxide emissions. House Bill 864, a Bill for an Act in relation to public officials. House Bill 921, a Bill for an Act to amend the Lead Poisoning Prevention Act. House Bill 950, a Bill for an Act to amend the Disabled Person Rehabilitation Act. House Bill 999, a Bill for an Act to amend the School Code. House Bill 1022, a Bill for an Act to amend the Code of Criminal Procedure. House Bill 1044, a Bill for an Act to amend the Real Estate License Act. House Bill 1051, a Bill for an Act to amend Criminal Code. House Bill 1102, a Bill for an Act to amend the Criminal Code. House Bill 1124, a Bill for an Act concerning transportation. House Bill 1133, a Bill for an Act regarding occupation and use taxes. House Bill 1135, a Bill for an Act to amend the Illinois Municipal Code. House Bill 1138, a Bill for an Act to amend the Illinois Marriage and Dissolution of Marriage Act. House Bill 1153, a Bill for an Act to amend the Motor Vehicle Franchise Act. House Bill 1171, a Bill for an Act in relation to property taxes. House Bill 1176, a Bill for an Act to amend Counties Code. House Bill 1223, a Bill for an Act to amend the School Code. House Bill 1234, a Bill for an Act to amending the Downstate Forest Preserve District Act. House Bill 1260, a Bill for an Act in relation to manufactured housing. House Bill 1276, a Bill for an Act concerning the fixing of compensation of officers of local government. House Bill 1279, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 1280, a Bill for an Act to amend the Illinois Public Code.

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House Bill 1281, a Bill for an Act to amend the Riverboat Gambling Act. House Bill 1337, a Bill for an Act to amend the Counties Code. House Bill 1384, a Bill for an Act in relation to regimented juvenile training. House Bill 1405, a Bill for an act to establish the Illinois Low-Income Homebuyer's Program. House Bill 1417, a Bill for an Act to amend the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. House Bill 1459, a Bill for an Act to amend the School Code. House Bill 1461, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. House Bill 1462, a Bill for an Act to amend the Regional Transportation Authority Act. House Bill 1465, a Bill for an Act to amend the Property Tax Code. House Bill 1469, a Bill for an Act to amend the Election Code. House Bill 1470, a Bill for an Act to amend the Workers' Compensation Act. House Bill 1475, a Bill for an Act to amend General Obligation Bond Act. House Bill 1480, a Bill for an Act to amend the Rural Bond Bank Act. House Bill 1482, a Bill for an Act in relation to state government. House Bill 1496, a Bill for an Act to amend the Election Code. House Bill 1499, a Bill for an Act to amend the Officials Convicted of Infamous Crimes Act. House Bill 1526, a Bill for an Act to amend the Environmental Protection Act. House Bill 1537, a Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 1558, a Bill for an Act in relation to firearms. House Bill 1574, a Bill for an Act to amend the Illinois Income Tax Act. House Bill 1575, a Bill for an Act to amend the Consumer Fraud and Deceptive Business Practices Act. House Bill 1576, a Bill for an Act to amend the Minimum Wage Law. House Bill 1584, a Bill for an Act to amend the Condominium Property Act. House Bill 1585, a

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Bill for an Act to amend the Condominium Property Act. House Bill 1614, a Bill for an Act to amend the Code of Civil Procedure. House Bill 1670, a Bill for an Act to amend the Illinois Insurance Code. House Bill 1677, a Bill for an Act to amend the Sale of Tobacco to Minors Act. House Bill 1726, a Bill for an Act concerning leases of real property. House Bill 1739, a Bill an Act to amend the Illinois Insurance Code. House Bill 1760, a Bill for an Act to amend the Department of Veterans Affairs Act. House Bill 1764, a Bill for an Act to amend the Retailers' Occupation Tax Act. House Bill 1855, a Bill for an Act to amend the Higher Education Student Assistance Act. House Bill 1888, a Bill for an Act to amend concerning drug products. House Bill 1900, a Bill for an Act concerning tax collections. House Bill 1901, a Bill for an Act to amend the Civil Administrative Code. House Bill 1920, a Bill for an Act to amend the School Code. House Bill 1960, a Bill for an Act to amend the Nursing Home Care Act. House Bill 1972, a Bill for an Act to amend the Solid Waste Planning and Recycling Act. House Bill 1988, a Bill for an Act to amend the School Code. House Bill 2072, a Bill for an Act concerning health. House Bill 2106, a Bill for an Act in relation to gambling. House Bill 2108, a Bill for an Act to amend the Illinois Horse Racing Act. House Bill 2139, a Bill for an Act in relation to criminal justice. House Bill 2150, a Bill for an Act to amend the Public Community College Act. House Bill 2154, a Bill for an Act to amend the Personnel Code. House Bill 2176, a Bill for an Act to amend the Illinois Pension Code. House Bill 2177, a Bill for an Act to amend the Illinois Pension Code. House Bill 2179, a Bill for an Act to amend the Property Tax Code. House Bill 2189, a Bill for an Act providing for

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a Metropolitan Airport Authority. House Bill 2206, a Bill for an Act to amend the State Finance Act. House Bill 2214, a Bill for an Act concerning public and private cooperation for business and economic development in Illinois. House Bill 2224, a Bill for an Act to amend the Physician Assistant Practice Act. House Bill 2230, a Bill for an Act to amend the School Code. House Bill 2235, a Bill for an Act concerning sexually transmitted disease. House Bill 2307, a Bill for an Act to amend the Public Utilities Act. House Bill 2320, a Bill for an Act to amend the Unified Code of Corrections. House Bill 2323, a Bill for an Act to amend the Property Tax Code. House Bill 2345, a Bill for an Act to create the Airport Noise Act. House Bill 2347, a Bill for an Act in relation to professional practices. House Bill 2397, a Bill for an Act to amend the Judicial Districts Act. House Bill 2402, a Bill for an Act to amend the Illinois Health Facilities Planning Act. House Bill 2403, a Bill for an Act to amend the Illinois Public Aid Code. House Bill 2404, a Bill for an Act to amend the Judicial Districts Act. House Bill 2407, a Bill for an Act to amend the Medical Center District Act. House Bill 2443, a Bill for an Act to amend the School Code. House Bill 2444, a Bill for an Act to create the Voucher System Studies Task Force and to prescribe its duties. House Bill 2447, a Bill for an Act to amend the Pretrial Services Act. House Bill 2457, a Bill for an Act to amend the Citizens Utility Board Act. House Bill 2467, a Bill for an Act to amend the Housing Authorities Act. Third Reading of these House Bills. These Bills will be held on the Order of Third Reading."

Speaker Churchill: "The House will come to order. Representative Churchill in the Chair. Mr. Clerk, committee reports."

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Clerk McLennand: "Committee reports. Committee report from Representative Cowlshaw, Chairman for Committee on Elementary and Secondary Education, to which the following Amendments were referred, action taken on April 27, 1995, reported the same back with the following recommendation: 'do approve for consideration', Floor Amendment #6 to House Bill 445. Committee report from Representative Maureen Murphy, Chairman for Committee on Revenue, to which the following Bills and Amendments were referred, action taken on April 27, 1995, reported the same back with the following recommendations: 'do approve for consideration', Floor Amendment #2 to House Bill 430, Floor Amendment #2 to House Bill 1123 and Floor Amendment #3 to House Bill 1649. Committee report from Representative Tenhouse, Chairman for Committee on Appropriations for Public Safety, to which the following Bill was referred, action taken on April 27, 1995, reported the same back with the following recommendation: 'do pass as amended', Senate Bill 923. Committee report from Representative Stephens, Chairman for Committee on Executive, to which the following Bill...Bills and Amendments were referred, action taken on April 27, 1995, referred to the same back with the following recommendations: 'do approve for consideration', Floor Amendment #1 to House Bill 1941."

Speaker Churchill: "Mr. Clerk, Introductions and Resolutions."

Clerk McLennand: "Senate joined Resolution #43, offered by Representative Churchill. Rules Committee."

Speaker Churchill: "House will proceed to the order of House Bills Third Reading. Mr. Clerk, please read House Bill 185."

Clerk McLennand: "House Bill #185, a Bill for an Act that amends

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the Sanitary District Revenue Bond Act, Third Reading of this House Bill."

Speaker Churchill: "Chair recognizes the Gentleman from Vermilion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 185 amends the Sanitary District Review Bond Act, excuse me, Sanitary District Revenue Bond Act. The legislation accomplishes two goals. First it makes the act applicable to the North Shore Sanitary District, the second largest district in the State of Illinois. Now, in case you're wondering why does it do that, the North Shore Sanitary District is the only sanitary district currently that has to have separate enabling statutes and thus have to reference all of them to make it consistence... consistent with all the other districts. Let me say right now, this does not apply to the Metropolitan Water District of the City of Chicago and other suburbs. This... they're already covered under the law. No... no problem there. Secondly, this Bill authorizes the discontinuance of water service or sewage service or both to a property within the sanitary district when the payment of charges for sewer service becomes delinquent. Be glad to answer any questions you have, Mr. Speaker."

Speaker Churchill: "Before we begin debate on this Bill, I would like to recognize pages and students who are in the gallery and on the Floor. From the Emmanuel Lutheran School in Freeport, Stephenson County, a guest of Representative Lawfer today. Welcome to you all. Is there any discussion on House Bill 185? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker, and good afternoon to you, Sir."

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It's a pleasure to see you in the Chair."

Speaker Churchill: "Good afternoon to you."

Lang: "Will the Sponsor yield?"

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

Lang: "Representative Black, how are you, today? What does... what differences are there in this legislation and the legislation that Zeke Giorgi had sponsored that was of a similar nature for several years?"

Speaker Churchill: "Representative Black."

Black: "Representative I...my memory will just simply will not...you know, I...I don't know. Let me just say this and in all, and I mean this sincerely, every time I had a sanitary district Bill, I sought the advice and counsel of our late and esteemed colleague, Zeke Giorgi and he was always extremely helpful and kind. I believe this is probably a first cousin to some of the legislation that Mr. Giorgi had. But as to the actual similarities, I...I apologize, I simply don't know.

Speaker Churchill: "Representative Lang."

Lang: "What changes do... does the Amendment make in the Bill?"

Speaker Churchill: "Representative Black."

Black: "Yes, the Amend...the Committee Amendment simply clarifies that sanitary districts are organized under the Municipal Code, could enter into a permissive contract with private water utilities so that they could take advantage of the provisions in this Bill."

Speaker Churchill: "Representative Lang."

Lang: "So, if I understand the Bill correctly, if a municipality contracts with a private water company, if a resident does not pay their sewer bill, the water company can shut off the water, is that basically what this Bill does?"

Speaker Churchill: "Representative Black."

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Black: "Yes, Representative, I would say that the... you've done a much better job of succinctly saying actually what this Bill does than I have, quite frankly. That's exactly what it is aimed at. And I don't think it's an anti-consumer Bill at all. I think it's simply an anti-deadbeat Bill."

Speaker Churchill: "Representative Lang."

Lang: "Well, what if the consumer contests the delinquency? How do they go about forestalling the shut off of the water?"

Speaker Churchill: "Representative Black."

Black: "It's my understanding that all...any and all applicable due process provisions currently in law, would have to be used. That you simply could not in a capricious and arbitrary fashion shut off an individual's water service, obviously without showing due process."

Speaker Churchill: "Representative Lang."

Lang: "Can you show me where that is in the Bill, Sir?"

Speaker Churchill: "Representative Black."

Black: "I don't think there's any specific language in the Bill. It's our understanding and that of Sanitary Districts Counsel, that...you know this Bill does not give them any extraordinary rights of discontinuance. So, that they would obviously would have to follow what ever due process is currently used, probably under utility law. But that is probably a weakness of the Bill. It is not... it doesn't give them any specific powers and it assumes that the current practice of due process would be... would be followed."

Speaker Churchill: "Representative Lang."

Lang: "Well, Representative, I appreciate your saying that and if it was in the Bill, I would acknowledge it, but it's not in the Bill. So, as I read the Bill today, although I think I support what you're trying to do, what's in the Bill today

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is that one of these private utility companies, not even a public utility company, but a private utility company acting on their own, perhaps out of just their own greed, if somebody's maybe a day late or two days late, can just simply turn off the water. The only definition in the Bill is the word delinquent. Shouldn't we remedy this?"

Speaker Churchill: "Representative Black."

Black: "I think you have raised a point that might need to be considered in the Senate, should the Bill pass to that chamber. I guess... and I don't really... I mean any really... any real argument with what you're saying. Obviously, a private utility would not be anxious to cut off the water, because then they would get not revenue what so ever. It's really aimed at the sewage charge. But I did... I just in the last 36 hours, I did receive a letter from the Illinois American Water Company out of Belleville, Illinois, certainly not my district. They in this letter, raised some of the concerns that you do and suggest that the Senate amend it because they think the word delinquent should be modified. You know, either a dollar amount or a number of days delinquent, number of months delinquent. That specific language isn't in the Bill either."

Speaker Churchill: "Representative Black, please bring your answer to a conclusion."

Black: "And I think, Representative, that's what you're getting at. That in the absence of specific language, I suppose somebody might abuse that process. All I can do at this point, the lateness of our deadline, is be more than happy to share this correspondence from Illinois American Water Company and give you my word. I would ask the Senate Sponsor to not only address this company's concerns with

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defining delinquency, but perhaps also making sure that specific due process is included in the Bill."

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

Flowers: "Mr. Speaker, will the Gentleman yield?"

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

Flowers: "Representative Black, what is this Bill all about, please? Would you please explain."

Speaker Churchill: "Representative Black."

Black: "Well, Representative, I think Representative Lang and I, in Representative Lang's questioning, we made it very clear what this Bill is all about. Currently, if you do not pay your sewer charges, those...the expense of running the sewage treatment plant must obviously then, be passed on to those who are paying their particular sewage bill or sewage charges. Under current law, the sanitary district could come out and literally dig up your sewer with a back hole out at the street and cap it. Now, if...you know, that is current law. That is a, I'm sure, a measure of last resort, but it can be done. And if you do that, you've incurred a great deal of cost in order to get your sewer hooked back up. And if you don't have a sewer, you can't use water anyway in your property because then the water would have no place to go. It would just simply back up in your sink or overflow the stool or whatever. What this Bill attempts to do is to say if you simply refuse to pay your sewage charges bill for no reason other than the fact you don't want to pay it, that that sanitary district can ask the water company to then turn off your water and it has been found... this is already being done by the way in states, in Illinois in some areas. They're finding that once the sewage district contacts the home

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owner about the unpaid bill, approximately 95% of the delinquent users pay immediately because they don't want their water shut off."

Speaker Churchill: "Representative Flowers."

Flowers: "Representative Black, it is my understanding that Representative Wyvetter Younge has been working very hard in her district in regards to this situation. How will this Bill effect her district, please?"

Speaker Churchill: "Representative Black."

Black: "I'm sorry, Representative, I heard you say Representative Younge and working, but I... I did not get the thrust of your question."

Speaker Churchill: "Ladies and Gentlemen, it is very noisy in the House this afternoon. The people debating the question can not hear each other. Will you please, if you have groups that need to talk and discuss items, will you please remove yourselves to the rear of the chamber. Representative Flowers, can you repeat your question?"

Flowers: "Representative Black, I said that Representative Younge, for years, has been in opposition to this Bill. And I would like for you to please explain to me, how would this affect her district? What type of adverse affect or positive affect? And how would this address the concerns that she's been having over the years in regards to this legislation?"

Speaker Churchill: "Representative Black."

Black: "I don't think I can answer your question. All... all I can tell you is I am aware of Representative Younge's fervent opposition to the Bill. And I don't...under what we're trying to do, I simply don't know how I can address the Representative's concerns, other than to respect her opposition and certainly understand her opposition. But I

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don't think there's anything that could be done with the genesis of the Bill to remove her opposition, in all honesty."

Speaker Churchill: "Representative Flowers."

Flowers: "I don't mean to speak, excuse me, I don't mean to speak for Representative Younge. And I'm sure she'll probably speak on the issue herself. So I can't say if her position has changed but I have known in the past, that she has been in opposition to this Bill. And thank you very much for your time and your efforts in regards to this legislation."

Speaker Churchill: "Representative Younge's position on this Bill was called into question and so the Chair will now recognize the Lady from St. Clair, Representative Younge."

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

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

Younge: "All right. Representative Black, what this Bill does, is permits a water company to cut off a person's water service when a sewer bill is not paid. Is that correct?"

Speaker Churchill: "Representative Black."

Black: "Yes, Representative, that is basically correct."

Speaker Churchill: "Representative Younge."

Younge: "Under your Bill, all that the sewer company would have do is to give notice to the water company that any amount of bill is not paid, and that would be sufficient notice under your Bill to cut the water off. Is that not true?"

Speaker Churchill: "Representative Black."

Black: "I...I don't...I don't think I would agree with that statement. It would make no sense on behalf of any business to simply try to cut somebody off. The legislation is not intended to actually discontinue anybody's water service. Rather it's to allow the sending

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of a notice, which I think then the home owner will... will sit up and take note of, so that they will pay their delinquent sewer bill. It's not fair to have some of us pay those bills and others just simply ignore the bill. I don't think there's any inherent fairness in that equation whatsoever."

Speaker Churchill: "Representative Younge."

Younge: "Representative Black, isn't it true that the sewer company now has the power to place liens on property when the situation of a non-payment of a bill arises? Also they have judgments, they're able to go to court and get a judgement against the person owing the sewer bill, isn't that true? They have those remedies?"

Speaker Churchill: "Representative Black."

Black: "Representative, in my home town, we have liens probably on hundreds of pieces of property. The lien, generally can't be satisfied until the property is sold. And even then, I'm not sure what position that lien is in. I know it isn't the first position, that's for sure. The problem is, when you have hundreds of scofflaws, who say, I'm not going to pay this bill or I don't want to pay this bill. Then the cost of running the sewage service, which has been mandated upon our communities by federal and state law, then the people who do pay their bill, have to pick up that cost. Yes, they can file a lien, but it can be years before that lien could ever be satisfied. And in fact, may never be satisfied."

Speaker Churchill: "Representative Younge."

Younge: "Isn't it true that the sewer company has the power to garnishee wages and to attach bank accounts? Don't they have those remedies too, for the non-payment of sewer bills?"

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Speaker Churchill: "Representative Black."

Black: "If they have that kind of power, I am totally unaware of such power. I have never had a sanitary district, my own sanitary district for example in my home district, has never to my knowledge ever indicated the need that they would have garnishee power over someone's wages. I mean, if they did...if they did, I doubt that they would be pursuing this legislation."

Speaker Churchill: "Representative Younge."

Younge: "Well, those are the consequences of judgments, Representative Black. Is it true that the Illinois Commerce Commission has a rule prohibiting water companies from shutting off water at the request of other utility companies? So therefore, your Bill would be... would fly in the face of a rule of the Illinois Commerce Commission?"

Speaker Churchill: "Representative Black."

Black: "No, Representative, I don't believe that's true at all. This legislation is not mandatory. It would have to be worked out between the sanitary district and the water company and I'm not aware of any ICC prohibition on what we're attempting to do. This is already done in many cities throughout the State of Illinois. So I doubt seriously, whether it is in fact, any violation of the Commerce Commission rules or regulations."

Speaker Churchill: "Representative Younge, with 33 seconds left."

Younge: "Representative Fantin will yield her time to me. She has her light there, on. I have a letter here from the Illinois Commerce Commission indicating that 83 Illinois Administrative Code 280.130 is a rule of the commission which prohibits private... and that's the difference, your... in this Bill asking a private water company that is regulated by the Illinois..."

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Speaker Churchill: "Representative Younge, please bring your question to a conclusion. We have other people in line that we will get to and try and get back to you. But at this point, if you would bring this question to a conclusion, then Representative Black can answer this question."

Younge: "Right. So therefore, because this is a private water company that you're attempting to influence the conduct of, it is under the IC rules and they're opposed. They are opposed because this violates their rule. Simply put, there is a constitutional Amendment about infringing the obligations of contract. The contract between a water company and a customer is a private contract and it should not be changed because there is no public policy or purpose involved in this Bill. All this Bill is trying to do is to col... be a collection agency for a sanitary district. And the constitution prohibits! Prohibits! The infringement of contracts between private individuals as it is with a customer of a water company and the water company. This is a Bill that is opposed by water companies because it will lead to a great deal of... of bad relationships between them and their customers. It means that a person who has their water bill fully paid, will be... have their water cut off at the request of a sanitary district. This is a bad Bill. This would be bad law. It would be bad public policy. And for this reasons, we need to vote this bad Bill down, like we have in the other Sessions where this matter has come up. It would be different and I would feel differently about it, if the sanitary district did not have all kinds of remedies. They do not need an additional remedy. They garnishee wages. They attach bank accounts. They file law suits against

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and they have the remedy if they so choose and need to of digging up the sewer. But to bring the water company into this is unfair to them. It's unfair to the people who pay their water bills and I think that this... this is... this whole Bill is highly unconstitutional and should not be entertained by this Body."

Speaker Churchill: "Thank you, Representative Younge. The Chair would recognize the Lady from Cook, Representative Davis."

Davis, M.: "I'd like to give my time to Wyvetter Younge, please. Thank you, Mr. Speaker."

Speaker Churchill: "Okay. Representative Younge, the Chair permitted you to go on with your question far beyond your time period, but Representative Davis has yielded her time to you. Do you have further questions or was that a statement in closing on the Bill?"

Younge: "Mr. Speaker, I have more questions. It was reported to me by Representative Davis, Representative Black, that you had said that this Bill would only apply to the North Shore area?"

Speaker Churchill: "Representative Black."

Black: "Representative, now you know that isn't true. All right, I'll be more than happy to just sit here all day and discuss the merits of the Bill with you. The only mention to the North Shore Sanitary District in this Bill, is it makes the Act, the Sanitary District Revenue Bond Act, applicable to the North Shore Sanitary District. That's the large... second largest sanitary district in the State of Illinois, and it's the only one not currently covered under the Sanitary District Revenue Bond Act. As I said when I opened my remarks, it's simply done because that enables them to be covered under the code without having to constantly reference the existing code. It doesn't

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give the North Shore Sanitary District any powers beyond what everybody else has, including the Metropolitan Water Reclamation District in the City of Chicago. That's all it does."

Speaker Churchill: "Representative Younge."

Younge: "Did you say that this Bill applies to Chicago?"

Speaker Churchill: "Representative Black."

Black: "Representative, I did not say that. I stood on this Floor yesterday and complimented you on a Bill that shut off a loop hole for people who don't want to pay their real estate taxes. And here today, you're grilling me on a Bill that is a first cousin to the same thing. Trying to shut off a loop hole to people who don't pay their bills. This does not apply, adding anyone to the Sanitary District Revenue Act, does not apply to the MR.... MWRD. Their already covered under it."

Speaker Churchill: "Representative Younge."

Younge: "Then under your Bill, that would be one rule for the sanitary district in Chicago and res... another rule for the rest of the state. In other words, water companies in the rest of the state, could shut off people's water, if sewer bills are not paid, and they couldn't do it in Chicago. Is that what you're saying?"

Speaker Churchill: "Representative Black."

Black: "No, Representative, that's what you said, that's not what I said. Puts everybody on the same page."

Speaker Churchill: "Representative Younge."

Younge: "You say that it didn't apply to Chicago."

Speaker Churchill: "Representative Black."

Black: "It's not what I said at all. I said the provisions of the... adding the North Shore Sanitary District to the Sanitary District Revenue Bond Act, only applies to the

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North Shore Sanitary District. They are the only district currently not under that Act. The City of Chicago, Metropolitan Water Reclamation District, is already under that Act. All this Bill does, is put everybody on the same page. That's all. Doesn't treat anybody any differently."

Speaker Churchill: "Representative Younge."

Younge: "Representative, I refer you to page 1, lines 25 to 27.

This Section defines sanitary district as meaning a sanitary district organized and created having a population of less than 500,000. This... your Bill doesn't apply to Chicago."

Speaker Churchill: "Representative Black."

Black: "Representative, once again, Chicago's already covered under the Act. That's why they're not listed. They're already covered. The only sanitary district in the State of Illinois, not covered under the Revenue Bond Act, is North Shore, the state's second largest. That's why that's the only one referenced. We're putting them and all other sanitary districts on the same page. It's what they want."

Speaker Churchill: "Representative Younge."

Younge: "Representative Black, do you realize you will be putting water companies in the position of being subjected to... and I'm talking about private water companies and I'm talking about the infringement of private contracts, contracts between individuals and private companies. I'm talking about a situation where government should not get involved and involve themselves in private contracts. This is the objection here. Do you realize that water companies would be put in a position of their paying customers, being requested and being required to cut the

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water off of their paying customers. And do you realize that they are opposed to that because it messes up their business relationships. This is a very serious matter. We were in agreement with yesterday, but this... if this Bill is a cousin to the Bill that you had yesterday, it a bastard cousin! It's a bad cousin! Because it's a bad Bill!"

Speaker Churchill: "Further discussion? The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in strong support of this piece of legislation. Particularly in the Amendment that was put on in to committee. And if I could highlight. Very briefly, it says 'that a municipality may, a municipality may contract with a privately owned public utility for the discontinuation of water service to a premises with respect to which a payment or rate of charge of sewer services become delinquent'. And then that Amendment goes on to say, 'that the municipality shall, the municipality shall reimburse the water service provider, for any loss of water revenue, for the discontinuation of the service and indemnify them' and it goes on and on and on. This is absolutely permissive for the municipality to enter into. I could tell you, in my part of the state, my communities have contacted me, specifically, to request that we have this enabling legislation in there for them to contract with the local private companies. I stand in strong support of Representative Black's piece of legislation."

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

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

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Speaker Churchill: "I thought Representative Younge had closed on her comments. Representative Younge did you close on your comments?"

Younge: "No, not yet."

Speaker Churchill: "Oh. Please proceed. You have additional five minutes from Representative Fantin."

Younge: "In order to be an exception, Representative Black, to prohibition against impairing the obligations under contracts, there has to be some kind of paramount public purpose. Isn't the purpose of your Bill to assist sanitary districts in collecting bills owed them?"

Speaker Churchill: "Representative Black."

Black: "Representative, you closed on your questions, at least three times. You've used a word more stronger than I've ever used and I was censored on the Floor for using a word certainly much less offensive than the one you used three minutes ago. You know, fairness is fairness! If you're going to continue to close and continue to berate me, then close. If you want engage in questions for the next hour, I'll be glad to answer those questions. Now you've asked the same question 10 different ways and I'm going to respond to you the same way for the tenth time. This does not put any mandatory regulation on a private water company. It is permissive on a private water company. That's why the Commerce Commission doesn't oppose the Bill. That's why the water companies do not oppose the Bill. We're not doing anything in this legislation to infringe upon a private contract. And I think in all due respect to you, Representative, you know that."

Speaker Churchill: "Representative Younge."

Younge: "The fact is that the contract between the water company and the individual is a private contract between those two

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entities. Is that not true?"

Speaker Churchill: "Representative Black."

Black: "Representative, I don't want to get censured for practicing law without a license. I can't answer a question on contractual law. I guess that would be up to a court."

Speaker Churchill: "Representative Younge"

Younge: "Isn't it true that the purpose of your Bill is to collect debt of the sanitary district?"

Speaker Churchill: "Representative Black."

Black: "Representative, the purpose of this Bill, as you know quite well, is to send notice to those people who for what ever the reason decide they don't have to pay for sewage treatment. I have to pay it. I dare say you have to pay it. Just like the Bill you had yesterday, saying you have to pay your property tax. Now, I don't know what the difference is. What some... some people who choose not to pay, I guess, are better than others or some things aren't as serious as others. All this Bill does, is to say they can... the sewage district can enter into an agreement and a contract where a notice is sent saying, 'if you don't pay your sewage treatment fees, your water may... may be cut off'. And practice has indicated that once that notice is received, 95% of those in arrears, pay immediately."

Speaker Churchill: "Representative Younge."

Younge: "Thank you, Representative Black, because I think that you make the case that I object to. In the Bill that we were discussing yesterday, we were talking about defrauding the people of the State of Illinois of tax monies. We were talking about defrauding them by having a relative come to the tax sale and buy the property up for less than what was owed. Now that's a public matter,

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because it involves taxes. And it involves defrauding the people of the State of Illinois. What your Bill is about is a private matter. A private debt owed to a sanitary district. And the water company whose bill could be fully paid, being requested without a judgement, of being obtained by the sewer company, the water company being requested to cut a person's water off. I am here to say to you, that this Bill will interfere with the tranquility and the peace of our state and of these cities. When you get a fellow out there and his water is being cut off and he has paid his sew... he has paid his water bill, that's going to be trouble. And it's a very good example of where the public should not intervene in reference to private matters, when there is no public purpose. And let me tell you, the reason the Illinois Commerce Commission has a rule prohibiting this... what this Bill is trying to do, is that it will be a bad thing for the public health. When you cut people's water off, they cannot function as a house and so this is bad and against the public health of our communities. And this Bill should be squarely voted down for those reasons."

Speaker Churchill: "Further discussion, the Gentleman from Cook, Representative Durkin."

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

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

Black: "Thank you very much, Mr. Speaker. You've heard a great deal of debate on this issue. Let me remind you that most sanitary districts in this state, are government, public

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entities. My sanitary district in my home district, has millions of dollars of your tax money invested in that facility. The Metropolitan Water Reclamation District in Chicago, if not a public entity, is certainly quasi-public. It levies and spends tax dollars to treat raw sewage. So, the argument is specious, to say the least! When you don't pay your sanitary district fees or charges, you are in fact, spreading that burden among the other tax-payers who have paid for that facility. This is not anti-consumer. The language on a private water company is purely permissive. What this Bill attempts to do is to get at the dead beat, the scofflaw, whose says, 'I'm not going to pay'. We have found that in those...those communities that have already reached these kinds of agreements, that once they get notice of their water being cut off for failure to pay their sewage bill and keep in mind, you can't use water in your house if you don't have a sewer! The water would have no place to go! Current law, current law says a sanitary district can come out to your property and dig up your sewer on the right-of-way and cap it. Now isn't that kind of a silly way to get you to pay a bill? This makes much more sense. Simply... simply says, 'hey, pay your bills and we won't have any problems'. And as I indicated to Representative Lang, I do think there needs to be some clarification language in the Bill about defining delinquency. And I'll ask that the Senate Sponsor make sure that that is done. Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I urge your favorable vote on House Bill 185."

Speaker Churchill: "Question is, 'Shall House Bill 185 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 78 voting 'aye', 34 voting 'no' and 4 voting 'present' and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 365."

Clerk Rossi: "House Bill 365, a Bill for an Act amending the Illinois Marriage and Diss... Dissolutions of Marriage Act. Third Reading of this House Bill."

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

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 365 is an attempt to clarify certain provisions of current law. Currently, the law provides that grandparents may be granted visitation rights. But, current law is absolutely silent on the question of whether such rights of grandparents who are related to the child through a non-custodial parent are separate from or included in the visitation rights of the non-custodial parent. Also, the current law is silent as to whether the visitation rights of grandparents are coterminous with the rights of a non-custodial parent and so in an attempt to clarify the current law and also to be as fair as possible to all of the parties involved. This Bill provides that if a court has granted visitation privileges to a non-custodial parent, then any visitation privileges granted to the minor child's grandparents who are related to that child through the non-custodial parent, shall be granted as a part of and not in addition to the visitation schedule of the non-custodial parent. It further provides in order to protect those grandparents, it further provides that if a court restricts a non-custodial

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parents visitations rights, the court is not required to restrict the visitation privilege of the grand... privileges of the grandparents who are related to the minor child through the non-custodial parent. As I said, Mr. Speaker, this is a matter of simply trying to clarify some of the details that were omitted from the current law. I would point out to this Body that this Bill, this exact same Bill passed out of this chamber last year by a vote of 117 to zero and then it was lost in the Senate Rules Committee and never, never was assigned to committee in the Senate. This year, it emerged from our Judiciary Committee in the House by a vote of 10 to zero. I would be glad to answer any questions."

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

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

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

Davis, S: "Representative, it sounds like a very interesting Bill, I just have a few questions though, because I'm curious. What is the current law for custodial grandparents? I mean are they allowed to visit the... the children or the parents, the custodial parents, are they allowed to keep the custodial grandparents away from the children now under current law, or how does that work?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Currently, the law that has to do with grandparent visitation rights is very rarely... of any use to the... to grandparents who are related to a minor child through a custodial parent. Because in most cases those family relationships are cordial, and so the grandparents simply

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arrange with the custodial parent who has the child, the vast majority of the time, the times when they will get together. Under current law however, if you are the... the grandparent through a custodial parent and that custodial parent has denied you the opportunity to ever see or be with those grandchildren. You can, using the grandparent visitation law, go to court and seek to get an opportunity to be with those grandchildren."

Speaker Churchill: "Representative Davis."

Davis, S: "Yes, Speaker, at this time I would like to take this off Short Debate and I think I'm joined by the required number of my colleagues."

Speaker Churchill: "Look like Representative Woolard, had two hands up there, but apparently he got enough hands so it's off Short Debate."

Davis, S: "Thank you, Mr. Speaker. Under this legislation Representative, would the court... could the court still restrict the... the non-custodial grandparents rights at all under any circumstances?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Davis, this Bill is not intended to restrict anyone's rights, it is a matter of clarifying the current law. What this Bill... first of all this Bill has nothing whatsoever to do with custodial grandparents. Grandparents related to a child through a custodial parent. It does not address that subject at all. So, let's put that aside since it's not even part of this Bill. This Bill addresses the subject of grandparents who are related to a minor child through a non-custodial parent. There are people in Illinois who are custodial parents of young children who have had long court involvements that have cost them substantial sums of money only because the court

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has no direction on... as to whether the non-custodial parents visitation time is time that, that person is expected to share with... with the non-custodial grandparents or whether those non-custodial grandparents have to get a separate kind of visitation altogether on their own. This say's that the non-custodial parents visitation time, the court must make sure that, that whatever the non-custodial grandparents are going to do has to be part of, not in addition to the visitation privileges of the non-custodial parent. But, it goes further, in order to protect the rights of those grandparents, in the event that this non-custodial parent does something really untoward and the court decides to take his or her visitation rights away altogether. The Bill say's those non-custodial grandparents still have a right to have visitation with those grandchildren."

Speaker Churchill: "Representative Davis."

Davis, S: "Representative, I'm for grandparents rights, I'm not against this Bill. And, but my question, that last question was on non-custodial parents. My question was about the non-custodial grandparent as to whether what the courts can and cannot do as far as restricting the non-custodial grandparent under this legislation. So, tell me if I'm wrong. You say that the court still has the authority to take away non-custodial grandparents rights if the... if the non-custodial grandparents are not... are not up to the court standards, is that... is that correct under this legislation? Now, if the grandparents, let's say the grandparent... the grandparents are felons. Do they still have rights under this legislation?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Davis, I don't think you understand

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what this Bill does, all right? The current law already provides protections to be certain that grandparents whether they are related to a minor child through a custodial or a non-custodial parent have rights under the law and can even go to court, in order to assure that they have an opportunity to be with their grandchildren. However, there is some clarity that is needed in that law and there are court cases out there already, one of which involved one of my own constituents that are... simply the result of the fact that the court has no guidance under the current law as to what is to happen with the visitation rights for a non... for a grandparent related to a child through a non-custodial parent. This Bill says that visitation must be as part of and not in addition to the visitation privileges of the non-custodial parent. This Bill just as the law that it seeks to clarify does not have any kind of standards that say you have to be a certain kind of person in order to...be granted grandparents rights. You simply have to be a grandparent. The courts do not... do not say that you can't... you can't be with your children or your grandchildren because you're... you're just not, you know you didn't have your necktie tied right that morning or something. This doesn't have anything to do with that."

Speaker Churchill: "Further discussion? The Lady from Will, Representative Ciarlo."

Ciarlo: "Thank you, Mr. Speaker. I rise in opposition to this Bill. I have a number of constituents that have contacted me and they feel this is a one item issue. The non-custodial grandparents are being deprived of rights. The non-custodial parent has a right to visitation and so do the non-custodial grandparents. All of this can be

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settled at the time of the divorce decree by the judge. It does not need to be written into state statute that grandparents, non-custodial grandparents do not have the rights as the custodial grandparents to visit these grandchildren on a regular basis. Everyone has rights, but the childrens rights should be preserved and non-custodial grandparents should have the same rights as the custodial grandparents to see their grandchildren."

Speaker Churchill: "Further discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

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

Lang: "Hi everybody. Like my tie? Mr. Speaker..."

Speaker Churchill: "Representative Lang."

Lang: "Your side of the aisle is so pleasant today."

Speaker Churchill: "You know Representative Lang, they would like to take your full five minutes to compliment you if that's... if you're willing to hear the compliments."

Lang: "Well, actually I do have an important question to ask Representative Cowlshaw, which will probably take two minutes, then they can take the other three complimenting my clothing."

Speaker Churchill: "Let's do it that way. Proceed."

Lang: "Will the Sponsor yield?"

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

Lang: "Representative, Hi."

Cowlshaw: "Hi."

Lang: "One, I think I only have one question, because you and I have discussed this Bill many times. Let's assume that the, the non-custodial parents visitation rights have been

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curtailed by the court. Does that automatically mean that the non-custodial parents, parents or that sides grandparents, however you want to put it, also have their ability to see the child curtailed?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Thank you, Representative Lang, for your question and I want to thank you also for all the help that you have been to me as we have moved this Bill through this process for the second time now. You've been very supportive. You've given me a lot of good advice and you've been very friendly and helpful to one of my constituents and I want you to know that I am grateful for that. The answer to your question is Sir, under current law there is no guidance whatsoever for the court as to whether those grandparents could be denied if the... the non-custodial parent does something terrible and the court decides to take away those visitation rights altogether from that non-custodial parent. The current law is silent on what happens to the rights for visitation of those non-custodial grandparents. This Bill provides specifically that if those visitation rights on the part of the non-custodial parent are curtailed, the court is not obligated in anyway to also curtail visitation rights of the grandparents and so in fact, this is a protection for the grandparents because they should not be held responsible for some action on the part of their child who happens to be a non-custodial parent."

Speaker Churchill: "Representative Lang."

Lang: "Yes, I grant you that the Bill say's that. However, if the grandparents right to visit is... comes from the non-custodial parents right to visit if it must be taken from that then it just simply follows that if the

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non-custodial parents rights have been curtailed. Let's assume that they've curtailed it down to a week a year. If there's nothing in an order that allows the non-custodial grandparents to visit the child, and the non-custodial parents rights come from the non... if the non-custodial grandparents rights come from the non-custodial parent then on the face of it, the non-custodial grandparents have had their, their ability to see that child altered down to within that one week period. You follow what I'm asking? How do we deal with that problem?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Lang, I believe that probably the principal advocate for this legislation whose story I would not want to tell, because you would all cry. Would say to you that, in fact, children are not little travelers and it is the intent of this Bill that we not have various kinds of visitations that are all set aside separately so that we have children who are constantly packing their little suitcases to run over to the non-custodial parent one weekend and the non-custodial grandparents the next weekend. The time that is allotted by the court, this is a matter of the time frame only. The time that is allotted by the court for the non-custodial parent for visitation is time that under this legislation would be shared with the grandparents."

Speaker Churchill: "Representative Lang."

Lang: "Well, I understand that as far as it goes. My concern is that when the non-custodial parents visitation rights are curtailed for some reason by a court, it automatically curtails the non-custodial grandparents rights. Your concern has been that they be protected but also that their rights flow from the non-custodial parents rights, and I'm

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concerned about the problem if you have good non-custodial grandparents, but for some reason the court has curtailed the rights of the non-custodial parent. You are then curtailing their rights to help nurture the child. That seems to be a minor but important flaw or detail that we need to deal with in this legislation, at least to me."

Speaker Churchill: "Was that a question, Representative Lang?"

Lang: "You can put a question mark at the end of it."

Speaker Churchill: "A statement with a question mark at the end of it. Representative Lang, you do have a nice tie today and you're dressed very well. You're looking just handsome as could be, but you told us you were only going to have two minutes worth of questions and you went to your full five. So, you know, I guess wanting one side of the coin and the other side of the coin, right? Representative Cowlshaw, would you like to answer that question from Representative Lang?"

Cowlshaw: "Yes, Representative Lang, the Illinois State Bar Association has endorsed this legislation in its present form. I am not prepared to change it."

Speaker Churchill: "Further discussion? The Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "Yes, will the Sponsor yield?"

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

Johnson, Tim: "Representative Cowlshaw, I don't... I don't mean to try to over simplify an issue, but I guess... I guess I almost have to. Representative Currie and I, and a number of other Legislators were concerned and I...I think I'm speaking for Representative Currie and a number of others as well about over-expansion of grandparents visitation rights and so forth. Over-expansion, intervention in the conventional family. In, it...without asking you to go

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over the Bill in great detail again, would you characterize this Bill as one that at least delimits to some extent what many people consider to be over-extensive visitation rights by grandparents or ones that expand that? And that's an important matter given the fact that one of our predecessors whose no longer with us made that a single minded crusade."

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Thank you. Thank you, Representative Johnson."

Speaker Churchill: "Representative Johnson."

Johnson, Tim: "Let me just add by saying that if you're telling me that if you're telling me that, that this not necessarily limits but at least rationally limits or delimits grandparents visitation, I'm going to vote for it. And if it's, your telling me it's expanding it, I'm going to vote against it. So, if you could just simplify to that extent, I would appreciate it."

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Johnson, I don't know how you can say that you are either expanding or diminishing anything that isn't already in the law. The law is silent, currently on the subject of whether non-custodial grandparents visitation rights should be in addition to the visitation times given to the non-custodial parent or as a part of. The law simply does not address that subject. To the extent that this Bill says the non-custodial grandparents visitation must be a part of and not in addition to the visitation granted to the non-custodial parent. It is from that point of view, you might regard it as being more limiting. But, you can't necessarily say it's more limiting because you're simply clarifying an existing law. You're not changing something that's already been

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stipulated. On the other hand, Representative Johnson, this Bill says that should there be a time later on after all of the original arrangements for visitations and all these other things are cared for. When the non-custodial parent should be guilty of some terrible thing and that non-custodial parents visitation rights were taken away entirely. The court is given the prerogative under this law, under this Bill to keep visitation rights for those grandparents. Because they should not have to give up their rights to see their grandchildren simply because the child who was theirs, who is the non-custodial parent, has done some dreadful deed. If they are... they should not be held to be guilty for... of something they didn't do. So, in fact, all this is trying to do is clarify the current law. It's trying to be as fair as possible to all the entities involved and the reason why it say's at the outset that the non-custodial grandparents visitation time must come from and not be in addition to the visitation time of the non-custodial parent is because that is in the best interest of the children. Children should not be little travelers, constantly packing their little suitcases to run away this weekend to spend the weekend with the non-custodial parent, and the next weekend to spend the weekend with the non-custodial grandparents. Those grandparents and that non-custodial parent should work out those visitation times that are among them, not separately one from the other."

Speaker Churchill: "Representative Johnson with 34 seconds."

Johnson, Tim: "To the Bill. I appreciate the explanation. I think that this Bill makes imminent good sense. You've clarified it and I think it's good public policy if there's a verification on this to those who oppose the concept. I

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would appreciate the courtesy given the fact that we have a Downstate Taxpayer's Coalition meeting upstairs, of not being verified off as a 'yes' vote for Representative Cowlshaw's Bill."

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

Currie: "Thank you, Speaker and Members of the House. I rise in support of House Bill 365. Representative Cowlshaw has worked very hard on this issue over the last several years and the central issue is the issue of how a child's time is allocated among various adults with an interest of concern and a caring relationship with that youngster. The point is that she's not changing the law, but clarifying it. We are seeing more and more instances of people in court on the issue of who has rights to how much time and we are seeing instances of children who are shuttled from one... from one home, one residence to another. I think this measure goes a long way toward giving the courts the guidance they need to see to it that a child's time isn't divided 25% here, 35% there, 40% and a third accommodation and 50% some place else. This is a child who has no place to feel comfortable and secure putting his or her head to pillow at night and I compliment Representative Cowlshaw, on her good work in presenting us with this opportunity to clarify the State of Illinois law."

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

Skinner: "Mr. Speaker, I stand in opposition to this Bill. And I'd like to refer you to the rules that are set... that are set down for DCFS parents. These are parents whose kids have been taken away from them because of sexual or physical abuse. DCFS parents get to see their kids once a

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week according to court order. Most non-custodial parents get to see their kids once every two weeks. So, it means if you have been found to of been a sexual perpetrator or a... to of physically abused your child, you're going to have more visitation than the average non-custodial parent. So, taking time away from that non-custodial parent when the child ought to also be bonding to the grandparents as well as to the custodial parent, I think is a severe disservice to the grandparents. I don't know about you, but when I was a kid, every summer I spent a week with each set of my grandparents. Now, let's assume that that would be what would happen in this case. That the grandparents would want the child for a week. Most non-custodial parents get a month of their kids time, a month to try to catch up on what has been happening for the entire previous 11 months. If the custodial... if the non-custodial parents are only going to get three weeks of that alone with his kid, or her kid as the case may be. You're really cutting severely into the opportunity for that non-custodial parent to have any impact on the development of the child whatsoever over the... over the child's life. Now, I could cite to you the findings of what happens when you do not have both parents in the home. What happens to the girls in the case of not being with the father, but being with the mother, is that they tend to have sex earlier, they tend to get pregnant earlier, they tend to get... they tend to have abortions earlier, they tend not to be able to have a meaningful relationship with a man when they, as they are growing up and after they grow up. They tend to get married earlier, and they tend to get divorced earlier. Now, I don't know whether sex is involved in this...this case or not, but I do know that

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this comes from one case and perhaps we would... do, do a better job splitting up where the kid ought to be than this judge has done. But just because the judge has screwed up, if that is the case, it's no reason for us to prohibit grandparents from having their grandchildren visit them one week out of the year during the summer for example. I really think we're going much too far and I hope this Bill is not passed."

Speaker Churchill: "Further discussion? The Lady from Kane, Representative Lindner. Representative Lindner."

Lindner: "Thank you. I think there is a little confusion about this Bill and I'm sure Representative Cowlshaw has the best interest of the child at heart. I certainly agree with the provision that if a non-custodial parent is an abuser that the grandparent should not use their visitation rights to provide visitation which is limited. I am a little confused as to exactly which Section this is amending and I think, are you talking about initially the court should grant this type of visitation? But that the grandparents would still have a right as they do now under 607, Section 607 in the Illinois Marriage and Dissolution Act to come in and petition the court under the best interest standard for more visitation. Would this Amendment take away that right?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Representative Lindner, this Bill not only would not take away that right, but the thing you mentioned at first is an issue we already took care of in another piece of legislation either last year or the year before. The question of what happens to the grandparents rights in the event the non-custodial parent turns out to be an abuser is not a subject addressed by this legislation."

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Speaker Churchill: "Representative Lindner."

Lindner: "So, I'm sorry, so you are saying that you can still, the grandparents can still petition under the best interest standard?"

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "Yes."

Speaker Churchill: "Representative Lindner."

Lindner: "I really don't understand. What are you amending? Are you saying, in the... in the original settlement agreement or in a trial when the court grants visitation if the grandparent has not filed a petition under the visitation Section under 607, that the... that, that this law must apply that you're making now."

Speaker Churchill: "Representative Cowlshaw."

Cowlshaw: "All right, Representative Lindner, I don't know if you have a copy of the actual Bill in front of you. That might be somewhat helpful to you. This piece of legislation amends the Illinois Marriage and Dissolution of Marriage Act by changing Section 607 as follows in Section (b), with the language that is already there, it simply adds the provision. If the court has granted visitation privileges to the non-custodial parent any visitation privileges granted to the minor child's grandparents who are related to the minor child through the non-custodial parent, shall be granted as part of and not separate from or in addition to the visitation schedule of the non-custodial parent. That is a very simple provision."

Speaker Churchill: "Representative Lindner."

Lindner: "And so, so you are restricting the courts right in specific cases to determine the best interest of the visitation procedures?"

Speaker Churchill: "Representative Cowlshaw."

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Cowlshaw: "No."

Speaker Churchill: "Representative Lindner."

Lindner: "Thank you."

Speaker Churchill: "There being no further debate, the Chair calls on the Lady from DuPage, Representative Cowlshaw to close."

Cowlshaw: "Thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, I believe this is a well balanced Bill, it tries to protect everyone's interests and most of all, it tries to remember what is best for the children. If there is any one thing that I find notable about this legislation, as it has been presented today and under the number 365. It is that Representative Currie and Representative Salvi are both in favor of this Bill, and any Bill that both of them favor can't be all bad. I urge a 'yes' vote on House Bill 365."

Speaker Churchill: "The question is, 'Shall House Bill 365 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 87 voting 'aye', 23 voting 'no', and 6 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 456."

Clerk McLennand: "House Bill 456, a Bill for an Act relating to tuition rates in certain public institutions of higher education. Third Reading of this House Bill."

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

Giles: "Thank you, Mr. Speaker, Members of the House. House Bill 456 is a very simple and a very important Bill, to all

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college students in the State of Illinois. What House Bill 456 does, is amend the Act relating to governing boards of the University of Illinois. The previous Bill, House Bill 442, that passed the House some time ago, eliminated the Board of Governor and Board of Regency Universities. And what that Bill actually did was allow each... allow each university to have their own governing bodies. What House Bill 456 actually does is allow before any board, any university are able to raise their tuition rates for undergraduate or a graduate, before they can do that, they must have at least a 2/3 vote, instead of a simple majority vote. Currently, a particular board needs only a majority vote. What this Bill does is actually allow each board to have at least 2/3 votes. Now this Bill will not actually prevent a particular university or board of that university to prevent tuition from increasing, but what it will allow for full examination and accountability before tuition rates are raised. And at this particular time, Mr. Speaker, I will entertain any questions on this Bill."

Speaker Churchill: "Is there any discussion? Chair recognizes the Gentleman from Will, Representative Wennlund."

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

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

Wennlund:M\$ "Yes, Representative Giles, as I read the Bill, the Board of Trustees could not increase any fee. Whether it's for use of the racquet ball court or the swimming pool or the student union or anything; anything Fee whatsoever. Whether it's tuition or non-tuition fees without an extraordinary majority of 2/3 vote. Is that... is that what the intent?"

Speaker Churchill: "Representative Giles."

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Giles: "Representative, what this legislation does, is allow... it will... it must be at least 2/3 vote before any tuition increases for undergraduate and graduate fees."

Speaker Churchill: "Representative Wennlund."

Giles: "Tuition and fees, Representative."

Wennlund: "Wait a minute, Representative Giles...and I'll quote to you from the Bill. 'Fees, any increase in the fees, fixed or charged for admission, registration, matriculations, student activities, or facilities, student union buildings, field houses, or other recreation facilities at any campus of the university.' We're not just talking about tuition here. We're talking about raising the fees to use the university's swimming pool from 25¢ to 30¢ without a 2/3 vote? That's what this appears in this Bill!"

Speaker Churchill: "Representative Giles."

Giles: "Representative, that is correct. But let me just simply say, that right now, currently, it is a simple majority. And if all the board members are there, it is a simple majority. What this Bill does, is simply brings in accountability and to also to look at the whole spectrum of raising tuition fees in the State of Illinois for undergraduate and graduate students. This Bill will not prevent a board from raising their tuition rates if they need to do so to cover their expenses or to cover... to continue to maintain competitiveness among other universities. But what this Bill will do is to bring in accountability and to make sure that these universities, if they really want to do this or not. And to raise the fees and tuition of... of undergraduate and graduate students. Which we are all concerned about the rising cost of tuition in the State of Illinois. And I am sure that college

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students in your district will... will love this Bill. And at least it brings some accountability so that fees just won't raise. Won't be increased without, just simple because we need to raise more funds."

Speaker Churchill: "Representative Wennlund."

Wennlund: "To the Bill, Ladies and Gentlemen of the House. I understand what the Representative is getting at, with respect to tuition raises. But let me tell you something. That would be like requiring...changing the constitution to require a 2/3 vote before any Bill could pass this House. That's how ridiculous this measure is. Ham-stringing the University Board of Trustees on such things as 25¢ increase in student union dues, is absolutely ridiculous. If we'd spread that through out the entire State of Illinois, to every unit of local government, who couldn't pass anything or increase taxes or do anything without a 2/3 vote, that's utterly ridiculous. And to ham- string the University Board of Trustees, when this General Assembly may not appropriate enough money for the university's system to operate, and have to increase tuition or increase fees, they have to have 2/3 vote and have absolutely have every board of trustees member there to get it, that's absolutely ridiculous. That is not the way to run a railroad or the university system, requiring such an extraordinary majority to increase by 5¢, the fee to use a racquet ball court at the University of Illinois. This is a bad concept. It is not an accountability concept. It allows... a university has to have the flexibility to do things by a majority vote, the way we do here, in the Illinois General Assembly and the way every other unit of local government operates. It's a bad concept and you ought to defeat it."

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

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Yes, Representative, I would assume that this is in response to the ever increasing tuition cost that are going on at universities... universities throughout this state. What's the genesis of the Bill and where did you get the idea?"

Speaker Churchill: "Representative Giles."

Giles: "Well, Representative, the genesis of the Bill is... is truly a Bill that was bro...the initiative is brought up by the Board of Governors and the Board of Regents. There are no oppositions to this Bill and that they feel that because of the rise in cost and the projections of various tuition increases...and let me just quote some of the statistics. From 1992 to 1996, the Board of Governors and the Board of Regents, before they are... they are defunct and they projected that increases will be any where from 21% to some where... 65% in increases with in a four period span. So, once again we simply are not trying to prevent a university from actually performing at their top level, but what we're trying to do is bring some type of measure of eva... thorough evaluation and some type of a measure that will make sure that if this what we really want to do for a particularly university. And that is, to continue to raise these fees and tuition rates."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Does this apply at all to anything such as housing or anything of that nature, like student housing?"

Speaker Churchill: "Representative Giles."

Giles: "Representative, no, it do not. It simply pertains to

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tuition, the rising cost of tuition and fees. And Representative, just simply let me say that, it's not everyday that a university wants to increase fees or to increase their tuition rates. This is something that is well thought out. There are reasons for increasing tuition and all we're doing here is simply having a thorough evaluation of the process."

Speaker Churchill: "Representative Hoffman."

Hoffman: "The previous speaker raised the question regarding the needed 2/3 votes for... his example was a 5¢ increase on a racquet ball court, at the University of Illinois. This does not disallow that and it would seem, for something as small as that, it would be easy to get the 2/3 votes. Don't you think, Representative?"

Speaker Churchill: "Representative Giles."

Giles: "Repre...Representative, that is correct. That is taken into consideration. It is not aimed toward, as raising fees on particular activities and sports and to punish students. The students are for this type of legislation. What this legislation once again does, is simply bring some accountability. It's simply just look at the whole process for each board. Each board, if they happen to entertain a tuition increase, it needs at least 2/3 of all the members present. It needs at least 2/3 of all the members that is on that particular board."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So, essentially, what this is, Representative, is this is to hold down the cost to families, middle income families, low income families, who want to send their children to school. Isn't that the design of this legislation?"

Speaker Churchill: "Representative Giles."

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Giles: "Representative, once again, you're on target. It is to suppress the notion that a student will be able to afford tuition and that the projected rising cost of tuitions and fees will not just skyrocket. If fees and tuitions have to be increased, that there are some accountability and there are some measures that are taken and are thoroughly looked at and evaluated, before these fees are increased. And that... that the families of the student will have some type of security and some type of understanding and type of a... they will feel confident about the system that they're sending their kids to."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, to the Bill, I think this is an excellent, excellent piece of legislation. We hear all the time about people not being able to fulfill the 'American Dream'. And we hear all the time about ever increasing raises and tuition, the cost of education. This Representative wants to do something about it. He wants to make sure the people can afford education, middle class people, go to school. This is a good Bill."

Speaker Churchill: "Further discussion, the Chair recognizes the Lady from Cook, Representative Wojcik."

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

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

Giles: "Thank you, Mr. Speaker. Once again, this piece of legislative, if every Representative would have done, as I did in my district to poll my constituencies and the students that are attending undergrad. I got a 90... a

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95% response to this piece of legislation. And if every Representative would do the same, I'm sure they will get similar results. This legislation simply does not allow a board, a body to not increase their tuitions or fees to be... to be competitive in the university world. But what this legislation does, is to... is to make sure that if a board wants to... if a university wants to increase their fees, that this is something that they really want to and that they have thoroughly evaluated the process before tuition increases or raises. I'm sure all of us or many of us, who are parents here, are very concerned about this issue. And the projected of increases of tuition through out our universities. And I'm sure you could give a favorable vote to this measure. And I ask for an 'aye' vote."

Speaker Churchill: "The question is, 'Shall House Bill 456 pass?' All in favor vote 'aye'; all 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 113 voting 'aye', 3 voting 'no' and 1 voting 'present' and this Bill having received a Constitutional Majority, is hereby declared passed. Representative Kubik in the Chair."

Speaker Kubik: "Mr. Clerk, please read House Bill 798. Representative Cowlshaw?"

Clerk Rossi: "House Bill 798, a Bill for an Act amending the School Code. Third Reading of this House Bill."

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

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 798 is a Committee Bill. It emerged from the Elementary and Secondary Education

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Committee on a vote of 22 to 0. It consolidates five Bills into one. Let me briefly explain each of them and I would then be glad to answer any questions. House Bill 1956 simply shifts the Christa McAuliffe Federal Fellowship Program, the administration of that, from ISAC to the State Board of Education, which has been decided by both entities as a more appropriate place for that particular fellowship program to be placed. House Bill 2167, which was sponsored by Representative Wennlund, simply provides some additional flexibility in the use of those funds that are...that are used for leasing educational facilities when those facilities are no longer leased, permits that money to be used for debt service. House Bill 2169, sponsored by Representative Skinner, allows the Regional Board of School Trustees to not hold a meeting if they have no agenda. House Bill 2042, which was mine, amends the requirement that all school district personnel should have to require...should have to file those statements of economic interest. This would only require that those people who hold an administrative or chief school business official endorsement would have to file that. There is a very strong feeling, I think, among teachers, that teachers ought not to have to file a statement of economic interest. That is a terrible waste of their time and it is simply a costly procedure for the state. And, finally, it's House Bill 2239 which has to do with people who have been...who have an order of protection in a case of domestic violence and prohibits public schools from giving out records about students to any person who is under...who has been accused of domestic violence or even to those people who are...the reas...who have caused this order of protection to be put forward. The intent, of course, is simply a means of

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protecting those young students. This final initiative was suggested by the Cook County State's Attorney."

Speaker Kubik: "The Lady has moved for the passage of House Bill 798. On that, is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Dart: "Representative, I have some questions about the domestic violence aspect of this Bill. In regards to that, it prohibits the information being divulged if there's an order of protection. Would this still hold true if it was an emergency order of protection where the proceeding was an ex parte proceeding where there had not been any type of finding by the court yet? Where their order of protection was entered without any...the finding of guilt or anything on the parties? Would this apply for all those types of order of protections or just ones in which the parties of both had an opportunity to come in front of the judge?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, as you know I am not an attorney. It is very difficult sometimes to answer these very precise questions that are asked by an attorney of someone who is not an attorney. This proposal came from the Cook County State's Attorney's Office. He is an attorney, and I trust that he would not be proposing something that was not worthwhile. But let me at least try to explain to you, from my understanding, all that this Bill does. It provides that a...and by the way, this includes private schools as well as public. It provides that any public or private school that has received a certified copy of an order of protection that prohibits a respondent's access to the records, from allowing a

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respondent access to a protected child's records and prohibits the release of information in those records to the respondent. Consequently, as I read this, Representative Dart, the school does not initiate this procedure. The school receives a certified copy of this order of protection and then behaves accordingly."

Speaker Kubik: "Representative Dart."

Dart: "Yes, Representative, you did as well as a lawyer on that one because...Upon reading it again, you're right, it appears as if it has to actually be contained in the order of protection. So, it looks as if the protections are in there. I had another question on an area where my expertise is definitely not, is in regards to the Christa McAuliffe Fund. What exactly...why are we doing what we're doing here?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "Representative, the Christa McAuliffe Federal Fellowship is a grant that is awarded to teachers. Elementary and secondary teachers. I believe, in some cases, there are restrictions for some aspects of that that are for secondary teachers only, for purposes of providing funds for such activities as a sabbatical. And since this has nothing to do with higher education, it has only to do with teachers in secondary schools, the Illinois Student Assistance Commission simply thought it made a whole lot better sense to have it administered by the State Board of Education and the State Board of Education has agreed to that. So it's just a shifting of who administers the fellowship grant."

Speaker Kubik: "Representative Dart."

Dart: "Representative, was there...there was some provisions I had made notes awhile ago dealing with indiv...picking up

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report cards. Are there provisions in here dealing with that aspect of it and repercussions of people not picking up report cards?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "There is nothing in here whatsoever that has anything to do with report cards."

Speaker Kubik: "Representative Dart."

Dart: "And just...and as a point of clarification, Representative. On one last matter, was the change...regards to when there's no business before a board, they don't have to have a meeting. Can you explain to me why that we had to put that into the statutes. Seems to me to be common-sensical that if they have nothing to do that they wouldn't have to meet, but I guess our laws sometimes don't make a lot of sense."

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "Well, Representative Dart, I would have to agree with you that common sense would seem to dictate that, but of course the law isn't always wrapped around the thing we call common sense. The current law provides that regional...Now, these are not school boards. This is the Regional Board of School Trustees which has as it's primary and almost it's only function, dealing with issues that have to do with changes in boundary lines between school districts. Right now, the law requires it to have quarterly meetings, whether anybody is trying to change their boundaries or whether they aren't. Now, we do have to pay at least a little something for their costs, their out of pocket costs to come to these meetings. This Bill simply says, if you don't have any agenda, if there's no business to come before your meeting, you do have to put...you have to follow the public notice provisions, but

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you don't have to hold a meeting if you have nothing to discuss."

Speaker Kubik: "Representative Dart, your time is expired. If you could bring your remarks to a close. Representative Dart."

Dart: "Thank you, Mr. Speaker. I believe Representative Davis had a couple of quick comments. I wish to take this off of Short Debate so she can make a couple of brief comments and I'm joined by the requisite number. Thank you."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Davis."

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

Speaker Kubik: "The Sponsor indicates that she will yield."

Davis, M.: "Representative, currently, if you work for a school system and you earn, is it \$35,000, I think you have to pay? I mean, you have to fill out the statement of economic interest?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "Representative Davis, I honestly don't know the answer to your question. I don't think there is any link between what one's salary is and whether one is required to file a statement of economic interest. It's just that I think that when we amended the Illinois Governmental Ethics Act to require that people in administrative positions in school districts should have to file these statements just as you and I have to file them. Somehow or other, that language was interpreted in such a way that everybody who's a teacher has to do that too and I don't think that was what was intended in the first place. So that's all this does, it simply tries to clear that up so that the only people who are required, who are school district employees, who are required to file the statement of economic

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interest, are those who hold an administrative or a chief school business official endorsement."

Speaker Kubik: "Representative Davis."

Davis, M.: "Representative, do you think perhaps it could have been implemented or that law, in effect, because a teacher could also have a business and that teacher could in some way influence that particular school or board members to use the business of perhaps the person's husband or themselves, and this, perhaps, could create what we call a conflict of interest? I believe that because you're a teacher and you have a business should not excuse you any more than if you're a school board member."

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "First of all, Representative Davis, I just cannot see any reason whatsoever, not only why we should go around and requiring every single teacher in the entire State of Illinois to file this form, but I also clearly don't think that that...that we can justify the costs for all that paperwork on the part of the Secretary of State's Office, to receive all those tens of thousands of forms for people who are teachers in our public schools. The teachers do not make purchasing decisions, they do not enter into contracts and in most respects, perhaps except for some small fund that they have in their building for buying immediate supplies, in most cases they do not spend the school district's money. And therefore, it seems to me they are so far removed from any possibility of a conflict of interest, that it is simply a waste of their time and a waste of the state's money to require all those people to send in these forms."

Speaker Kubik: "Representative Davis."

Davis, M.: "I would, perhaps, agree with you, if, perhaps, that

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person didn't have a business in which their relative or themselves would benefit. My next question, Representative, has to do with the Christa McAuliffe Fund. Who administers it at this time?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "ISAC."

Speaker Kubik: "Representative Davis."

Davis, M.: "The Illinois Student Assistance Commission. Why would they give it to the state board?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "As I just explained to Representative Dart, the Christa McAuliffe Federal Fellowship is a grant awarded to secondary school teachers for purposes such as the funding of a sabbatical. There is nothing involved in any post-secondary activity in this fellowship fund, which is a federal fund. And so, because ISAC deals with higher education provisions and the State Board of Education, with elementary and secondary things, it was decided jointly between the two of them that ISAC was not an appropriate placement for administration of this program and so the State Board of Education is willing to take it over."

Speaker Kubik: "Representative Davis."

Davis, M.: "My final question, and I hope your answer will be brief, Representative, so that I can comment on the Bill. On the order of protection in which school administrators cannot provide records of children to outsiders. Wouldn't this also apply to any child? The Privacy Act states that you can't provide information about a child to anyone except the parent?"

Speaker Kubik: "Representative Cowlshaw."

Cowlshaw: "Representative Davis, this particular Bill, which came from the Cook County State's Attorney, is an attempt

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to make certain, because apparently there has been a concern on his part and the part of other state's attorneys, of the possibility of certain records in public or private schools being provided to those persons who are the cause of an order of protection being issued for this child. Now, if an order...if it's a bad enough situation that an order of protection had to be issued, there ought to be some strict provision in the law that says the person who caused that order to be issued should not have any access to this child's records."

Speaker Kubik: "Representative Davis, I know your time's expired. The Chair will ask you to make some brief comments in closing."

Davis, M.: "I would just thank Representative Cowlshaw for her answers and I'm duly satisfied with them. Thank you, Sir."

Speaker Kubik: "Thank you, Representative Davis. Any further discussion? Seeing none, the Lady from DuPage, Representative Cowlshaw, to close."

Cowlshaw: "Thanks to Representative Wennlund and Representative Skinner for their portions of this Bill. This is a good Bill, it's a Committee Bill, it has no opposition and I urge it's approval. Thank you."

Speaker Kubik: "The Lady has moved for the passage of House Bill 798. And on that question, those who are in favor of the Bill shall vote 'aye'; those opposed to the Bill will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'aye', none voting 'no', none voting 'present', and this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 815."

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Clerk McLennand: "House Bill 815, a Bill for an Act in relation to manufactured housing and to repeal a named Act. Third Reading of this House Bill."

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

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What this Bill does is, currently, there are growing numbers of senior citizens residing in mobile home parks because it's presented itself as a economical way to stay here in Illinois instead of fleeing to Florida and other Sunbelt states, so they can stay around their children and grandchildren. Unfortunately, mobile homes are really not mobile. They are very difficult to move, and once they locate in a park they're subject to constant rent increases. One mobile home park alone last year...this year, increased their rent 18%. And what we have is senior citizens living on fixed incomes who reside in these mobile home parks, that are subject to unreasonable rent increases. Now what the Bill really does, is currently, anyone who is subject to those unreasonable rent increases can file suit. However, there are no standards in the law to determine what is and what is not a reasonable rent increase. What House Bill 815 does, is sets forth standards so the court can determine that in the event that there's a rent increase that exceeds the consumer price index, it sets out standards so that a court can determine what is or what is not an unreasonable rent increase, and it will give some stability to the tenants of mobile home parks throughout the state because they don't own the land. And in Cook County where senior citizens who own homes have an assessment freeze and in addition to that have a property tax cap, yet the residents

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and owners of mobile homes in a mobile home park have no such protection and they're subject to the whims of the owner who can increase the amount of rental and the amount of fees at his whim. What this does, is it sets forth some standards so that a court could determine what indeed is an unreasonable rent increase and it sets forth some standards that the mobile home park owner who owns the park, can come in and justify a rent increase passed on to the home owners and the owners of these mobile homes throughout the state. Currently, there is no standard in the law or in the Act, in the Mobile Home Landlord and Tenant Rights Act, by which a court could determine what is or was not an unreasonable standard. So anything above the CPI for the previous year would have to be, in the event that the home owners file suit or petition the court to determine an unreasonable increase, the court would have these standards to go by. In addition to that, it provides that even though they could file a class action today, it provides that if 10% of the owners petition the court, it's the same as a class action and would benefit the entire mobile home park. Mobile home tenants are 90% of the time senior citizens on fixed incomes and are subject to the whims of the park owner who can increase rent at his whim. This will finally give some relief to unreasonable rent increases like the 18% I just cited. So, if you have mobile homes anywhere in your district, you'll find that the majority of those tenants are senior citizens living on fixed incomes who need some avenue and some certainty as to their ability to pay the rent that's charged by the park owners. Be happy to answer any questions and would ask for your favorable consideration."

Speaker Kubik: "The Gentleman has moved for the passage of House

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Bill 815. And before we go to discussion, the Chair has been advised...I would like the attention of the Members. The Chair has been advised that there is an order from Harold's Rib Rack sitting outside, and unfortunately, the young man who's delivering it doesn't know who it's suppose to be delivered to. So, whomever has placed an order with Harold's Rib Rack, your order is outside. I noticed that we have quite a few people seeking recognition. The Chair...Is there any discussion on House Bill 815? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I think it's a prima facie case that Representative Spangler is seeking that order."

Speaker Kubik: "Oh, I thought he was accusing Representative Deering of placing that order."

Granberg: "Will the Gentleman yield?"

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

Granberg: "Representative Wennlund, I see your staff person. There's...does this Bill come from your socialist staff, that they want to redistribute property and keep lids on rents? Is this where this idea generated?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "The answer to the question is, 'no'. This was proposed by the Cook County...The Cook County Legal Assistance Foundation has proposed this legislation as a result of numerous very high rent increases in mobile home parks in Cook County. And like I say, if...the answer to the question is, is that...all it does is currently they could file suit anyway. What it does, is it sets forth some standards so that a court, with jurisdiction, could look at the standards to determine whether in fact the rent increase is reasonable or unreasonable. So, currently,

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there are no standards in the Mobile Home Tenant's and Landlord's Rights Act."

Speaker Kubik: "Representative Granberg."

Granberg: "If I understand this correctly, Representative, this would actually effectuate rent control much like they do in New York City on people who own...who have trailer parks and other sites...such locations, that once a person comes into that trailer park, then the owner or manager of that property will be subject to rent control. Is that correct?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "No, it's not rent control at all. It merely gives...Currently, they have the right to file suit anyway if they feel that the rent increase is unreasonable. Notwithstanding the use of the term 'mobile', these are not 'mobile'. They are not easily moved from park to park. They are...it's very difficult to find an additional space in another park to move them to begin with, and once they make the investment, they are kind of stuck in that park and subject to the whim of the landlord, the owner of the park, to increase rents. Well, all this does is, it sets forth some standards by which a court can determine in an action filed by the tenant, the owner of the mobile...He owns the mobile home, but it's on rented ground. Whether or not that rent increase is unreasonable or reasonable, there are no standards in the law to determine that. This sets forth standards by which a court could determine whether or not an increase was unreasonable."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, why would we not take this to its logical extension and apply it to apartments for senior citizens. So, an older couple move in to an apartment, they may

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invest considerable amounts of their savings to improve the apartment, that becomes part of the realty, the fixtures are now gone, becomes part of the realty, and then the rent is increased. Why would they not have the ability to say, well, that's an unfair rent increase. It's unreasonable, and therefore, we should have the ability to go to court and enjoin this action by the manager or the owner of the property."

Speaker Kubik: "Representative Wennlund."

Wennlund: "Representative, I'm sure you didn't miss the subtle distinction between the two. The one is, is that mobile home park tenants own the mobile home. Apartment tenants don't own the apartment."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, Representative, in an apartment, if they've invested substantial amounts of their capital and their savings, it still becomes part of the realty...invested so much, become part of the realty, they're even in more of a desperate situation because they cannot move. They don't have the ability to get up and move. So, it would seem like that would be even worse; or a rent-share apartment. It seems like those people would be even more serious victims of this type of unreasonable rents by landlords and owners of properties. Once they're there they can't move if they don't have the financial ability and the wherewithal to get out because they've invested in that apartment. I mean, that's the distinction that I'm asking about, Representative, so why would we not apply it to them because in most cases, they're in...it's even worse for them. Their situation is even more grave."

Speaker Kubik: "Representative Wennlund."

Wennlund: "Representative Granberg, let me tell you this, that

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this Bill doesn't really deal with that. But I'll tell you what, I'd be more than happy to work on senior citizen's issues and the high cost of housing for senior citizens with you at any time. I'm more than willing to meet with you and Cosponsor with you legislation to make life easier for senior citizens in Illinois and to keep them here instead of forcing them to Florida and Arizona where the cost of living is a lot less."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, thank you, Representative. Let's just walk through this, then. Can I just...Give me a scenario where someone owns a trailer, they move into this mobile home..."

Speaker Kubik: "Representative Granberg, if you would complete your question, and I would ask you to limit it to one question for Representative Wennlund, and then we'll allow Representative Wennlund a response."

Granberg: "Thank you, Mr. Speaker. I have some people who'd like to allot me more time. Would it be better for me to continue at this point or to quit and then go back to the line of questioning?"

Speaker Kubik: "Well, the Chair was prepared to go to Representative Novak and I'm not sure that Representative...Representative Novak, do you wish to yield your time to Representative Granberg? Representative Novak."

Novak: "Mr. Speaker, do I have an opportunity to yield time to my colleague, Representative Granberg?"

Speaker Kubik: "Well, Representative Novak, you were the next one that I was going to recognize."

Novak: "Wait a minute. I'm not making a commitment yet. I'm not making a commitment yet. I've got a few questions of the Sponsor. Will the Sponsor yield, please?"

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Speaker Kubik: "Well, I would think about it very carefully.
Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative Wennlund, this
sounds like a great consumer Bill. Has Bob Cramer been to
see you from the Illinois Public Action Council?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "No, in fact, he has not. But, Representative Novak,
I'd be more than happy to meet with you and Representative
Granberg and Representative (sic-Bob) Cramer and anybody
else to work on senior citizens issues. And this is a good
consumer Bill, and if you have any mobile home parks in
your district with lots of senior citizens in them, I think
you ought to support this Bill."

Speaker Kubik: "Representative Novak."

Novak: "Well, Representative...Representative Wennlund, I didn't
know Representative Cramer was on the floor, here. I
didn't see him anywhere. However...But I agree with you,
this is a good consumer Bill. It sets standards, there
isn't any rent control mandates here and I do have a large
contingency of senior citizens that live in double wide
trailers. They sold their home, they moved out of certain
parts of Cook County and they came down our way where the
life is better and things are quieter and the water is
clearer and the air is clearer and they want to live their
life down here. I think they should have a little bit more
input on how their livelihoods are going to be affected by
economic matters, so I certainly rise in support of this
Bill. Now, however, Speaker, I would like to yield the
balance of my time. I'm at three minutes and thirty-nine
seconds. I would love to yield my time to my good buddy
Representative Kurt Granberg."

Speaker Kubik: "Well, the Chair...We will allow Representative

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Granberg to be the three minute man. Representative Granberg, do you wish to finish up? Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'd like to thank my friend Phil Novak, who's always been a strong supporter of the free market system, except now. Thank you. Will the Gentleman yield? Thank you. Representative Wennlund, I started to ask a hypothetical...So this couple moves into the mobile home park in downstate or wherever. Now, just walk me through this process, if you would. So they're there for a year and then their rent is increased over a reasonable amount. They feel it's unreasonable. What factors are then considered? What do they then do? They go to the circuit courts and they file a petition and then the judge enjoins the property owner of that park from implementing that rent increase. And then he has to come into court to explain why it's reasonable, then the plaintiff has to come in and explain why it's unreasonable. And I assume both parties are going to hire attorneys. And we go through this and that and rent could be enjoined for a year, two years, while they go through this cause I can imagine the docket in Cook County could be very, very long. So if you would just...I just want to know how the procedure actually works, that this is going to protect the consumer when that lady walks into the circuit court thinking she's going to get immediate relief, and that property owner thinks that he's entitled to reasonable rents. And the government should not have any involvement in this. So, if you would, Sir, just tell me the procedure. Am I correct; they file the petition, then the judge rules on it, enjoins..."

Speaker Kubik: "Representative Wennlund."

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Wennlund: "Representative Granberg, you were doing great. I didn't mean to interrupt you, but you were accurately describing the situation. And what happens is...what this Bill provides is that the court would consider the following factors: The dollar amount for which the park was purchased, or in case it was owned by the original owner, the development costs. The amount of the mortgage attributable to the purchase. The names of the co-owners. The amount each co-owner contributed to the purchase price. The amount of operating expenses for the previous twelve-month period. The rate of return on equity investment. Expresses the percentage and the amount paid for capital improvements by the owner. And the court would consider those factors and at the same time then consider the rents charged in other mobile home parks in the county or municipal area in which it's located, substandard conditions, length of time since the last rent increase, the amount of the increase, the actual operating expenses of the park, capital improvements and the value of services that are included within the rent. So what the Bill does, it sets forth factors so that a court can look at these factors and determine whether or not a rent increase is unreasonable. Currently, they have the right to file suit. They can file suit today, but there are no factors set forth in the statute by which a court could determine or issue an injunction to enjoin an unreasonable rent increase because there's no standards of reasonability. This just puts into the Mobile Home Landlord and Tenant Rights Act, standards of reasonability for which a court could use to determine whether a rent increase is reasonable and unreasonable."

Speaker Kubik: "Representative Granberg, your time is just about

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to expire and before I recognize the Lady from Cook, Representative Davis, I would like to...the Chair would like to acknowledge the presence of a former Member, Representative...former Representative William Edley, who's in the back with Representative Schoenberg. Representative Edley. The Chair now recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Speaker. First I'd like to acknowledge two of these ladies who are here with my secretary for Bring Your Daughters to Work. These are the daughters of Mary Price, my secretary. So, we welcome them to Springfield and to the General Assembly. Thank you very much."

Speaker Kubik: "Welcome. Welcome. Representative Davis."

Davis, M.: "Yes, Sir. You know, I was reading this Bill and I was listening to the debate and Representative Wennlund, it really concerns me that a renter will be able to go to court in reference to how much rent you charge them. If you increase their rent, they can go to court and say, well, we think that's too much. That really does concern me."

Speaker Kubik: "Representative..."

Davis, M.: "Do you think that this kind of legislation would be transferable to land property as well, or is this just going to be for mobiles? It won't grow any further?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "The subject matter deals only with mobile home parks, but I'd be more than happy to work with you on some pro consumer, other rent provisions for...particularly for those who are on fixed incomes like senior citizens. I'd be happy to."

Speaker Kubik: "Representative Davis."

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Davis, M.: "Representative, what court will they take this to when they object to the increase in their rent in a mobile home, and will they have to bring their own attorney with them?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "The circuit court in the county in which the mobile home park is located and no, they can file a protest action themselves, without cost."

Speaker Kubik: "Representative Davis."

Davis, M.: "Will 10 people have to sign a protest statement before it goes to court or can one individual do that?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "One individual could do it, but if they had 10% of the tenants in a mobile home park, they could file a class action. But, no, one person could do it."

Speaker Kubik: "Representative Davis."

Davis, M.: "Representative, we don't have many mobile parks in Chicago, but I would really like to know what prompted this kind of necessity. Is it needed legislation?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "Yes, I'd be happy to tell you. There's a mobile home park in Cook County by the name of Sterling Estates. It has a little over 800 mobile homes, 96% of which are senior citizens on fixed incomes. Last year they had a 12% increase in rent, this year an 18% increase in rent. That's what prompted it and they are on fixed incomes and they cannot relocate their mobile homes. They have no choice and they can't...they are not readily movable, they are not transferable that easily and they are in dire straights cause they are on fixed incomes."

Speaker Kubik: "Representative Davis."

Davis, M.: "Wouldn't they have to bring an attorney, though, the

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mobile home owner. Wouldn't they...who would bring the attorney? Would the person who owns the property or the person who owns the mobile home?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "Either party is entitled to be represented by counsel, but we've tried to make the procedure as simple as possible so that it would not be necessary for the tenant to hire high-priced lawyers to represent them in this proceeding."

Speaker Kubik: "Representative Davis."

Davis, M.: "Well, my question again, is, well, why would not the people simply move. I have a fear of people being able to take the owners to court in reference to how much rent is charged. You know, normally, if you don't like the rates, then you take your business someplace else. Couldn't these people just move out of there and go to another location?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "The fact of the matter is, again, there is a clear distinction between the mobile home. Now, the tenant in a mobile home park probably paid 30, 40, \$50,000 for...to purchase the mobile home. He then rents the space, the ground upon which it sits. These are not easily movable. It takes a greater understanding of what, indeed, a mobile home park is. They're not easily movable or transferable from one park to another and to find space. It's very difficult for these people to find another location for their mobile home unit that they purchased and own."

Speaker Kubik: "Representative Davis."

Davis, M.: "I now see what your intent is. Would not you have much better legislation if you drafted and put legislation forth that stated, after renting space, the increase could not be over a certain percent per year regardless to what the owner did? I mean, you could limit their...their

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ability to increase the rent legislatively and in my opinion, that would be much more fair to everybody rather than trying to tell this landowner..."

Speaker Kubik: "Representative Wennlund, that was a question. If you you would respond."

Wennlund: "Thank you. I understand what you're saying. That would be rent control. The Cook County Legal Assistance Foundation who has recommended this form of aid to the senior citizens who live in mobile home parks in Cook County and throughout the rest of the state, has recommended this which is not rent control. It gives them an avenue of appeal from what they feel are unreasonable rent increases above the consumer price index."

Speaker Kubik: "Representative Davis, you are allowed a brief closing. Representative Davis."

Davis, M.: "In closing, I'd like to say I do understand the intent of this legislation. However, my fear is that you would take the rights of people who own land and I think we should do it another way, by limiting the increase that these kinds of places can make on a yearly basis. This is a bad piece of legislation and would establish a very bad precedent. I urge a 'no' vote."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Fantin."

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

Speaker Kubik: "Representative Granberg, it looks like you've got a five minute friend. The Chair would recognize Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Wennlund, so in this case the owner or the tenants of the mobile home park, the tenant could go to court to seek relief. Can

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that tenant then enjoin the landlord automatically without the indication of unreasonable rent? What would he or she have to allege in his pleading, to indicate to the judge that they could, in fact, enjoin the payment of rent to the landlord?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "The tenant has no authority to issue an injunction. Only the court can issue an injunction. But the tenants would have to allege in their petition that the rent increase, number one, exceeds the CPI for the previous 12 months; and number two, what the rent increase is that the landlord has sent them notice of...including a copy of the notice of increase and alleged that the increase, number one, exceeds the CPI for the prior 12 months and is an unreasonable rent increase. At that point, the burden shifts to the park owner to allege that the facts, as set forth, that I went over previously with you in their petition...in his answer, to sustain his burden that the rent increase indeed was reasonable and fair."

Speaker Kubik: "Representative Granberg."

Granberg: "I just want to make sure I understand this. So, I'm the tenant in this mobile home park and I receive a rent increase. I fill out the petition, it says I received a rent increase. It's greater than the consumer price index and it's unreasonable. I take that down to the circuit courts; it's filed. They then mail a copy to the landlord and he or she comes in, or is that immediately...When does the judge then enjoin the landlord? Then the burden shifts, so I go down to the courthouse and I file it. When does it come, then, before the circuit court judge and when does he or she make his determination and then when does the landlord have to appear? Is that in 30 days? And then

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during that whole time is rent not paid?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "No, there's no temporary relief. The owner would have to file his answer within...and then have a hearing within 60 days."

Speaker Kubik: "Representative Granberg."

Granberg: "So the tenant goes down, makes these three allegations, files it. How soon does the circuit court act on that allegation, then, on the petition?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "Within 60 days."

Speaker Kubik: "Representative Granberg."

Granberg: "So the judge has 60 days in which to enjoin the payment of rent, or is that rent enjoined...is there an assumption that that rent is enjoined immediately upon the filing because they've made the allegation of unreasonable rent?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "There is, in effect, no temporary relief. If after the hearing that's held in 60 days, the rent...if the court approves the rent increase, it would be retroactive. If it didn't, it would be enjoined."

Speaker Kubik: "Representative Granberg."

Granberg: "So this tenant makes out those three little statements, files it. Sixty days later they come into court. Now, does the tenant's...he or she is under no obligation to pay rent for those first two months, and then you come into court 60 days later and a determination on...of fact is made. Is that correct?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "I'm sorry, Representative Granberg, I didn't hear the question."

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Speaker Kubik: "Representative Granberg, please repeat the question."

Granberg: "So that tenant makes these three allegations, files it, doesn't pay rent for 60 days. That petition is sent to the landlord or the owner and then the tenant doesn't pay rent for those 60 days. Then they come into court and they make...What happens if the tenant doesn't pay rent for the 60 days? Is that the breach of the lease?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "No. The tenant pays rent, he just doesn't pay the increase."

Speaker Kubik: "Representative Granberg."

Granberg: "Where does the tenant pay rent? Do they pay into a special account? According to the Tenant's Association, they use to do with apartments, according to the Spring versus Little case. I mean, is...do they set up a special account or they...or where do they pay the money? What about the rent increase? Is that held somewhere in particular?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "During the period, they pay the rent to the owner. The owner of the park. They do not pay the portion of the increase once the petition is filed."

Speaker Kubik: "The Chair recognizes the Lady from Cook, Representative Flowers. Representative Flowers."

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

Speaker Kubik: "Representative Granberg, it looks like you have another five minute friend here. So the Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. I don't do landlord tenant law. This is all from law school, Mr. Speaker. I'm trying to refresh my

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memory. So, they make these allegations, they file it. They're suppose to pay the rent during this period. They apparently don't have to pay the increase cause that is being argued that it's unreasonable. So, do they have to pay the increase to the circuit court and that's held in a special fund until the matter is determined? So, in the 60 days they come before the court, the owner of the property comes in, the landlord, and then they set a court date. There has to be an initial hearing. I...at the initial hearing, is that just to determine whether an injunction should issue prohibiting the rent increase until a final court date is determined and a complete hearing on the matter is finalized?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "Correct. They continue paying the rent to the landlord at the rate in existence at the time of the increase. And in the event the court, upon the hearing, determines that the rent, indeed, was reasonable, they'll pay the additional sum to...they'll be ordered by the court to pay the additional sum to the landlord, or if...if the court determines it was unreasonable, the court can then enjoin the rent increase. Now that would not prevent the park owner from coming back and increasing the rent to an amount that was a CPI or some reasonable amount that he felt he could justify under these standards. He could still do that."

Speaker Kubik: "Representative Granberg."

Granberg: "Okay, you got me through the 60 days. So, there's a hearing at the 60 day period...within the 60 days. That is not a final determination, that is just whether to issue the injunction or to enjoin the payment of the rent because it's unreasonable. So, this then, can be continued?"

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Speaker Kubik: "Representative Wennlund."

Wennlund: "At that...that hearing will be on the merits."

Speaker Kubik: "Representative Granberg."

Granberg: "So, at that's...at the initial hearing in the 60 days, that is the final determination on whether it's a permanent bar to the rent?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "Yes, unless there's an appeal."

Speaker Kubik: "Representative Granberg."

Granberg: "So, the judge, in the 60 days, enjoins...can enjoin the unreasonable rents because of the conditions you've laid out or he can just enjoin it temporarily until a final determination is made, or is it required that this is a final determination and the matter is then resolved? If the matter is then resolved, then the tenant or the landlord could actually file an appeal to the appellate court or do they seek relief in the circuit, further, or is that the fin...Is there a final determination in the 60 days?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "Yes, unless there's...unless there's an appeal, of course, and that would be the appellate court for the appellate court district in which the mobile home park existed."

Speaker Kubik: "Representative Granberg."

Granberg: "And if the tenant does not pay the rent for that time period, can that be used as one of the elements in the breaching of the lease on the property?"

Speaker Kubik: "Representative Wennlund."

Wennlund: "Yes. There's a specific provision in the Bill that provides that a mobile home owner's refusal to pay his rent is cause for eviction."

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Speaker Kubik: "Representative Granberg."

Granberg: "Representative, I don't want to belabor this, but I see all these issues out there and I see a rent control. I don't know why we'd do this just for this specific industry. I don't know why we don't do it on the south side of Chicago in the private apartments because those older people who move in there can't afford to move out. This is a transient...people who buy mobile homes are voluntary. So, Mr. Speaker, to the Bill and I thank the Representative for his time. You know, this...this...we talk about keeping government out of our private lives and now we're going to regulate one certain specific part of an industry. We're not going to regulate anything else, but we're going to inject rent control in this specific instance. I don't understand why we do it...would do it in this specific instance. If we're going to do it, it should be public policy for everyone, not for one industry. If you're going to do it, it should be fair for all people, all senior citizens. We should do it on apartments if that's what should be done as a matter of policy. But this is injecting rent control into the private sector for trailers. No one else. This is not the way good government policy is conducted, is initiated. It's not across the board. It's not something we should do and I urge a 'no' vote."

Speaker Kubik: "The Chair...Further discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

Schakowsky: "Thank you, Mr. Speaker. I really appreciate being recognized. My spouse's name was used in debate and I don't know if that qualifies. In any case, for my comments. I do want to say, though, to Representative Novak, I know Bob Cramer and he's no Bob Cramer. But in

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any case, on behalf of...on behalf of my spouse and myself, I certainly would like to applaud the Sponsor for this legislation and in all seriousness, senior citizens who by and large are the occupants of mobile homes will certainly benefit by this legislation. And despite the whistling that I hear, you can certainly count on my vote, Representative."

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

Saviano: "I move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' All those in favor say 'aye'. Those opposed say 'no'. The opinion of the Chair, the 'ayes' have it. Representative Wennlund to close."

Wennlund: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Particularly, those of you who have mobile home parks within your district...those who have mobile home parks within your district, and most of them you'll find are filled with senior citizens living on a fixed income, all this Bill does is set forth some standards by which a court could determine whether or not rent increases were reasonable or unreasonable. It does not prevent a landlord, is not rent control, it does not prevent a landlord from increasing his rents on an annual or more often basis. It merely sets some standards by which a court could determine whether or not these rent increases are reasonable or unreasonable. A mobile home is not like an apartment. You can't just pick up your furniture and leave it because that's your investment. Senior citizens have their life savings invested in these mobile homes that are located in these mobile home parks, where there are

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services like sewer and water and cable TV and telephones and electricity. Senior citizens living on fixed incomes have no alternatives. They can't just pick up and move that mobile home. They need some avenue through the courts to determine whether or not their increases are reasonable. And all this does is set forth some standards of reasonability and I ask for your support."

Speaker Kubik: "Before we move...Representative Granberg, for what reason do you seek recognition?"

Granberg: "Thank you, Mr. Speaker. With due respect, I would request a verification on this matter if it receives the requisite number of votes."

Speaker Kubik: "The Gentleman has requested a verification. Thank God that only took two seconds to ask for. Okay. The Gentleman has moved for the passage of House Bill 815 and on that question, all those who are in favor of the Bill will vote 'aye'; those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk...Representative Leitch, we are in the middle of a Roll Call. Now, the Chair will be very, very lenient and recognize you, but please, for what reason do you arise?"

Leitch: "If this Bill fails, I'd like a verification."

Speaker Kubik: "Representative Leitch, you should pay attention to the debate. Representative Granberg, the five minute man, has requested a verification. Have all voted who wish? Mr. Clerk, please take the record. On this question there are 10 voting 'aye', 100 voting 'no' and 3 voting 'present'. Mr. Granberg, do you persist in...The Gentleman does not persist. This Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr.

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Clerk, Resolutions."

Clerk McLennand: "House Resolution 41, offered by Representative Churchill, Rules Committee."

Speaker Kubik: "Mr. Clerk, Committee announcements."

Clerk McLennand: "Committee notice. Rules Committee will meet at 5:00 p.m. in the Speaker's conference room. Rules Committee will meet at 5:00 p.m. in the Speaker's Conference Room."

Speaker Kubik: "Mr. Clerk, please read House Bill 884."

Clerk McLennand: "House Bill 884, a Bill for an Act in relation to municipalities. Third Reading of this House Bill."

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

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 884 has been amended with Floor Amendment #3 which became the Bill. It amends the Illinois Private Activity Bond Allocation Act, to limit the amount of bond allocation or cap that non-home rule municipalities can be granted for a single project. The limit under this proposed Bill will be approximately 12.5 million for non-home rule projects. This Bill also will amend the Act to prohibit sales...cash sales of cap by non-home rule communities or state bond authorities. And I'd be happy to try and answer any questions."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 884 and on that is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. And before you start my time or parliamentary inquiry, how many votes will this Bill take to pass?"

Speaker Kubik: "Representative Lang, this Bill will require 60 votes, and this Bill is a reallocation of unused volume cap

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allocations and is exclusively regulated by the state pursuant to the Illinois...pursuant to 30 ILCS345. House Bill 884 is consistent with the state's exclusive regulation and does not preempt home rule powers. Mr. Lang."

Lang: "Well, I thank you for reading that preprepared statement, Mr. Speaker, however, this is not exclusively granted to the state. These are allocations that are owned by...I'll wait till you can listen to me, Mr. Speaker. Thank you. These are allocations that once the state gives it to the local government, it's their's to use any way they like for one full year. The state has no say-so in what they do with those allocations. Those allocations belong to them, not to the state. Now, what you're saying is, that you're taking back the ability to use those. You're eliminating their ability to sell those. You're saying within that one year period they now can't do what you've already told them they can do. So, you're giving them the thing, they have the thing, and now you're telling them they can't do whatever they want to do with that thing. Accordingly, you are preempting their rights in something that is exclusively in their control during that year. It's not in the state's control during that year, it's in their control. And if you limit that in any way you're limiting home rule, and in so doing you need 71 votes. Can I ask the Parliamentarian to rethink this?"

Speaker Kubik: "Representative Lang, the Chair has ruled. Now you have your options, but the Chair has made it's ruling. Representative Lang."

Lang: "Thank you. Then I would move to overrule the Chair. I would ask for a Roll Call Vote and I would ask to verify if it should receive...Well, we'll hold off on that. Thank

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you."

Speaker Kubik: "Okay, you are within your rights. The question is, 'Shall the Chair be sustained?' Those in favor of the Motion will vote 'aye'; those opposed shall vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 64 'ayes', 53 'nos', and Representative Lang...Representative Lang, do you persist in the verification?"

Lang: "I would ask...bear with me one second, Mr. Speaker."

Speaker Kubik: "Mr. Lang."

Lang: "No, you can take that off the board. I have...but if you'll acknowledge me now I have some questions if the Sponsor will yield."

Speaker Kubik: "Yeah, before we do that, we...there are 64 'ayes', 53 'nos', none voting 'present'. The Chair ruling has been sustained. Mr. Lang."

Lang: "Thank you. The Sponsor will yield, Sir?"

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

Lang: "Thank you. Representative Balthis, how are you today, Sir? Representative, we've discussed this when you presented your Amendment #3, which is now the Bill, and I likened this to the Federal Pollution Credits that polluters trade with each other to try to stay under the artificial caps that have been set for them. Is it not the case on this that if you take these very small allocations, which are hardly usable today by these local governments and which they get on a per capita basis, and just simply give them back to the Governor. Aren't we giving the Governor a whole lot of power over what will become a very large pot?"

Speaker Kubik: "Representative Balthis."

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Balthis: "Representative Lang, as you stated before, the state has these allocations. The local communities request them and they're given out to those local communities and I believe by May 1st, if they have not used them, they automatically revert back to the state. So there is an understanding of how this allocation gets to the local community and the law was changed some time ago that automatically by May 1st, as I understand it, the allocation reverts back to the state. And that's been going on for some time."

Speaker Kubik: "Representative Lang."

Lang: "However, these allocations today are very small. Communities are getting a \$1,000 or \$3,000. They amount to very little and so communities aren't using them, and so of course they revert back to the state and the Governor does what he does with them. However, some of the communities have been selling them and so some communities may get together and get some value out of that \$1,000 or \$3,000 allocation. And one community buying several of them up may actually have a pot of money worth using. Therefore, what you're really doing here is giving these per capita grants out, but they're completely worthless. They can't be sold, they're too small to use and so it's a feel good thing. So the Governor says, well, here take these, but I know at the end of the year I'm going to get them back cause you can't use them for anything. How does a local government use a \$1,000 or \$3,000 allocation? If they can't sell it to somebody else, what good is it?"

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, the state receives an allocation on a per capita basis of \$50 per resident. A non-home-rule community can request any amount of that. Currently, this

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year we had one community request \$125 million to use for a single project in one community and they were awarded that. That means that all those other communities that you're concerned about don't have any cap left to be able to request from the Governor's Office. And the Governor's Office gives these out on a first come, first serve basis, and that's part of the problem, is there's not enough to go around and we're simply trying to reduce the amount that any one project can receive so that every community in the state will have an opportunity to use these."

Speaker Kubik: "Well, I find your comments regarding the one project for \$125 million curious cause my understanding is there's only \$120 million in the fund. How did we work that out?"

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, the cap for the State of Illinois for 1995 was \$580 million."

Speaker Kubik: "Representative Lang."

Lang: "Well, what's in the cap and what's in the fund are two different things. So if the fund only has \$120 million in it today, how is it going to pay out \$125 million to this one municipality?"

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, first of all, the City of Chicago maintains their cap. It's never returned to the state. It's used by the city in any fashion that they want to. So the City of Chicago is not affected by this language, this legislation, at all. Secondly, if there's only \$120 million left today in the fund, that's because that \$125 million is already out of the fund and that cap has already been allocated. But when we started the year, the State of Illinois had \$580 million of cap, less, less the amount

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that the City of Chicago received."

Speaker Kubik: "Representative Lang."

Lang: "Well, you raise another very good point, Sir. Why should the City of Chicago be treat...Listen up, downstaters. Why should the City of Chicago be treated differently than everybody else? First of all, they would keep their money. Second of all, they get three years instead of one year. Why do you want to treat the big bad City of Chicago with such great deference?"

Speaker Kubik: "Representative Balthis."

Balthis: "Being a suburbanite..."

Speaker Kubik: "Representative Balthis, to answer the question."

Balthis: "Being a suburbanite so close to the City of Chicago, I'm very proud of some of the good projects that they use this money for."

Speaker Kubik: "Representative Lang, your time has expired. The Gentleman from Clinton, Representative Granberg, is recognized. Representative Granberg."

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

Speaker Kubik: "Indicates that he will yield."

Granberg: "Representative Balthis, again, I want to make sure I understand this concept. So, currently, our local communities have access to these bonds and the federal revenue. Is that correct?"

Speaker Kubik: "Representative Balthis."

Balthis: "They have access to them through the State of Illinois by request."

Speaker Kubik: "Representative Granberg."

Granberg: "And these are federal funds, Representative Balthis?"

Speaker Kubik: "Representative Balthis."

Balthis: "There are no federal funds involved. It's simply a private activity bond that can be issued for manufacturing

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purposes, for local community purposes, that have a source, a local source of revenue, other than general obligation bonds."

Speaker Kubik: "Representative Granberg."

Granberg: "So if it has to go through the state and they have to make this request of the states, can you please compare in contrast what your legislation does, how it changes that factor in the equation?"

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, the only thing this changes is to put a cap on the amount...a single project. One community could request \$12.5 million on three projects, if those projects met the criteria. It simply says that we want to have more available for all communities rather than letting one large community use up the entire cap."

Speaker Kubik: "Representative Granberg."

Granberg: "But I think what you're trying to address is a problem...a perceived problem of communities that they're exploiting other communities bonding authority, or they have the ability to pool that authority. Is that correct?"

Speaker Kubik: "Representative Balthis."

Balthis: "Communities can still pool under this...under this proposal. If there is a joint project between two communities, they could request an allocation from that. So that is not affected by this legislation."

Speaker Kubik: "Representative Granberg."

Granberg: "Well, I thought the purpose of this was to allow these small communities to pool, to go after any size project they would like, to take these initiatives that they do not have the financial ability to undertake normally. And this would now, I believe, limit them in their ability to do that by setting a cap. I understood that current law

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provided that my municipality could go with 30 municipalities downstate in an effort to pool this fund in an attempt to draw business or whatever we need to do downstate. Now this would now limit the amount and it would also, I thought, make them go back to the state because these funds go back to the state, that now you put this extra jump or this extra hurdle for these communities. They would have to go back to the state for additional authority. Is that correct or is...am I misunderstanding your legislation?"

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, non-home-rule communities have no allocation. They have to request that allocation on a per project basis from the State of Illinois. So that process does not change. It just simply says that they can only...they can only do a project at \$12.5 million on an individual project. It does not say that they can't do three or four or they cannot pool. It simply limits a single project at \$12.5 million."

Speaker Kubik: "Representative Granberg."

Granberg: "So, local municipalities right now can go and enter into a dialogue with each other, trade these things, pool them, do whatever they would like to do. Is that correct?"

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, non-home-rule communities don't get the allocation until they request it from the state. Once they request it from the state, up to a \$12.5 million on a project, they can enter into agreements with other communities if they so choose. They can trade and they can pool."

Speaker Kubik: "Representative Granberg."

Granberg: "So, currently, non-home-rule communities can buy from

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a home rule community. Your legislation will now prohibit that."

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, we did some research on the federal and the state law. There is nothing in the federal or the state law that permits or speaks to the issue of selling. These things were not because when you sell them, if somebody pays 25 to \$50,000 for these bonds, that reduces the amount of those private activity bonds that can be used for a project. So by selling them, they're actually reducing the intent of the original law to put these things in place for economic development."

Speaker Kubik: "Representative Granberg."

Granberg: "But, our small communities can have access to those...those bonds under the current law. I'm just concerned this is going to be an impediment to our small communities because currently they can go to these larger municipalities or home-rule units and purchase them as a group or as a single entity. And I'm not sure why we're limiting their authority to do that, Representative, because I'm afraid any time you put a limit on what our locals can do, either as a entity...a single entity or as a group, that serves as an economic disadvantage to our communities in central and downstate Illinois. I don't know why we're trying to get involved in the free market again as to what they can and can't do, and we try to limit their options because I would think if they have this availability, our municipalities should be able to do whatever they want to do if they have the wherewithal. So why do we try to put these restraints on our locals because why get involved? This is the markets? Let them enter into a dialogue with each other, let them talk, let them

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negotiate, let them do what they need to do. And why should we inject another layer of government into this process that seems to be working very well the way it is?"

Speaker Kubik: "Representative Balthis."

Balthis: "Representative, one of the problems is, it is not working. Because when one community can come in and take \$125 million of the cap for one project, that means those communities you're concerned about have no cap available to them. So, we're trying, by this legislation, to make it possible for everybody. And to speak to your other issue, this does not restrict a non-home-rule community from going to a home rule community and getting part of their cap. It does not restrict that at all. It just simply says that the only cost that that home-rule community can recover is legal fees or other expenses they might incur in that transfer. It simply allows them...it puts a cap on and it allows them to still do what they're doing right now by getting a cap from other communities. That has not changed at all."

Speaker Kubik: "The Gentleman from Cook, Representative Durkin."

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

Speaker Kubik: "The Gentleman has moved the previous question.

The question is 'Shall the main question be put?' All those in favor say 'aye'. Those opposed say 'no'. In the opinion of the Chair the 'ayes' have it. Representative Balthis to close."

Balthis: "Thank you, Mr. Speaker. I would just point out to the Members that are concerned about smaller communities, the Illinois Municipal League was involved in the negotiations, in putting this language together. They're very supportive of it because it helps the small communities. The communities that need this legislation are the ones that

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Representative Granberg was worried about. This legislation is here to help those small communities and I would ask for your 'aye' vote."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 884. And on that question, all those who are in favor of the Bill will vote 'aye'; those opposed will vote 'no'. The voting is now open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question there are 66 voting 'aye', 42 voting 'no', 5 voting 'present', and this Bill, having received the Constitutional Majority, is hereby passed. The Gentleman from Champaign, Representative Winkel. For what reason do you arise?"

Winkel: "Mr. Speaker, I'd like the record to reflect that I would have voted 'yes' on the House Bill 884."

Speaker Kubik: "All right. Representative Winkel, the Journal will so reflect. For what reason does the Lady from Lake, Representative Gash, arise?"

Gash: "Mr. Speaker, I'd like the record to reflect that I would have done the same."

Speaker Kubik: "The record will reflect in the Journal that Representative Gash, had she been able to, would have voted 'yes'. Mr. Clerk, please read House Bill 935. 935."

Clerk McLennand: "House Bill 935, a Bill for an Act to amend the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Kubik: "The Chair recognizes the Gentleman from Lake, Representative Salvi."

Salvi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 935 simply allows Lake County the same benefit that DuPage County has. Wherein if a municipality wants to annex property on the other side of a forest

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preserve the municipality has to get the permission of the forest preserve. It's become an important issue in Lake County, it's worked in DuPage County, so we are seeking the same benefit under the law for Lake County as DuPage County has. I would be happy to answer any questions."

Speaker Kubik: "The Gentleman has moved for the passage of House Bill 935. And on that is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. One moment. Thank you, will the Sponsor yield?"

Speaker Kubik: "The Sponsor indicates that he will yield?"

Lang: "Representative, I don't understand why you want to do this. Maybe you could tell us what the need for this is."

Speaker Kubik: "Representative Salvi."

Salvi: "The Lake County Board came to me, Representative, and indicated that they feel that there is potential for abuse by municipalities that annex non-contiguous land that cannot be effectively served by that municipality. Where development may harm other nearer municipalities. So, we'd like...I think it's appropriate to allow the forest preserve district to have a say as to whether or not a particular municipality can annex property on the other side of the forest preserve. It's worked well in DuPage and we have that experience to guide us and we'd just like to lower the threshold to include Lake County as well."

Speaker Kubik: "Representative Lang."

Lang: "You've indicated that there is some concern about the potential of abuses, are there any...is there any record of any abuse that you can point to us?"

Speaker Kubik: "Representative Salvi."

Salvi: "Well, yes, I feel personally and I know that many of my constituents feel that there is looming a potential problem

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with regards to one village in my district and a forest preserve there, and we think that this Bill would be helpful in that circumstance."

Speaker Kubik: "Representative Lang."

Lang: "So, would it be fair to say then that the County of Lake came to you in advance of a specific problem within Lake County that they are trying to get you to resolve?"

Speaker Kubik: "Representative Salvi."

Salvi: "No, I don't think that's accurate. As I said, Lake County feels there is a potential for abuse by municipalities in these types of situations. But you did ask me if there was one specific example of such abuse and I cited to you one such case, but I think that it is nonetheless a concern county-wide. And again we have looked at the situation in Lake County, we see...DuPage County and we see that it's worked there. We'd like to have the same benefit in Lake County."

Speaker Kubik: "Representative Lang."

Lang: "For those of us who don't understand what the legalities are here and what kind of abuse you're talking about that the Lake County people are worried about, perhaps you could give us more details about the one potential situation that you're referring to."

Speaker Kubik: "Representative Salvi."

Salvi: "Okay, Representative, again, I feel that this is something that's important to Lake County. The Lake County Board asked me to carry this for them and you asked me for an example. I cited an example, the example is Hawthorn Woods. The Village of Hawthorn Wood wants to annex beyond the forest preserve and I feel that it's appropriate to allow the forest preserve to have a say in a situation like that. And that particular situation was the reason that I

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agreed to Sponsor this Bill that the Lake County Board had put together before even knowing about the situation. But it is nonetheless a very good example as to why a Bill like this is important to Lake County."

Speaker Kubik: "Representative Lang."

Lang: "Thank you. If your Bill should pass then, the only municipalities that would have the non-contiguous annexation problem would be those in counties of populations under 500,000, those with populations over 3 million. Why should we not have a uniform policy on this, why don't you just make this state law for everybody?"

Speaker Kubik: "Representative Salvi."

Salvi: "Representative, my county board asked me to do this. I think that might be a good idea. We're taking this one step at a time and if you'd like to join me in sponsoring that or if you would like me to Co-Sponsor a Bill that you present, I would be happy to do that because maybe it is a good idea. But in my view, it makes more sense and...for us to apply this to counties with larger populations. Lake County is growing in population and our experience is that we need something like this. I think it makes a lot of sense to apply this to larger population counties, but if you feel that it'd be something good for other counties, I'd be happy to work with you on that."

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

Lang: "Thank you, Madam Speaker. I'm joined by the requisite number to remove this from Short Debate."

Speaker Wojcik: "A little more hands. Okay."

Lang: "Thank you. Representative, you indicated Co-Sponsoring a Bill with me. If we do it, I think you'll have to be the lead if we want it to pass. Representative, I still don't

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know why, as a Representative proposing a Bill, you propose one with uneven state policy. Can you explain?"

Speaker Wojcik: "Representative Lang, you will have to bring your remarks...questions to a close. Representative Salvi."

Salvi: "I'm doing this as a favor to Lake County Board and they requested that I do this. I think there's a good rationale for only applying it to the counties with larger populations. I think that it is possible that elsewhere there's a need for this but I haven't heard about that. All I know is that Lake County wants this and right now this type of benefit is only allowed in two other counties. So we want to just ask that Lake County be included and now it would be three counties that have this law."

Speaker Wojcik: "Representative Lang."

Lang: "Well, don't you think it would have made some sense to take a look at the whole policy of this and propose something that was not uneven? Why do we continue to pass uneven legislation? Things that apply in one county and not in another county. Why don't we do it for everybody?"

Speaker Wojcik: "Representative Salvi."

Salvi: "Representative, I think we're making it more even. Right now it's just two counties and we're making it three counties. So we're getting closer to your objective."

Speaker Wojcik: "The Gentleman from Cook, Representative Dart, is recognized. Mr. Clerk, announcements."

Clerk McLennand: "Rules is meeting immediately in the Speaker's conference room. Rules, immediately in the Speaker's conference room."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you, Madam Speaker. I would like to yield my time to Representative Lang."

Speaker Wojcik: "Representative Lang."

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Lang: "Well, thank you, Madam Speaker and Representative Dart for your courtesy. Representative, I'm back. Hi. Representative, isn't this what we call special legislation? You're changing a population threshold just to take care of your own county because they're concerned about a particular problem which may happen sometime in the future. Isn't that not only special legislation, but anticipatory special legislation?"

Speaker Wojcik: "Representative Salvi."

Salvi: "No, I don't think it is. I think there's a rationale for limiting this law to the counties with the largest population because they are the ones that face this problem of municipalities needing to annex across forest preserves."

Speaker Wojcik: "Representative Lang."

Lang: "Who was it that came to you with this legislation? Was it the Lake County Board? Was it the Municipal League? Who's proposal is this?"

Speaker Wojcik: "Representative Salvi."

Salvi: "Well, Bill Black claims that it was him. But it was, I think, perhaps Bill that told the Lake County Board to tell me to carry this."

Speaker Wojcik: "Representative Lang."

Lang: "Well, you're not helping your Bill, Representative, by including that Gentleman. As fine as he is, he's not a resident expert on here on municipal matters. So it was the Lake County Board that asked you this and did they pass some sort of Resolution? Was it a unanimous Resolution of the Lake County Board or was it just the chairman or how did this information get to you?"

Speaker Wojcik: "Representative Salvi."

Salvi: "This was part of the legislative package that the Lake

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County Board presented to the members of the Lake County legislative delegation, Representative, and I had agreed to pick this up on behalf of the Lake County Board. I believe it was unanimous. I think they unanimously asked us to carry this legislation for them."

Speaker Wojcik: "Representative Lang."

Lang: "So did the Lake County delegation unanimously support this legislation?"

Speaker Wojcik: "Representative Salvi."

Salvi: "I'm not certain, but I believe that that's the case. I have not heard of any objection from Lake County and as you know, the committee also recommended this unanimously. The Cities and Villages Committee."

Speaker Wojcik: "Representative Lang."

Lang: "Were there any witness slips in opposition to this Bill in committee?"

Speaker Wojcik: "Representative Salvi."

Salvi: "There were not. There is no opposition to this Bill."

Speaker Wojcik: "Representative Lang."

Lang: "Who are the proponents of this Bill in committee?"

Speaker Wojcik: "Representative Salvi."

Salvi: "Lake County."

Speaker Wojcik: "Representative Lang."

Lang: "So the only witness slip was from Lake County?"

Speaker Wojcik: "Representative Salvi."

Salvi: "That's correct, Representative. To my...you know, in my recollection there were...there was only one witness slip."

Speaker Wojcik: "Representative Lang."

Lang: "And have you indicated to me, because I'm not up on my census data, that the only county affected by this change is Lake County?"

Speaker Wojcik: "Representative Salvi."

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Salvi: "Yes, Lake County is the third largest county in the state and we have a population well over 500,000."

Speaker Wojcik: "Representative Lang."

Lang: "Well, it's 516,418 as of the last census. That's what my notes show. Representative, are there any counties just below 500,000, so that maybe if you moved it down 475 or 450, there would be other counties included?"

Speaker Wojcik: "Representative Salvi."

Salvi: "We don't think that there will be any counties in the next census that will go over 500,000."

Speaker Wojcik: "Representative Lang."

Lang: "Well, Representative Salvi, I thank you for answering my questions. I'm going to be anxious to see how the Lake County delegation votes on this Bill that is obviously very important to...to your county fathers. And I thank you for your help, Sir."

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

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

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

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

Speaker Wojcik: "The question is, 'Shall House Bill 935 pass?' All those in favor signify by voting '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', no 'nays', 4 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr.

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Clerk, please read House Bill 1069."

Clerk Rossi: "House Bill 1069, a Bill for an Act amending the Criminal Code of 1963. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Lindner."

Lindner: "Thank you, Madam Chairman (sic-Speaker). This Bill is requested by the State's Attorneys Office and the head of the Child Advocacy Center. It does two things. It adds grammatical corrections to the definition of sexual penetration to address situations found in child abuse cases as sexual abuse cases, and also, adds an Amendment to the hearsay section to allow investigators to testify to excited utterances if they are acting as representatives of the Child Advocacy Center. I would entertain 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: "She indicates she will."

Dart: "Representative, as you have mentioned before, this is a Bill that the Child Advocacy Advisory Board has proposed? Who are they and what is their expertise in this area to be proposing language like this?"

Speaker Wojcik: "Representative Lindner."

Lindner: "Was your question who...who are Child Advocacy Center people? Child Advocacy Centers are set up under existing law under 55 ILCS/80-3, which directs every county to set up a Child Advocacy Advisory Board and members are appointed by each county from the Sheriff's Office, State's Attorney, County Mental Health Department and DCFS to the board, and this Advisory Board adopts a written child sexual abuse protocol. And in those counties where they have them, they designate the Child Advocacy Center to

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investigate cases of sexual abuse on children."

Speaker Wojcik: "Representative Dart."

Dart: "Madam Speaker, I would ask to have this taken off of Short Debate and I am joined by the requisite number of my colleagues. Thank you. Representative, I do not have the Amendment in front of me right now. The changes in the definitional section involves... What are those changes? Why are we changing those?"

Speaker Wojcik: "Representative Lindner."

Lindner: "The changes in Section f1 was a grammatical change in f1 and f3. In f2, is a change that they have found in cases of child pornography to make sure that they can address those cases and you ask a number of questions last night. They did go over those definitions. Yesterday, you wanted to know if they excluded anything, if this definition was too specific. They said, 'no', that this definition did not exclude anything existing and that it was gone over by them and by the state's attorneys and it was approved by the Illinois state's attorneys."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. The technical ones, I was fine with. What is the actual change in B or the second one, the actual language change, and is that the one that is not...I mean, it is not technical...and why is that necessary?"

Speaker Wojcik: "Representative Lindner."

Lindner: "It is necessary because they found that the present definition did not cover this situation that is often found in child pornography cases and I will give you a copy. We have an extra copy of the Amendment if you would like to read that."

Speaker Wojcik: "Representative Dart."

Dart: "Representative, I can see why you don't want to read this

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to me. This change here, though, is strictly for pornography cases then? I mean, it could be interpreted for all, but the thrust of it was as a result, problems with pornography cases?"

Speaker Wojcik: "Representative Lindner."

Lindner: "I didn't hear your question."

Speaker Wojcik: "Representative Dart."

Dart: "The change would obviously apply to all sexual offenses, but the thrust of the change came about in regard to child pornography or pornography in general cases?"

Speaker Wojcik: "Representative Lindner."

Lindner: "Yes, that is correct."

Speaker Wojcik: "Representative Dart."

Dart: "And now, did the second matter that you and I had talked about, I think it was yesterday, in regards to the second portion of this Amendment dealing with the 115-10 hearings, were you able to get a Resolution on that as far as the...whether or not this would cause any problems with some of the cases which have already come down from the Supreme Court in regards to these types of hearings?"

Speaker Wojcik: "Representative Lindner."

Lindner: "Yes, I did have that researched by our able staff member, Frank Strouss, and according to the case of People v Novak which is found at 242 ILAP 3rd 836, the out of court statements by children and prosecutions for sexual acts committed upon them created in Section 115-10 was not an infringement upon the judicial power of the courts as the statute falls within the General Assembly's power to define and implement the common law, and there are several other cases that were looked up that reemphasized that."

Speaker Wojcik: "Representative Dart."

Dart: "Thank you. And so, it is your understanding, based on

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those cases, that there is no problems with us making specific references to protocols and other interviews specifically held by Child Advocacy Boards. Namely, my concern is by specifically listing them, the Child Advocacy Board. We are in no way going to exclude police departments or other types of individuals in a similar capacity who interview children?"

Speaker Wojcik: "Representative Lindner."

Lindner: "Yes, you are correct."

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

Lindner: "I would just ask for a favorable vote. This is something that is needed to allow child abuse sexual offenders to be prosecuted. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 1069 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', 0 'nay', 6 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1197."

Clerk Rossi: "House Bill 1197, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this House Bill."

Speaker Wojcik: "The Chair recognizes Representative Salvi."

Salvi: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. House Bill 1197 is really very simple, there's a 100 year old law in this state. We discussed this when we presented our Amendment at great length but to refresh your recollection, House Bill 1197 says that the law that is now

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in existence and has been in existence in Illinois and it says that a bar cannot locate within 100 feet...within a 100 feet of a church or a school. It will be that law we're attempting to amend so that if a church or church affiliated school wants to move into an area where there is a bar in the area, then they can waive that 100 year old law, and I would appreciate your favorable consideration. It's a simple Bill, we discussed it at great length when we presented the Amendment and I'd be happy to answer any questions."

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

Granberg: "Thank you, Madam Speaker. I'm joined by my requisite number of colleagues to remove this Bill from Short Debate, please. And if the Gentleman would yield?"

Speaker Wojcik: "He indicates he will."

Granberg: "Thank you, Representative. We discussed this Bill briefly yesterday and it's my understanding now that, you were kind enough to enter into some negotiations with us to make sure the clarification on the language. Has anyone contacted you from the organizations that we discussed in reference to the intent of your legislation in order to make that clarification?"

Speaker Wojcik: "Representative Salvi."

Salvi: "Yes, the group proposing this Bill, a group of people who are pastors of churches that are in urban areas, indicated to me that they were in agreement with you in their analysis of this Bill. But I haven't had a chance to talk to them since you and I talked, Representative Granberg. So, if you would like to for a matter...as a matter of legislative intent to clarify that aspect of the Bill that you're concerned about, I'd appreciate it."

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Speaker Wojcik: "Representative Granberg."

Granberg: "Thank you, Representative. I do not have a statement or those specific items to read into the record, so if we could just briefly discuss your intention on what you're attempting to do here and I agree with you...with your intent, I think that would be sufficient for, not only your religious groups, but for all groups involved in this area of concern. So, once again, Representative, if you could just explain to the Body and into the record why you are attempting to deal with this legislation. I believe it has a limited impact and your rationale for doing this in House Bill 1197."

Speaker Wojcik: "Representative Salvi."

Salvi: "Yes, a church or school may waive under this Bill the restrictions pertaining to real estate owned or leased by it by recording a waiver to that effect with the recorder of deeds. The waiver shall be effective for a period of time specified in the waiver may be perpetual. The lessee may not effectively waive these restrictions beyond the term of its lease unless the owner of the land joins in the execution of the waiver. If there is a bar in the area and a church comes in and agrees to waive the aspect of the law that says that churches can't be within a 100 feet of a establishment selling liquor. If they make that waiver and the bar or liquor establishment then folds or the owner sells it to some other person and then suddenly there's a new owner of the bar, the waiver is still in effect and if there's a lapse period of time, a year or whatever where there is no sale of liquor or for whatever reason there's not any kind of activity, then the waiver still is in effect. So, nothing can be done to result in a situation where all of a sudden the church is there, there was a bar,

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there was a waiver filed and then bar somehow loses its right and gets kicked out or if the next owner of the bar, you know, gets kicked out. That's not going to happen, that's not the intention of the Bill. So, as a matter of legislative intent, Representative Granberg, let me make it very clear when a waiver is filed it will continue as long as the waiver, you know, specifies it will continue no matter what happens with regards to the liquor license or the ownership of that particular facility."

Speaker Wojcik: "Representative Granberg."

Granberg: "So, it is my understanding, Representative Salvi, you're attempting to address a very limited set of circumstances where a church would like to go into a densely populated area were there might be existing licensees, the owners of retail liquor licenses. They are seeking access to those densely populated areas. The licensees are currently there, they have been there for a long periods of time. Your pastors and the people associated with these different churches would just want the ability to move into those limited number of areas currently because they are currently prohibited under law that they cannot do that. They cannot have access to those areas. So, when these limited number of churches come in, they in no way can impact what would happen with existing licensees. They move into that area, the existing licensee will retain that license. They can not negatively impact the ownership of that license, is that correct?"

Speaker Wojcik: "Representative Salvi."

Salvi: "That is exactly correct and very well put, Representative Granberg. We're trying to make sure that the intent of the original law stands and we're also trying to ensure that if a particular church wants to go in an urban area that they

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are not prevented from doing so as a result of a law that was designed to protect the churches themselves."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative, not only is it not your intention to affect the current licensee, but that current licensee can transfer that license in the future and there will be no impact or no interference with any future licensee's ownership rights in that license, on that property, by the impact of a church or religious group moving into that territory within a 100 feet of the licensee. Is that correct?"

Speaker Wojcik: "Representative Salvi."

Salvi: "That is exactly correct."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, Representative, I want to thank you very much for your cooperation in this, I know you were concerned and you addressed those concerns of the communities involved in this area of business. And with that clarification, Sir, I think there should not be a problem because I know that was know your intent to allow this to happen. Because certainly licensees have those existing rights today, they should be able to transfer that license to anyone they choose and not be impacted, negatively impacted by any group that's moving in there in the near future. So, Representative, with that, I thank you and I rise in support of House Bill 1197."

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

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

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

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Salvi: "Yes, I'd appreciate your favorable consideration on House Bill 1197."

Wojcik: "The question is, 'Shall House Bill 1197 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 'ayes', no 'nays', 4 voting 'present' and this Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk McLennand: "Committee Report from Representative Churchill, the Chairman from Committee on Rules. To which the following Bills, Resolutions and Amendments were referred, action taken on April 27, 1995 reported the same back with the following recommendations: do adopt House Resolution #41 and Senate Joint Resolution #43. Do approve for consideration, Floor Amendment #1 to House Bill 1229, Floor Amendment #2 to House Bill 1610 and Floor Amendment #1 to House Bill 353."

Speaker Wojcik: "Mr. Clerk, please read House Bill 1523."

Clerk McLennand: "House Bill #1523, a Bill for an Act in relation to occupation taxes. Third Reading of this House Bill."

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

Murphy, M: "Yes, thank you Ladies and Gentlemen. I bring before you House Bill 1523, which amends the Service Occupation Tax Act. The Floor Amendment #1 becomes the Bill. It provides that a sales tax exemption for dental appliances including but not limited to dentures, bridges and crowns. This was suggested by the Illinois Dental Society and I urge your favorable approval and I'll be happy to answer any questions."

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

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

Speaker Wojcik: "She indicates she will."

Dart: "Representative, what exactly are we exempting here?"

Speaker Wojcik: "Representative Murphy."

Murphy: "A sales tax collection by dentists with regard to dental appliances that they professionally apply in their offices. Now, when they purchase these dental appliances from labs, the labs had paid at some point some sales tax along the way."

Speaker Wojcik: "Representative..."

Murphy: "That is not exempted."

Speaker Wojcik: "Representative Dart."

Dart: "I'm sorry, I was unable to hear the last part of that, Representative."

Speaker Wojcik: "Representative Murphy."

Murphy, M.: "A sales tax that is collected on the part of the lab, when the lab buys the supplies to make the dentures or the bridge work, that's the point of where the sales tax is. Once it's in the dentals office and then in your mouth, as the dentist hands you your bill, fee would not reflect a sales tax."

Speaker Wojcik: "Representative Dart."

Dart: "Is...is this a tax then that's...that presently is passed on then to the consumer?"

Speaker Wojcik: "Representative Murphy."

Murphy, M.: "I...I have not seen a number of these. I think what's been happening is as part of the services, so we do not have a service tax. I'm not sure I've ever seen a dentist be in large compliance with regards to the sales tax. It is a nuisance tax, I'd like to speak to the

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average about \$23.97 could be collected according to the figures of the Illinois State Dental Society and if there are audits or methodology to try to have compliance if it's the Department of Revenue's opinion that it should be being collected. The cost is really rather significant as opposed to the small amount of tax it could possibly be collected."

Speaker Wojcik: "Representative Dart."

Dart: "Representative, what...what other, what other exemptions do we give for these type of...for similar...like crowns and bridges and the like. Do we have similar exemptions for other professions right now?"

Speaker Wojcik: "Representative Murphy."

Murphy, M: "Yes, Representative, as a Member of the Revenue Committee, you know, we go through this year after year. There is personal property purchased from a corporation, not-for-profits. We have about 17 different ideas: graphic arts, farm chemicals, aqua-culture, personal property, purchase from teacher-sponsored student organizations, fuel and petroleum products and it goes on and on. Oil field expiration, photo processing machinery. So, many times in the professional employment fields that where it is part of their business than traditionally or so...with this plenty that has...has been exempted in this regard."

Speaker Wojcik: "Representative Dart."

Dart: "Is the Department of Revenue for this, or opposed to this or neutral. What's their position?"

Speaker Wojcik: "Representative Murphy."

Murphy, M: "The Department is neutral."

Speaker Wojcik: "Representative Dart."

Dart: "Is their projected revenue loss, would occur by not taxing these?"

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Speaker Wojcik: "Representative Murphy."

Murphy, M: "The fiscal note from the Department of Revenue shows it's not determinable."

Speaker Wojcik: "Representative Dart."

Dart: "Now, is there anything...I mean, Representative, is...could this not be seen as...to the Bill. This is an exemption, I understand what the Representative's trying to do here, however I...I don't know if this is the proper way to go about doing it. What this is doing is setting a dangerous precedent that we will constantly fall into, where we will continue to lose more and more revenue into the state by cutting out more and more exemptions. Next year we'll have...we'll have...well, as a matter of fact, we've already had exceptions for bull semen I believe, if I'm not mistaken. But, we will have more and more exemptions made here which in the end is going to be a net revenue loss to the state. I think...next year we'll have people coming in looking for more and more exemptions and there's nothing to prevent them from doing that obviously. But, it's a dangerous precedent and it's going to be a net loss to the state in the amount of money that we are going to be taking in if we keep cutting these exemptions in. In particular to this Bill itself, it is a exemption very specific to the dental industry and a dental industry alone, and for that reason I question whether or not this is something we should be doing."

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

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

Speaker Wojcik: "She indicates she will."

Lang: "Thank you. Hello, Representative, how are you? It's my new friendly approach. Pretty good, huh? Hi guy's, nice

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to see you. Hi chief, how are you."

Speaker Wojcik: "You're using your time Representative."

Lang: "That's...that's fine, no problem. Representative, why do you feel that these folks should be singled out, I'm over here. Why do you...hi. Why do you feel that these folks should be singled out, Doctors, hospitals, supermarkets, optometrists, pharmacists? They all comply with the 1% local assessment. Why are these folks going to get this exemption?"

Speaker Wojcik: "Representative Murphy."

Murphy, M: "Thank you, Representative for your astute question. I want to reiterate that the supplier...the supplier, if the supplier of the denture or bridge is registered with the department, then there is no sales tax. So, there's been some confusion as opposed to...Representative, I'm over here. And we are trying to take some bite out of the tax that's imposed on dental work. Thank you."

Speaker Wojcik: "Representative Lang."

Lang: "The question however, Representative, yoo hoo, Representative, the question however was, why if all these other people are paying this assessment, why should these folks be exempted? After we exempt these folks, everyone else that's paying this is going to come in. I remind you the last such a exemption we gave was for a bull semen. Representative Hartke can speak to that. But, why are we doing this now? Why these folks."

Speaker Wojcik: "Representative Murphy."

Murphy, M: "You know, some people over there might know more about the bull part than I was aware of, but on the other side of the coin, we will take everyone of these exemptions in the Revenue Committee as we have over the years and review them and scrutinize them, Representative. This did

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pass the Revenue Committee by a vote of 7 'yes', 2 'no' and 2 'present'."

Speaker Wojcik: "Representative Lang."

Lang: "But, Representative, I've said this over and over again and you can look at the clock, but you got plenty of time. Representative, over here, I'm here. Representative, over and over again I've been talking about consistency in government on this House Floor. Why is this consistent? You know you're going to get these other requests. Why don't you tell us now if you're going to be okay on the supermarket exemption or on the optometrist exemption. Or are you going to be for all of those? Let's do them all now, if you're for them."

Speaker Wojcik: "Representative Murphy."

Murphy, M: "Representative, I have voted and scrutinized the various exemptions as they've come before the Revenue Committee and yes, it is a growing list. I think that there was...seeing that there was not an indeterminable impact on the state. It certainly merits more support than opposition at this time."

Speaker Wojcik: "Representative Lang."

Lang: "Madam Speaker, to the Bill. You know over and over again I see an effort here to keep people from paying taxes. I suppose that's fine. I suppose we're not all that thrilled about taxes of any kind. It's a dreaded word, we never want to talk about it around here. I see that everybody wants to save money for everybody. I see that yesterday the Treasurer of the State of Illinois took a \$30 million debt and just threw it in the garbage can. So, we're interested in saving a lot of money for a lot of people around here, but that's not what we're here for. We're here for responsive government, we're here for government

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that say's we're going to treat people equally. We're not going to take debts that some people owe the state and do away with them. We're not going to say to one group, well you pay this tax while another similarly situated group does not have to pay a tax. So, I don't know whether I'm really for this particular exemption or not, but what I will tell you is that we have no business piece-mealing legislation in this House of Representatives. Let's have policies that are uniform. Let's not have Bills that, that say well if your within this population or over that population, or under this population or exactly 863 people, then you get an exemption or then you don't get an exemption. And let's not say your entitled to a tax exemption here if you're a dentist, but not if your an optometrist, what's the difference? There's no difference logically, ethically, or morally. This is not what we ought to be doing. What we ought to be doing is finding policies on taxes. Policies on all the issues that affect the citizens of our state, that are uniform and consistent so that we don't have to come back every year and change them. So, for that reason alone, you should vote 'no'."

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

Currie: "Thank you, Speaker and Members of the House. I, too, rise in opposition to House Bill 1523. As a matter of historical interests, a few years ago the optometrists came to us and they said, you know, we don't like paying this local tax, not so easy. But instead of just saying okay we'll exempt you but not all the other people similarly situated, we work through the Department of Revenue with some kind of amnesty period, greater clarity so they knew how to pay the tax. They went ahead and paid it, their

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being good citizens today. I can appreciate why the dentists don't want to pay this tax at the local level, but it seems to me clear that if we say 'yes' to the dentists, the optometrist will have every good reason to come back next year, the doctor's the year after, and all the medical appliances with which we deal as citizens, as people who need help will be right back there saying no, no, no, there will be no local tax imposed. How about the taxes we pay for the toothpaste we buy at the local level, or the food that we buy? Surely, that's as worthy a target of our decision to end a tax program as is this one. The Sponsor tells us, the Department of Revenue does not oppose this Bill. Well, of course it doesn't oppose this Bill. The money we're talking about here is money for local units of government and the Department of Revenue is always happy to cave to whatever special interest wants to take it out of your school district, your local municipalities and others that provide service to each and everyone of your constituents back home. The precedent this sets is a dangerous precedent. We've dealt with requests from groups like this in the past, but we found a way to make them comfortable with the way the paperwork, the problem of paying the tax. I think we would be doing a disservice to other medical professionals, certainly to the clients of all medical professionals, certainly to all of us who buy food and pay a 1% tax at the local level. If we were to say that this is the priority, exemptions from local taxes, sales taxes for dental appliances. So, I would urge a 'no' vote on the merit, on the public policy implications and on the future revenue implications of House Bill 1523."

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

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

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

Murphy, M: "Yes, I'd like to bring up figures as to why you should...I would urge a 'yes' vote. There are approximately 5000 dentists in the State of Illinois. It isn't the lab...is charged approximately 1% tax and 5,000 dentists have an average lab billing of \$23,000. It would be approximately \$23.57 in tax per dentist that we are exempting out of approximate total loss of a \$117,000. This is serious when it comes to the dental...dentist obligation to discern if the lab has a record with the Department of Revenue. There are legal and financial burdens to the dentists and possible criminal penalties and audit costs upon them professionally if they do not seek...if they do not have conformity. We're talking about \$23 a dentist. An audit would surely cost more of that in CPA charges and this is hardly the volume that some of the opposition has tried to bring to the floor. I would appreciate your...your scrutiny on this, know that it's a limited amount and that we certainly don't want to be locking up dentists and having severe consequences due to the miscalculation of this small tax. I urge your 'yes' vote. Thank you."

Speaker Wojcik: "The question is, 'Shall House Bill 1523 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 78 voting 'aye', 37 voting 'no', 1 voting 'present'. And this Bill, having received the

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Constitutional Majority, is hereby declared passed. On the order of Second Reading, is House Bill 2337. Mr. Clerk, read the Bill."

Clerk Ross: "House Bill 2337 has been read a second time previously. Amendment #3 was adopted in Committee. No Motions have been filed. Floor Amendment #8, offered by Representative Pedersen, has been approved for consideration."

Speaker Wojcik: "The Gentleman from Cook, Representative Pedersen, is recognized."

Pedersen: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Amendment #8 to House Bill 2337 just amends the funding of the interstate compact for receivership. The Amendment would allow state funding for the internal administration of this receivership to be allocated from the department's financial regulatory fund. The language currently in House Bill 2337 would provide for this funding to be provided by the state at 25% and by the industry at 75%. So, we already have these fees and the law and the money goes to the regulatory fund, and the Department of Insurance feels there is adequate funding in this current mechanism to cover the costs of our share in this interstate compact. This language, therefore, would allow Illinois to pay it's portion of the compact cost from existing funds and the financial regulatory fund and... So, I would ask for an 'aye' vote on Amendment #8."

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

Lang: "Thank you for recognizing me, Madam Speaker. I recognize you, too. Nice to see you."

Speaker Wojcik: "Nice to see you, too."

Lang: "Will the Sponsor yield?"

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Speaker Wojcik: "He indicates he will."

Lang: "Representative, how are you today?"

Speaker Wojcik: "Representative Pedersen."

Lang: "You know, you can tell me later. Representative, this isn't another one of those Bills to allow fourteen year olds to drive a Zamboni, is it?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "You know, I was at a rink recently and I talked to the Zamboni driver and asked him if you represented the Zamboni drivers' union, and he was going to check into it."

Speaker Wojcik: "Representative Lang."

Lang: "Well, the way my law practice is, Sir, I would represent anybody. So, Representative, let me ask you about your Bill which neither you nor I understand. Could you tell me what this Bill is? You read it, but tell me...look right at me and tell me what it does, Sir, because I don't know what you said."

Speaker Wojcik: "Representative Pedersen."

Pedersen: "I will talk about the Bill on Third Reading. All we are talking about is changing the funding mechanism for the interstate compact. We can do that through the currently what is on the books in our regulatory fund. You know, that is a dedicated fund and there is enough money there that they get so they feel, the Department of Insurance, feels that they can cover this cost which is not very great without any increase in fees or whatever, at least for now."

Speaker Wojcik: "Representative Lang."

Lang: "Representative Pedersen...Pedersen, Sir, Sir, what does the Amendment do? You have read it three times. No one in the room understands what the Amendment does. I really don't. I really don't. You are making a change to allow

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them to pay certain things they can't pay now, correct?
But I don't know what those things are and why they can't
pay them now."

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Language in House Bill 2337 will provide for this
funding to be provided by the state at 25% and by the
industry at 75% of these fees that are already a part of
the law and the money collected goes into the department's
financial regulatory fund, currently. And there is enough
money in that fund to, at least for the time being, pay for
the cost of this compact when it is approved. And all this
Amendment does, is change the funding from an extra fee to
just relying on what we are already collecting under the
current law."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I am certain that the Body feels that you have shed
some light on this Amendment, Representative. Is it your
position that the Department of Insurance cannot do this
now without this Amendment?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Well, the Bill provides for collecting extra money
that isn't needed. So, we changed it. The Department of
Insurance says we don't need to charge additional fees for
the cost of this compact."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. Is this a Bill, a project of the Department of
Insurance? Is this their idea?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Well, the idea has been batted around a lot by INCOIL,
the Department of Insurance in Illinois and in several
other states and we are...it is an attempt to deal with
receiverships of insurance companies and so, a lot of

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people have been working on it. And as I say, there is pretty much universal approval and consent and agreement on this, so we are all working on this now to try to put it in place."

Speaker Wojcik: "Representative Lang."

Pedersen: "That's the Bill. It's not the funding. The funding is already there."

Speaker Wojcik: "Now, Representative Lang."

Lang: "Thank you. I think I forgot my next question. Representative, are the insurance companies of Illinois in favor of this Bill?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "The insurance companies have been a major player in all the discussions."

Speaker Wojcik: "Representative Lang."

Lang: "Did this Bill go to any substantive Committee for debate, Sir?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Yes, a very prestigious insurance Committee."

Speaker Wojcik: "Representative Lang."

Lang: "And, were there any dissenting votes or any witness slip in opposition?"

I see Mr. Parke shaking his head no, but..."

Speaker Wojcik: "Representative Pedersen."

Pedersen: "No."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I just have to thank Representative for his very forthright and deep concrete explanation of what this does.

I sure am still confused, but I thank you for trying."

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

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Deering: "Thank you, Madam Speaker. I would at this time, like to yield my time to my good friend and colleague and everybody's friend, Lou Lang."

Speaker Wojcik: "Representative, I think he is done. I think he closed. Didn't you close? Representative Lang."

Lang: "Thank you. I thank my good friend and colleague, Representative Deering, everybody's friend for his time and will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Lang: "Hello, Representative, how are you? Representative, how much is this going to cost the state?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Well, the Fiscal Note says that...first year about \$100,000 and then thereafter, possibly a couple hundred thousand. The... As the compact grows and progresses, it may increase some, but as I said that those monies are available in the fund that is already there, the regulatory fund. So, it won't involve additional taxes or payments this year on the part of the participants. Are you sure you wouldn't rather talk about Zamboni?"

Speaker Wojcik: "Representative Lang."

Lang: "Sir, is this a fee increase on the insurance companies in our state?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "No."

Speaker Wojcik: "Representative Lang."

Lang: "Well, that is right. Isn't a fee decrease on the insurance companies in our state?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "The fee is the same and it is already there. It hasn't changed."

Speaker Wojcik: "Representative Lang."

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Lang: "Without this Amendment, wouldn't the industry have to pay more to accomplish these investigations?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Yes, the Bill provides for fees that are the same rates as in the law now, but as long as they are already paying that fee and there is adequate money in the fund to cover the cost, it was felt that it wasn't needed."

Speaker Wojcik: "Representative Lang."

Lang: "So, apparently there is a surplus in the fund today. How much is that surplus?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "I asked that question and they said it was small."

Speaker Wojcik: "Representative Lang."

Lang: "Well, then I am really confused, Sir. You are going to do more work with the same money, but you are not going to need more money to do more work. I don't understand how that works. Now you are getting some help I see. You want to do more things with the same money, but there is no reserve in the fund. How will you ever do it with the same money?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Well, there are legislators and there are even government employees who feel that what our real goal in government should be is to do a better job for less money. So, I... When they said it wouldn't...we wouldn't need any additional money at this time, we wouldn't have to ask for more money from the insurance company at this time that I... It is either that their fund has adequate money to cover the initial cost which may not even be incurred for a year or two or they are just going to include it in their daily work. And I would assume it would be that second."

Speaker Wojcik: "Representative Lang."

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Lang: "Sir, wasn't there testimony in committee that there was \$700,000 left in that fund?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "I don't remember any figure like that."

Speaker Wojcik: "Representative Lang."

Lang: "Well, you wouldn't call \$700,000 a small sum would you? You said there was a small sum left in the fund. That is not a small sum is it? Representative Murphy, earlier, indicated that it was only \$117,000 a year on that other thing. So, \$117,000 there and \$700,000 here, pretty soon you are talking about serious money, aren't you, Sir?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Well, that is your figure. I'm not buying into that. I... The money that goes into that fund is used for other purposes than just this. This is just one tiny part of what they have to do."

Speaker Wojcik: "Representative Lang."

Lang: "Are there any other states that require their own departments to pay for this compact?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "There are several states where legislation like this is being offered this year. I understand Nebraska has a Bill ready for the Governor to sign that we have several states in the midwest who are involved in doing the same thing, and the compact does provide for an assessment of each state, equal share. So, they will all be paying the...their share somehow. This is how we are going to pay ours. We already have a fund there where we can pay it out of."

Speaker Wojcik: "Supplemental Calendar Announcements."

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

Speaker Wojcik: "Any further discussion? The Gentleman from

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Bureau, Representative Mautino, is recognized."

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

Speaker Wojcik: "He indicates he will."

Mautino: "Representative, in setting this...in setting these fees here, should additional states join the compact? Will the department be allowed to raise any fees necessary through the industry? Is that option left to them, should the cost and increase?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Well, the fees that the companies are paying now are set and if those fees are adequate to take care of this cost, there will be no change. But I assume that whether this is a part of it or not, if the time came when the costs had gone up and the insurance companies needed...I mean, the insurance department and this particular fund needed additional funds, I imagine they would be coming to us to ask for it, but they have never done that."

Speaker Wojcik: "Representative Mautino."

Mautino: "The idea with the compact being that in...when the states would join together, should a company go in to receivership, then the states in the compact will have set up their own rules or the rules on how that is to be handled to protect the customers or Illinois policy buyers that may have gotten policies from out of state companies?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "That is correct, but I will really cover that more when I...on Third Reading."

Speaker Wojcik: "Representative Mautino."

Mautino: "And as the number of states increase, hopefully right now, you are looking at two to five states. But if we do get more states and the cost of administration does go up, you have not precluded the agency from having the power to

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go ahead and make the assessment on the industry itself, correct?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "That is correct although, we think as the company...more companies get into it, that they may actually start coming down."

Speaker Wojcik: "Representative Mautino."

Mautino: "Who at this time, or who is standing...who is supporting your Amendment? What groups? Are they in agreement at this point, the department, the industry?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Yes, they are in agreement. We... I think we have... I have a couple of sources of support: the American Council of Life Insurance, the National Conference of Insurance Legislators (you know we call that INCOIL), the National Association of Insurance Brokers among others."

Speaker Wojcik: "Representative Mautino."

Mautino: "How long...Now, this is not... Should a compact be put together, you are still looking two to three years out before they would actually have the rules?"

Speaker Wojcik: "Representative Pedersen."

Pedersen: "I think that is correct. That is about, you know, there won't be a compact until two states have proved legislation."

Speaker Wojcik: "Representative Mautino."

Mautino: "Thank you. To the Bill, I just stand... To the Amendment, I stand in support of the Amendment. I believe that the compact is in the best interest of the consumers of the State of Illinois. This Amendment itself is going to allow the department to go ahead and begin the administrative process. Hopefully, we will be joined by California and Texas who are also looking at this program

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and I see it as a good policy for the state. I would appreciate your support."

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

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

Speaker Wojcik: "The previous question has been put. All in favor, signify by saying 'aye'; all opposed vote 'nay'. Motion carried. Third Reading. The Chair is in error. We acted in haste. One moment. Representative Pedersen. All those in favor of House Amendment #8, signify by voting 'aye'; opposed 'nay'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the Amendment, there are 95 'ayes', 17 'nays', 14 voting 'present', and the Amendment having the number of votes, is hereby declared passed. Mr. Clerk, any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Wojcik: "Third Reading. Mr. Clerk, read House Bill 2337."

Clerk McLennand: "House Bill #2337, a Bill for an Act to improve the Interstate Insurance Receivership Compact. Third Reading of this House Bill."

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

Lang: "Thank you, Madam Speaker. I do wish to speak to the Bill, but before I do, I just would like to say to the Chair we appreciate the fact that you have indicated that you acted in haste, and it just proves our point. You see, when you debate these Bills deliberately with depth and you take your time, the Body knows what it is about and if the Chair would simply take that...whether it is you or someone else and you are one of the best in the Chair, Madam Speaker..."

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Speaker Wojcik: "I'll take that as a compliment..."

Lang: "If you could just continue to do the slow deliberate way that legislation should be passed in, we would appreciate it. Now I would ask if the Sponsor would yield?"

Speaker Wojcik: "Representative, we have to have the Sponsor present the Bill. I have recognized you for the point of privilege, personal privilege."

Lang: "Thank you."

Speaker Wojcik: "Thank you for your comments."

Lang: "Oh, surely."

Speaker Wojcik: "Representative Pedersen."

Pedersen: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. House Bill 2337 creates the Interstate Insurance Receivership Compact Act, provides for Illinois' entry into the Interstate Insurance Receivership Compact. The compact is intended to provide for efficient, cost effective and uniform insurance receiverships, that is liquidations, and related insurance regulatory matters. The compact takes effect upon enactment by two states, provides that compact rules have the force of law, requires the approval of all compacting states to amend the compact. The problems under the current system occur because state laws for the liquidation of insolvent, insurers are not uniform. These laws provide for the liquidation of the insurers assets and the assessment of other insurers to pay the insolvent insurers claims and other liabilities up to certain limits. State laws however, differ in who is protected, what policies are covered and how much would be paid in benefits and policy claims. With the insolvency of a multi-state insurer, these differences can result in unequal treatment of policy holders of the same failed company. The intent of this

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Bill is to ensure uniformity and oversight in the administration of the estates of multi-state insolvent insurance companies which should provide better protection of policy holders, creditors and consumers. Existing state based insurer receivership guarantee fund systems have been the subject of some critical commentary and interstate compact is seen as an alternative to a federal takeover of a function currently controlled by the states and naturally, we wouldn't want that. So, this is a good Bill. It has... Everybody is agreed to it, everybody's studied it, everyone's had input and I would urge an 'aye' vote on House Bill 2337."

Speaker Ryder: "Representative Ryder in the Chair. You have heard the Gentleman. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang, Sir."

Lang: "As soon as I complimented the last Speaker, they change Speakers. I don't know why that is. Apparently, they don't trust the previous Speaker. Will the Sponsor yield?"

Speaker Ryder: "I doubt they trust the current Speaker either. The Sponsor indicates that he will yield."

Lang: "Hi, Representative, how are you? Hello, Representative. Hi, Carol. Hi, everybody. Representative, is the Interstate Insurance, whatever, Commission still in your Bill?"

Speaker Ryder: "Representative Pedersen."

Pedersen: "Yes, the Interstate Insurance Receivership Compact is in the Bill."

Speaker Ryder: "Representative Lang."

Lang: "How many members and how are they chosen? No doubt by the Governor, Sir, but tell us how that works."

Speaker Ryder: "Representative Pedersen."

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Pedersen: "Each insurance commissioner is a member and each commissioner has one vote."

Speaker Ryder: "Representative Lang."

Lang: "It is real important to me to know, Sir, how these people get appointed. If it is not on that paper, we will try to get it to you, but I don't know. How do these people get appointed to the commission."

Speaker Ryder: "Representative Pedersen."

Pedersen: "The compact provides that the insurance director or the insurance commissioner in each state serves on this compact."

Speaker Ryder: "Were you finished, Sir?"

Pedersen: "Yes."

Speaker Ryder: "Representative Lang."

Lang: "Well, if anyone knows what he said, come and tell me later. Representative, are there any consumer appointees to this commission?"

Speaker Ryder: "Please approach Representative Lang in single file. Representative Pedersen."

Pedersen: "Well, there is no provision for it, although there is a possibility to appoint an advisory committee."

Speaker Ryder: "Representative Lang."

Lang: "Well, wasn't this the Bill that you removed the consumer or was that some other Bill you had? You have had so many Bills regarding insurance and commissions and groups and interstate compact, so I just don't remember. Didn't you have a Bill where you removed the consumer member? Was this it?"

Speaker Ryder: "Representative Pedersen."

Pedersen: "Well, consumers don't have that right under our current laws. We do have laws about liquidations and receivers and they don't have that, and I vaguely remember

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you asking something about a consumer, but it has been awhile and so I kind of forget."

Speaker Ryder: "Representative Lang."

Lang: "Well, you vaguely remember and I vaguely remember also, which is why I asked. Representative, why and how is this different from the Illinois Guarantee Fund, and since we have the Illinois Guarantee Fund, why do we need this?"

Speaker Ryder: "Representative Pedersen."

Pedersen: "Well, the problem is that most states have these guaranteed funds, but the states' laws are all very different and if you have a multi-state insurer and you...and the insurance company is domiciled, say in Illinois, you know the policy holders in other states might not...and the other states themselves might not be too happy with the way Illinois is doing things. So, we really need some agreement among the states in order to smooth out the rough spots."

Speaker Ryder: "Representative Lang."

Lang: "Thank you. I do want you to be aware, Sir, that you are the proud recipient of Grow Award for creating this commission. Applause would be appropriate. We are not going to bring it to you. We are not going to bring it to you, but you can have it at the ALLOT Conference, I guess. Oh, Mr. Skinner liked that one. Representative, is this Bill going to cost the taxpayers of Illinois any money because I know you are concerned about the taxpayers of the State of Illinois."

Speaker Ryder: "Representative Pedersen."

Pedersen: "Yes, I am. But the way this is financed is through fees that are paid in part by the State, 25% and 75% by insurers to the extent that taxpayers in Illinois support..."

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Speaker Ryder: "Representative Pedersen. Did you finish your answer, Sir?"

Pedersen: "To the extent that taxpayers support the insurance companies. They are contributing to the costs of this compact to the extent that they pay taxes, that they are contributing to the 25% fee paid by the state, but this is not an increase. I mean, we are living within the current fee system and there is no need for extra money at this time."

Speaker Ryder: "Representative Pedersen to close."

Pedersen: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is a Bill that has been studied and discussed and compromised. We have universal agreement on it. It is a good Bill. It is good for the consumers of Illinois and I recommend that we vote 'aye'."

Speaker Ryder: "You have heard the Gentleman. The question is, 'Shall House Bill 2337 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 106 voting 'aye', 3 voting 'nay', and 7 voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. The Chair recognizes the Lady from Cook, Representative Feigenholtz. For what purpose do you rise, Representative?"

Feigenholtz: "Thank you, Mr. Speaker. I rise in a point of personal privilege. I have an announcement to make. The Chicago Cubs are now locked into first place. They have defeated..."

Speaker Ryder: "Representative, you are not recognized for that purpose. No. Representative, you picked the wrong person

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to be in the Chair for that announcement. Perhaps you might want to finish that later? Representative, did you want to continue your remarks?"

Feigenholtz: "Yes, I do. Does this have something to do with St. Louis, Mr. Speaker?"

Speaker Ryder: "That is it. You are done. Moving to the order of Consideration Postponed, the Chair would ask... Mr. Clerk, please read House Bill 1202."

Clerk Rossi: "House Bill 1202 has been read a third time previously and is on the Order of Consideration Postponed."

Speaker Ryder: "The Chair recognizes the Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker. Yes, House Bill 1202. I think there was a little misunderstanding before. Basically, all this Bill would do for trucks, allow them to be 65 feet long. Right now, there is no overall length. So, actually right now, you could have a 100 foot long truck. This would say the longest we could have is 65 feet. The other thing it allows them to do is just slide the rear axle back 3 feet, from 42 feet 6 inches, which allows them to slide it back 45 feet 6 inches."

Speaker Ryder: "Thank you, Representative. The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Members of the House..."

Speaker Ryder: "Representative Hartke, you are not about to talk about a baseball score are you?"

Hartke: "No, Sir."

Speaker Ryder: "Thank you. You may proceed."

Hartke: "Mr. Speaker, I stand in support of House Bill 1202. Last year, as Chairman of the Transportation Committee, we worked on this piece of legislation, but could not get the

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language worked out, but Representative Wait and I and several others along with the Midwest Truckers...The Illinois Trucking Association has worked out with the State Police in Illinois, the Department of Transportation has compromised to where we can extend the length and limit the length of semis traveling up and down our highways in Illinois. The new modern trucks and semis that are now running on roads are more aerodynamic and for longer runs they have bigger cabs. This does not allow for any heavier trucks. It does not violate our bridge laws and so forth in the State of Illinois. It will accommodate the trucking industry. It is better for business, small businesses in Illinois and any and all manufacturing that uses trucks in Illinois and makes us in compliance with other states. I would urge my colleagues to support this piece of legislation. I feel the last time, it was not explained quite properly and many people misunderstood what this legislation was all about. So, I stand in support of House Bill 1202 and urge everyone to vote for it."

Speaker Ryder: "Thank you, Representative. The Chair recognizes the Gentleman from Jackson, Representative Bost."

Bost: "Thank you, Mr. Speaker. I, also, rise in support of this piece of legislation. I think it was not explained to where people understood the last time it was presented. The length will not be increased. This is a good Bill. It will allow a savings to the people in your district on the fact that if they are moving into their area, they can keep it at a lower priced cost because they can keep it on a larger truck, bring it into their area. It does not increase the weights. The weights are not increased. These trucks should still be able to move in and out between your roads because they would be able to slide

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their rear axles forward with the newer model trailers and be able to move in and out without any danger to the people of your district. I think it is very important that we support this and I would appreciate everyone voting 'yes' on it."

Speaker Ryder: "Thank you, Representative. The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker and Ladies and Gentleman. To the Bill. I voted 'no' on this Bill previously, but after discussing this for some time at length with Mr. Wait and Mr. Hartke, I have seen the light and I would just recommend that you vote for this bill."

Speaker Ryder: "Thank you, Representative. And on that very positive note, call upon the Gentleman from Boone to close, Representative Wait. The Gentleman asks for the adoption of House Bill 1202. The question is, 'Shall House Bill 1202 pass?' All those in favor vote 'aye'; all those opposed '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... Mr. Clerk, take the record. On this question, there are 102 voting 'yes', 14 voting 'no', 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, returning to the order of House Bills - Third Reading, please read House Bill 730, 730."

Clerk Rossi: "House Bill 730, a Bill for an Act amending the Public Utilities Act. Third Reading of this House Bill."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Murphy."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen. I bring before you House Bill 730. While we revisited this

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issue a year ago, House Bill 730 calls for a complete repeal of the Retail Rate Law. For the Representatives who earlier talked about the amount of money that is given away in subsidies, this is the biggest subsidy of all, and I would urge your affirmative support. I know there'll be questions, so at this point I'll invite any questions that you may have."

Speaker Ryder: "Thank you, Representative. The Chair wishes to first recognize the Gentleman from Cook, Representative Harold Murphy. Sir."

Murphy, H.: "Well, thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates she will yield for questions, Sir."

Murphy, H.: "Representative, what's the nature of this Bill? Why is it necessary?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Representative, a year ago we had approximately four incinerators of various kind poised to be taking valuable dollars out of the General Revenue Fund of this state, four incinerators in suburban Cook that can cost us almost \$2 billion, \$2 billion not a 117,000. There are now 28 incinerators poised to take advantage of this very ill thought out subsidy that no waste incinerator has yet to receive and it's time we acted promptly and responsibly and removed this subsidy."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Yes. But, Representative, don't you think it's a little late for that in view of the fact that the bonds have been sold already?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "The bonds that were sold had a zero bond rating and

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we have some opinions that would show that we are on good constitutional ground and for the public good we can not...we can repeal this subsidy and we should. It is...in the public interest to stop this subsidy, to stop the Robbins facility from getting the subsidy because if we exempted Robbins out, Representative, there would be eight or ten incinerators poised to sue the State of Illinois to have the same treatment."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Representative, where you think that would leave the State of Illinois bond rating if we were to appeal this now?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "I know this is Murphy to Murphy debate, but I do need to hear the question again. I apologize, Representative. If you could say it again."

Speaker Ryder: "Please give Representative Murphy and Representative Murphy your attention. Representative Murphy."

Murphy, H.: "I said, if you want to repeal this, where would that leave the State of Illinois bond rating at this point in time?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "For the record, I'd like legislative intent to show that what one General Assembly gives, another General Assembly is not bound to. The State of Illinois in no way backed up those bonds, they were junk bonds, lower than junk bonds, they had a zero rating and they're upfronted with the assets of a fortune 200 firm, namely Foster Wheeler."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Representative, do you know what our bond rating is

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right now, as we speak?"

Speaker Ryder: "Representative. I'm sorry Sir, were you finished with your question? Okay. Representative Murphy. Sir, had you asked a question? Representative Murphy. I apologize for the confusion."

Murphy, H.: "I asked the Representative if she knows how we stood as it relates to bond rating in the State of Illinois, as it relates to other states?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "The more important point I'd like to make, Representative. No, to the first question, there will be a \$47 million savings to the General Revenue Fund if House Bill 730 would be cancelling the six facilities fueled by solid waste that are currently approved for operation. Forty-seven million dollars in savings, Representative and I do not believe there'll be an impact on the bond rating of the State of Illinois."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Question was, were would we rate at this point in time, as we speak? Do you know?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "I do not know what the effect would be."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Okay. Thank you. You said subsidies, I might point out to you, Representative, of that's all we've being doing lately. Let me give you a couple of figures here. We have..."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "...City of Chicago, \$150,000,000. We have Motorola, \$32,000,000. We have Mitsubishi, \$300,000,000. Now, how do you explain that Representative?"

Speaker Ryder: "Representative Murphy."

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Murphy, M.: "The money figures that you are reflecting I did...don't know the relevance. I do not know the relevance to the repeal of the Retail Rate Law which is what House Bill 730 is limited to do."

Speaker Ryder: "Representative Murphy, you are out of time. Could you bring your remarks to a close please, Sir?"

Murphy, H.: "Hopefully I have some friends here because I several other questions..."

Speaker Ryder: "Sir."

Murphy, H.: "...before I close."

Speaker Ryder: "Sir. There are several other folks seeking recognition. If I hit the right name that refers to you I'll be glad to, but the next person up is Representative Younge. Representative Younge."

Younge: "Yes, thank you, Mr. Speaker. I'd like to yield my time to Representative Murphy."

Speaker Ryder: "It was a lucky choice on my part. Representative Murphy."

Murphy, H.: "Representative, we're talking about subsidies. As I mentioned those other subsidies, that's all we're talking about. So explain that to me, will you?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "To put the figures beyond the fact, above the fact that you're trying to allude to. Robbins would be receiving \$300,000,000 from the retail rate law, \$405,000,000 in TIF funds and possibly tens of millions of dollars in municipal bond funding. This is simply business welfare, Representative, and if Robbins or any of these incinerators can make it on there own, God bless, let them do it the old fashioned business way without a subsidy from the state."

Speaker Ryder: "Representative Murphy."

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Murphy, H.: "Representative, I've been trying to explain though. We're not doing it the old fashioned way based on those giveaways I just gave an example of that's number one. But number two, are you aware where this money will be coming from? It's not from the general fund and if it's not from the general fund, could you tell me where it would be coming from?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "The reduction will be in the General Revenue dollars on an annual basis from the State of Illinois without insurance of ever getting a dime back, with no interest rate. It's a loan no bank would ever make."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Representative, that's simply not true. What about the utility companies? And not only that, for every dollar they receive, you'll get \$21 back. What about the utility companies?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "I need a clarification of his question, if I may have one."

Speaker Ryder: "Representative Murphy..."

Murphy, M.: "I'm trying to hear and I need to have some clarity please."

Speaker Ryder: "...please give the Gentleman the attention he deserves. Representative Murphy, would you restate your question for the Lady?"

Murphy, H.: "Representative, what I said was, I already explained to you that this money is not coming from the General Revenue Fund and you say it is. Then I asked you, what about the...what about the electric companies? What about...since we're talking about a trash to energy, this money cannot be used for anything else. I mean it can't go

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back to the to education. That's not where the money's coming from. So can you explain to me where the money's coming from?"

Speaker Ryder: "Where you finished, Sir? Yes. Representative Murphy."

Murphy, M.: "Yes. Maybe for those of you that weren't here to visit this big scenario we saw last year, it needs to be explained that the Retail Rate Law mandates that power companies must buy energy generated by incinerators at a higher rate than they generally would be purchasing it at. In exchange for doing so, not that the power company needs this power, not that it's going to be steady reliable power, they were held harmless in 1989 when this was signed into law and the power companies are given a reduction in their income tax...to the State of Illinois. Meaning, if there was no Retail Rate Law, the power companies in essence would be paying more to the State of Illinois. That is where the loss of money is attributed to, Representative."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "...loss of money. I want it to be clear where the money is coming from. And it was the wisdom of the Legislators to pass the law in 1989, so I think it's a good law. We shouldn't be trying to repeal that law. However... however, this plant is being built at this point and time. The bonds have been sold and what you think we ought to do with the people who invested their money already and to these bonds? What should happen to these people? And some of them, of course, have their life savings and their homes and things. What should happen to these people?"

Speaker Ryder: "Representative Murphy."

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Murphy, M.: "There are millions and millions and millions of dollars going to finance. If we're going to speak about the Robbins as an example, Representative, I am very versed on that. The bond money is not coming from the little old ladies of Beardstown Investment Club, Representative. Rather it is coming from private investors who would buy junk bonds at great risk. More importantly the Village of Robbins has created a 23 year TIF district, so the money will be coming out of the schools at treasury and not to the improvements to any property. And it..."

Speaker Ryder: "Bring your answer to a close please."

Murphy, M.: "...there's additional federal subsidy with regards to the tax exemption. So they have federal, state and local welfare, if you would, to build this incinerator."

Speaker Ryder: "The Chair recognizes... Representative Murphy, your time is at an end. The Chair recognizes the Gentleman from Cook, Representative Eugene Moore."

Moore, E.: "Yes, Mr. Speaker. I yield my time to Harold Murphy, Representative Murphy."

Speaker Ryder: "Representative Murphy, you seem to have a great number of friends on this issue. Your time shall begin, Sir."

Murphy, H.: "Thank you very much, and thanks so much Gene, and all the other friends I have. We, the City of Robbins, is the largest city around that south suburban area in which most of the citizens of Robbins support the project. Let me point this out to you, Representative, and I want you to let me know what we should do about the towns that signed on for 20 years to take the trash to energy program from Robbins. Are you aware of how many towns there is surrounding Robbins, are you?"

Speaker Ryder: "Representative Murphy."

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Murphy, M.: "No, I'm not."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Well, I'll tell you who they are and you might change your mind. Number one, and most of these cities, towns or villages happen to be in my district. Number one would be Country Club Hills. So what would you say to the mayor of Country Club Hills and the citizens and the city council of Country Club Hills, what would you say to them? They signed on with the program already."

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Representative, I have the Robbins redevelopment estimated project cost and, Representative, I firmly believe that if this were good business deal, with a 23 year TIF district, with towns signing on a 20 year contracted period. If they can make money they will, but let them do it without a state subsidy."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Yes. Representative, would you please answer the question. Now, I know it's kind of loud in here and I'm going to ask you the question again. There are several towns around Robbins that signed on for 20 years to take their services. And most of those towns, cities or villages happen to be in my district. And my question to you was, the first one was Country Club Hills. And I asked you if we repealed this, what would you say to the man at Country Club Hills and the city council? That's my question."

Speaker Ryder: "Representative Murphy."

Murphy, M: "The repeal of the Retail Rate Law will not only affect the potential incinerator in Robbins but Havana, Beardstown, Summit, McCook, Batavia, Olney, Bourbonnais, Ford Heights and many others. This is a larger fiscal

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concern area, Representative. And it's astounding that representatives of various villages would sign on for a 20 year contract, but if Robbins or other incinerators that met the criteria can be built and can operate at a profit, we certainly wouldn't want to lend them dollars to have them go file bankruptcy. If this is a good business transaction, then the facility you were mentioning could still be built. Those villages could still have their contracts in place. I am simply questioning the wisdom of moving forward with such an expensive subsidy that we do not need in today's fiscal constraints. This is expensive, almost \$2 billion for the four incinerators in southwestern suburban Cook. Estimates of \$1 million per incinerator, per year with 15 on the drawing board throughout this state. It's something we cannot afford."

Speaker Ryder: "Representative Murphy."

Murphy, H.: "Unfortunately, the Representative refused to answer my question and it was quite clear. But just let me run through the towns, cities and villages that surround Robbins who have accepted the services already for a period of 20 years. Those towns would be Country Club Hills, Calument City, Creek, Dixmore, Ford Heights, Markhum, Phoenix, Park Forest, Richland Park, Robbins itself, Steger and Thornton. Now, these are the towns surrounding Robbins. They agree with it. Let me go a step further, Mr. Speaker. And that is, we talk about welfare reform. We cannot reform welfare until we create jobs. This project would create almost a thousand jobs, six (sic-600) of them being construction jobs where people can adequately..."

Speaker Ryder: "Representative Murphy? Representative Murphy, please bring your remarks to a close, I don't want to stop

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you, Sir."

Murphy, H.: "...so a vote, a 'no' vote to appeal this would be a vote to put people to work in the State of Illinois? A 'yes' vote would be a bad vote and particularly and another point would be...the Village of Robbins is about 30% unemployed. The first jobs go to the people in Robbins if they can handle the jobs. So, I would hope for a 'no' vote. If you can't do that a 'present' vote would be the right one. Thank you."

Speaker Ryder: "Thank you, Representative Murphy. The Chair recognizes the Gentleman from Cook, Representative Balthis. Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this Bill. The Chicago Southland Chamber of Commerce which represents nearly 2,000 members in 69 communities in the south suburban area is adamantly opposed to this Bill. Some of their rationale to that to encourage you to support the Robbins facility and against this Bill is a \$385,000,000 worth of bonds under the name of the Village of Robbins. Understand that, these bonds are in the name of the Village of Robbins. They are not in the name of Redding Energy, they are in the name of the Village of Robbins. This project, fully under construction, will employ more than 600 construction workers. There are substantial contracts that have already been let to south suburban community organizations. The facility includes a front end recycling system and 12 south suburban communities have already signed agreements. The repeal, according to the President, Michael Seward of the South Suburban Chamber, a repeal would be an irresponsible act which would likely lead to a financially serious bond default. Such a reversal of policy, particularly policy

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that has resulted in a 385,000,000 commitment to Robbins would send an unsettling message to the nation's business community. Business would not be attracted to invest development dollars in a state..."

Speaker Ryder: "Please give the Gentleman your attention."

Balthis: "...business would not be attracted to invest development dollars in a state with a history of revoking incentives after an investment has been made. The Chicagoland Chamber asks Members of the General Assembly to maintain consistency in policy and we ask you to vote 'no' on House Bill 730. Ladies and Gentlemen of the Assembly, many of us may not agree whether incineration is a sound policy or not, but I think it would be no different than if we repealed the ethanol subsidy that we currently have if we shut down every TIF district in the State of Illinois. This is a wrong message to send to the business community and to others. I don't think we should be doing this on the sense of what's out there right now. We encourage these people to invest millions of dollars. If we do this to the business community on this issue, how are we going to convince them that we're not going to do it on another issue? I think this is the wrong approach to this troubling problem. And I ask you to vote 'no'."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Lou Jones. Representative. Representative Lou Jones."

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

Speaker Ryder: "The Sponsor indicates she will yield."

Jones, L.: "Representative, isn't this Bill aimed at stopping the solid waste co-generation incinerator under construction in the south suburban community of Robbins?"

Speaker Ryder: "Representative Murphy."

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Murphy, M.: "It is a wider scope than last year's 979, Representative, to wipe out the Retail Rate Law for any incinerators that are currently under development."

Speaker Ryder: "Representative Jones."

Jones, L.: "I'm kind of like Representative Murphy now, you're not answering the questions. You were here last year when this legislation was passed, am I correct?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "A similar Bill, House Bill 1450, sponsored by Representative Tom Dart last year, passed out of this House over to the Senate. A hybrid version, namely House Bill 979, did not pass out of this...pass out of the Senate over here, it was defeated in the House."

Speaker Ryder: "Representative Jones."

Jones, L.: "Again, Representative you were here when this legislation passed, am I correct? For this incinerator?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "No, I absolutely was not, I was elected in 1992, sworn in, in January of 1993. This legislation came to us from south suburban Democratic people back in 1988, and I guess it was signed into law in 1989."

Speaker Ryder: "Representative Jones."

Jones, L.: "Representative, have you investigated any other legislation that was passed when you were not here? That you particularly do not like or you want to rectify? That you want to go back and repeal other than this legislation?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Yes. I have...I could give you a short list, Representative. Number one, would be to repeal the School Aid Formula that's for certain."

Speaker Ryder: "Representative Jones."

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Jones, L.: "Would the Lady repeat her answer, please?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Yes. I believe there are quite a few laws that we could repeal. In all sincerity, to repeal the current School Aid Formula and devise a better method for more applicable distribution of tax dollars to my district would be very appealing, Representative."

Speaker Ryder: "Ladies and Gentlemen. I'm going to ask this group over here to remove yourselves to the back. I would ask the same in the hall. I would ask everyone to reduce the level of their conversations and please give the Ladies your attention. Representative Jones."

Jones, L.: "Thank you, Mr. Speaker. Do you have legislation as we speak that would repeal some of those laws now?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "The one that I was speaking about, yes, House Bill 236, Representative."

Speaker Ryder: "Representative Jones."

Jones, L.: "I'm really sorry, I did not hear her answer."

Speaker Ryder: "Representative Murphy."

Murphy, M.: "House Bill 236, the Equity In Education Act, Representative."

Speaker Ryder: "Representative Jones."

Jones, L.: "Representative, are you aware of the money... the monies that has already been invested and spent in this particular project?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "I think it's wrong for us to characterize to our colleagues that only one project will be affected. The scope of 730 is not a hybrid, it does not exempt out any particular industries but repeals the entire retail rate law. Other than the existing landfills for methane gas. I

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am not aware of the entire cost of Robbins. They're ever shifting and changing, but I am aware that the amount of subsidies they get far exceed the amount of costs that they have projected. Total estimated cost of \$415 million, Representative."

Speaker Ryder: "Representative Jones."

Jones, L.: "Representative, I'm going to ask you again. Are you aware of the monies that have already been invested by other cities in regard to this particular issue? Yes or no, are you aware that money has already been invested? Are you aware that monies have been spent? Are you aware that construction is underway?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Yes, Representative, but I do not believe that the withdrawal of this subsidy will impede their progress."

Speaker Ryder: "Representative Jones, you have 30 seconds."

Jones, L.: "So it...Representative it doesn't bother you that the expense that is already gone into this project?"

Speaker Ryder: "No, Representative. I'd like to remind you of the Chicago Tribune. 'If this subsidy occurs incinerators would become the most heavily subsidized development project in Illinois history. Winning sums greater than those used to move Sears to Hoffman Estates, Diamond Star Motors to Normal or Motorola to...'"

Speaker Ryder: "The Chair recognizes the Gentleman from Madison, Representative Davis."

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

Speaker Ryder: "She indicates she will. Please proceed, Representative Davis."

Davis, S.: "Representative, are you aware of what the total remaining capacity of landfill capacity is in the State of Illinois?"

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Speaker Ryder: "Representative Murphy."

Murphy, M.: "I do have in this pile of papers, a chart that shows the landfill capacity is hardly the dire scenario that was painted by in 1988, that paved the way for the way for this generous subsidy."

Speaker Ryder: "Representative Davis."

Davis, S.: "Representative, according to my information from the Environmental Protection Agency, there remains 356 million cubic yards of landfill space and there's 58 active landfills left in 39 counties in the state. And last year the State of Illinois disposed of 45 million cubic yards of waste in these landfills, so simple mathematics would give you a figure that in approximately seven years, we're going to be out of landfill space. Would you agree with that?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Thank you, so much for bringing up the landfills, I know what a serious concern they are to many of my colleagues. More importantly, when we have 16 or 18 incinerators, we will be a magnet for out of state garbage. We already are taking into close to 38% of Missouri's garbage, Representative. The more garbage we burn, the more ash there will be, the more landfills that we will need. The U. S. Supreme Court will hardly allow us to prevent out of state garbage from coming to this state, thus we will be insuring the landfills will be closing even earlier."

Speaker Ryder: "Representative Davis."

Davis, S: "Representative, are you aware of how many cubic yards of landfill waste came out of Cook County last year?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Representative, it's not only the Cook County waste and please don't be so divisive as to regionalize this. I

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understand New York waste is currently coming into Illinois, Missouri waste is coming into Illinois and it's hardly detectable by its odor by the region."

Speaker Ryder: "Representative Davis."

Davis, S.: "Well the answer to that question, I guess I'll have to answer it for you, is 23,888,000 cubic yards of waste from Cook County were disposed of and the remaining capacity in Cook County landfills is 57 million cubic yards. So simple mathematics will tell you in two years, you're going to be out of capacity in Cook County. So I guess you're going to want to send your garbage downstate. Is that correct?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Representative, I believe we should revisit the garbage scenario. We should have a plan of action to take us in the 21st century. We should not open up this hydrant of subsidies so if 4,000 incinerators want to set their sights on Illinois, to take in all the garbage of the entire nation or the Western hemisphere, that we should be draining the coffers of the State of Illinois. Instead we should be trying to stimulate markets for recyclables, like they do in Racine, Wisconsin. They take our two liter pop bottles up to Racine, Wisconsin, have good paying manufacturing jobs and manufacture lawn furniture."

Speaker Ryder: "Representative Davis."

Davis, S.: "Representative, when this legislative Body passed a Retail Rate Law, it's my understanding that one of the reasons behind the incentives on the Retail Rate Law was to help alleviate the problem of our landfills in this state. And that the incentive package that was involved in the Retail Rate Law was put in there just for the sole purpose of constructing these co-generation plants in the state and

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try to alleviate our landfill problems. And what you're doing with this, you're trying to get rid of the very vehicle that is actually creating jobs, creating co-generation plants and trying to alleviate the problems of landfill in the State of Illinois. Is that correct?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Representative, if we would try to work out a better plan for our trash, we would notice that the Chicago Paperboard processes virtually all waste paper. It employs over 100 people and it doesn't take one dime from the state. Paper is 40% of the waste stream and it's the only portion of the waste stream that the incinerator really wants. So in essence, we'll be creating greater ash to clog up more of our landfills. We aren't trying to give a subsidy to the recyclables or to the paperboard industry. Yet that is the very thing that is clogging up our landfills."

Speaker Ryder: "Representative Davis, you have seven seconds, please, Sir."

Davis, S.: "Representative,..."

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

Davis, S.: "Representative...to the Bill."

Speaker Ryder: "Representative Davis."

Davis, S.: "It seems to me that what you're wanting...state. You're wanting to send your garbage to Representative Weaver's district. You're wanting to send your garbage to Representative Balthis's district. You're wanting to send your garbage to Representative Turner's district. You're wanting to send your garbage to Representative Spangler's district. You're wanting to send your garbage to Representative Hanrahan's district. You're wanting to send

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your garbage Representative Bost's district. Representative Poe, Representative Jones, Representative Granberg, Representative Deering and I'm... and my district and we want a co-generation plant in my district! We're going to have one in Wood River and we're going to get it! And I would urge a 'no' vote on this Bill!"

Speaker Ryder: "Representative Davis. Representative Davis, you mentioned Representative Deering twice, which probably is appropriate. The Chair recognizes the Gentleman from Cook, Representative Morrow."

Morrow: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Would the Lady yield?"

Speaker Ryder: "Lady indicates she'll yield for your questions, Representative."

Morrow: "Representative Murphy, last week we voted on a Bill to create a new bonding authority, I think it was the Joliet Arsenal Bonding Authority? How did you vote on that Bill?"

Speaker Ryder: "Representative Murphy."

Murphy, M.: "Do you have the Roll Call, Representative? Do you want to verify my vote?"

Speaker Ryder: "Representative Morrow."

Morrow: "I'm just asking you, do you recall how you voted on it, that's all."

Speaker Ryder: "Representative Murphy."

Murphy, M.: "I really don't, Representative. I'll have someone check on my vote while we discuss the matter at hand."

Speaker Ryder: "Representative Morrow."

Morrow: "Well, I believe everyone on your side voted in favor of that. And the point I'm making is, why is it okay to vote to increase state debt, as you call it, for one issue and it's wrong to increase state debt on another issue as you, as you, so call it. As you say, business welfare. If

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you're going to be consistent let's be consistent down here. If you're against bonding or business welfare then we ought to be against business welfare for everybody."

Speaker Ryder: "Representative...Representative, was that in the form of a question, Sir?"

Morrow: "Yes, and no, but I will proceed. I will proceed. Because just yesterday there was some rumors floating around the media had that happen to catch my ear, that at the Joliet Arsenal, they're talking about using some of that land for a landfill. I don't know if that's true or not, I'd have to talk to the Gentleman that carried the Bill last week but they're talking about using the Joliet Arsenal as a possible landfill. Talking about possibly using it as a golf course. I don't think we should be using state funds to build golf courses, we did that in DuPage County! To the... directly to the Bill. You know, we've passed a lot of legislation to get so called lazy people off of welfare. So we throw them off of welfare. Yeah! Yeah! So, now the mayor of Robbins, one of the most economical distressed cities in this state, says let's employ our people and they came up with this concept. And now you're say, no? We want you to work but we're going to tell you what kind of job we want you to have. Now if they were building \$600 million worth of McDonald's there then it might be all right to have the citizens of Robbins slinging hamburgers because that's economically safe but yet, no one has addressed the issue of waste in this state. When I was a Freshman here, nine years ago, I introduced a Bill that would have created a five county task force to look at the problem of solid waste in this state. Unfortunately, that Bill never went anywhere because everyone told me as a Freshman, young man the world still

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turns without you, so wait your turn. So I waited my turn and as I waited my turn the cost of local government to deal with solid waste increase and increases. We had a Bill last week that if it hadn't been for our side of the aisle fighting it, there was language to let Illinois Power burn waste in its power plants. Now it's okay to burn solid waste in an energy plant but it's not okay to build a waste incinerator for that same purpose? Let's be consistent. This Lady has worked hard to bring some economic development there and I think until someone, someone, those who oppose her, give her another option to create jobs in her city, I think you should keep your mouth shut. Really, keep your mouth shut. And to the issue of business welfare, I hate... I hate to do this because a very respected colleague of mine on your side of the aisle told me not to ever bring this up again, but we gave a guy the biggest corporate welfare the other day. We forgave his loan on a hotel. I have... I haven't heard anybody raise a lot of hell about that! And then... and then he made \$60 million on the sale... on the sale of his shares in the riverboat! And then when he was asked to pay on his loan..."

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

Morrow: "...so then they said, oh no, that's a separate issue. He can make money on one hand and make money on the other hand. I wish I was that greased into the system. Now, I wasn't going to speak on this because this Bill is nothing but a device to allow somebody to get reelected. The Governor is not going sign this because he wants us to give him almost \$3 billion in bonding authority to pay off old bills. I don't see anybody saying, Governor you're wrong

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on borrowing that. We are going to borrow to pay old bills? But yet we're going to take away economic development from all the waste incinerators that are going to be built."

Speaker Ryder: "Sir, you have 15 seconds."

Morrow: "This Bill should be defeated, it's going to be defeated, I already know it. Even if it passed the Governor wouldn't sign it. Let's get onto the real business of why we're here, let's deal with the budget..."

Speaker Ryder: "The Chair recognizes the Gentleman from Vermillion, Representative Black. Representative Black."

Black: "Thank you very much, Mr. Speaker. I've had my light on for about the last three minutes so, thank you very much. I rise to a point of personal privilege. I think I was the only downstate Representative that Representative Davis didn't mention and I am hurt, Sir."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Durkin."

Durkin: "Mr. Speaker, I move to the previous question."

Speaker Ryder: "The Gentleman's moved the previous question. All those in favor...thank you, Representative Black. Representative Davis, for what purpose do you rise, Sir?"

Davis, S.: "Speaker, I rise on a point of personal privilege. My name was just used by my esteemed colleague on the other side of the aisle, Representative Black. So therefore... therefore Speaker, I feel that I do have the opportunity to respond. So I want to get this into the record for Representative Murphy. You also want to send your garbage to Representative Black's district, Representative Mitchell's district, Representative Hartke's district, Representative Boland's district, Representative Smith's district, Representative Hoffman's district, Representative

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Brunsvold's district, Representative Tenhouse's district and Representative Wennlund's district and Representative Ryder's district and Representative Lang's district. He is our... he is our honorary downstate Member from Cook County. Thank you, Mr. Speaker, for your time."

Speaker Ryder: "The Motion is, 'Shall the previous question be put?' All those in favor of putting the previous question say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question shall be put. On the question of House Bill 730 the Chair recognizes the Lady from Cook, Representative Murphy."

Murphy, M.: "Yes. As a courtesy to my colleague, Representative Jack O'Connor... to close."

Speaker Ryder: "Representative O'Connor to close. Thank you."

O'Connor: "Thank you, Mr. Speaker. I rise in stride...in strong support of House Bill 730. A lot has been said regarding this Bill and I just wanted to point out a few key points. We seem to have gotten off here on different sets of rhetoric relative to garbage being transported here and there. And we seem to think that this is being aimed at exclusively Robbins for the community being persecuted by us trying to pass this legislation. I would like everyone to take a moment of their time to just listen and think for a moment how all of us are working so diligently and so hard to draw businesses into our communities. I don't think there's a Representative in this House that wouldn't want to draw good solid business into their community for their constituents. Ladies and Gentlemen, this is bad business, this is bad business, this is bad business for the State of Illinois. We are letting an entity come in from out of state. We are letting them operate within the confines of our great State of Illinois. We are letting

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them walk out of here in the year 2016, with approximately \$300 million of our money and what are we getting back in return? The Village of Robbins will be receiving approximately \$2 million a year in the subsidy which they richly deserve, I have no problem with that. Why are we letting these outsiders come into our state, take those dollars out, take it out of our state and leave nothing here for all the needs that we have within the confines of our borders? Now we've gotten off on all this rhetoric, we've got some whistling in the background. Before you press the buttons, before you press your button, if you want to vote for bad business in Illinois you go ahead and do that. I personally want to vote for good business in Illinois and this is not the type of business we want to attract into this state. Earlier on in debate, there was reference made, very frivolously, foolhardily and obviously not well researched. Saying that the Governor of this state would not sign this legislation. The Governor of this state would sign this legislation. Let's do good, let's do right for the State of Illinois and vote 'yes' on House Bill 730. Thank you."

Speaker Ryder: "You've heard the Gentleman. The question is, 'Shall House Bill 730 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. The Chair recognizes the Gentleman from Clinton, Representative Granberg. For what purpose do you rise?"

Granberg: "Thank you, Mr. Speaker. If this Bill receives the requisite number of votes, I'd ask for a verification and a 'no' vote for Fester Davis because of his great speech. We appreciate..."

Speaker Ryder: "Sir."

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Granberg: "...we appreciate his..."

Speaker Ryder: "Your request is recognized, your comment for Uncle Fester is out of order. Mr. Clerk, take... 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 53 voting 'yes'; 62 voting 'no', 1 voting 'present'. The Chair recognizes the Lady from Cook, Representative Murphy. For what purpose do you rise?"

Murphy, M.: "I first would like to thank my colleagues for their patience in this very contentious debate. But I would like to ask that this be put on Postponed Consideration, having achieved the requisite number of votes."

Speaker Ryder: "The Lady's request will be honored. Mr. Clerk, please place this matter on Postponed Consideration. Oh, I'm sorry Mr. Granberg, did you persist in your request for verification, Sir? I'm sorry. Bill 725 contin... excuse me, 1725, continuing on the order of Third Reading."

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

Speaker Ryder: "Chair recognizes the Gentleman from Boone, Representative Wait."

Wait: "Thank you, Mr. Speaker. House Bill 1725 only adds one word to the existing law. And that is the word 'willful'. What it does is, in the recorder's office, it would put in there that they would only be malfaisant if they did it in a willful manner."

Speaker Ryder: "You've heard the Gentleman, is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

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

Speaker Ryder: "Sponsor indicates that he will yield."

Hoffman: "Ah yes, Representative, is this Bill designed to

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rectify any problems that you've heard with regard to recorders committing these types of activities?"

Speaker Ryder: "Representative Wait."

Wait: "Yes, in Winnebago County, there was a law suit brought up there. Basically, what happened, the recorder up there, because there was a change in computers and a few other things, plus a lot of refinancing went on, he was not able to keep up with the rapid refinancing, rapid growth in the area. So it went to a court and because of what the judge said was strict liability in the Bill, he was forced to hold him liable. He really did not want to hold him liable. And so that's why...in fact the Recorders Association has suggested that we make this change. This would not have any affect, would not be retroactive. So, it would not affect our case in Winnebago County, however."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Well, Representative, what...my understanding what this Bill is essentially doing is, it is making it more difficult for individuals to bring an action against the recorder who is guilty of malfeasance in office. Why in the world would you want to do that?"

Speaker Ryder: "Representative Wait."

Wait: "What this Bill does is bring it into compliance with the UCC Code, which basically deals with personal property. The word they use in that code, which... which the recorder uses, is 'willful'. So this is just to bring real property into compliance with what personal property is. The same standard."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Well, Representative, I think what it should be in line with, is other officials. Not necessarily the UCC Code. So what we're doing here, just so everybody knows, it's

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saying that if a recorder is guilty, guilty, he's been found guilty of malfeasance in office that you're making it more difficult for individuals to seek damages against that recorder to be compensated for the damages that they received. Is that correct?'

Speaker Ryder: "Representative Wait."

Wait: "Well, first of all, there has been none shown that there's no damages so far. He was just... because of the strict liability, it's similar to Workman's Compensation. If you're injured on the job, just the fact that you were injured on the job, you're presumed to be negligent. This would just put a higher standard than what is currently in there. And bring it into compliance, communal formative with the UCC Code."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Well, Representative, what this... this doesn't put higher standard into the laws that recorders have to follow. It puts a lower standard. What it says, if your guilty of malfeasance, if you commit some act that is malfeasance in office, now you're saying you have to do it 'willfully' in order for there to be an action to be taken under this Act. Now, we...I heard earlier today, it was either today or yesterday or day before, that individual instances many times makes...make bad law. Now, you indicated, an individual instance in your county that may have taken place. And now you want to change the law to take the standards of the Recorders of Deeds in this state, the standards we hold them up to, a standard that we're electing them into office and when they're sworn into office, we uphold them to and you're to make...to lower that. And say, 'We don't care, you can commit all the malfeasance that you want in your office. You can run a

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ship shod office. You can do things to the tax payers that does not border on 'being done 'willfully', but we're not going to allow individuals to bring an action against... against them. Why would we want to do that? Why would we want to lower the standards of our great recorders of this state? Many of whom, are held to a high standard, who take their oath of office very seriously, simply because you have one bad apple up in Rockford."

Speaker Ryder: "Representative Wait."

Wait: "Well, first of all, let me say, under the UCC Code, I do not know of any potential problem that they've had using the term 'willful'. This, like I say, just brings it into that compliance and I don't know anybody that's won, is going to run for office and purposely and intentionally, you know, screw up the office, shall we say. So, this just happened to be a happenstance that happened in our... in Winnebago County. It could happen anywhere. And like I said, the UCC has this. They've been able to live with the term 'willful'. So I think certainly that we ought to be able to use this for real property."

Speaker Ryder: "Representative Hoffman."

Hoffman: "I just...just to close. I think that this...this Bill should not be passed. I think we have to keep our elected officials to higher standards. I urge a 'no'..."

Speaker Ryder: "Representative Hoffman, were you concluded? All right. Chair recognizes the Gentleman from Cook, Representative Durkin."

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

Speaker Ryder: "The previous question has been moved. All those in favor say 'aye'; all those opposed 'nay'. The 'ayes' have it. The previous question has been put. Representative Wait to close."

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Wait: "Thank you. I would simply ask the Body to vote for this. This is to cure a problem. It could happen in anybody's county. Nobody is going to lose any money out of this. Simply puts the standard that we use for UCC for personal property. We had no problem with that law. And this just bring this into uniformity with the UCC Code. Appreciate your vote, thank you."

Speaker Ryder: "You've heard the Gentleman. The question is 'Shall House Bill 1725 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 49 'yes', 64 'no', and 2 voting 'present'. Mr. Wait, for what purpose do you rise?"

Wait: "Like to put this in Postponed Consideration, please."

Speaker Ryder: "Gentleman has moved to place this on Postponed Consideration. That request will be honored. Mr. Clerk, place this on the Order of Postponed Consideration. Mr. Clerk, continuing on the Order of Third Readings, House Bills 1741. Mr. Clerk, announcements?"

Clerk Rossi: "The Rules Committee will meet at 7:20 in the Speaker's Conference Room. The Rules Committee will meet at 7:20 in the Speaker's Conference Room. House Bill 1741, a Bill for an Act amending the Adoption Act. Third Reading of this House Bill."

Speaker Ryder: "Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. House Bill 1741 was a Bill that came out of the Judiciary Committee unanimously. Judiciary Civil Law Committee unanimously. It's a Bill that attempts to and I think adequately does clean up the 'Baby Richard'

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legislation, passed last fall. There are about five or six things in here, primarily, technical in nature. I'll be glad to answer any questions. It had no opposition from anyone in the Judiciary Committee. Done on behalf of the Chicago Bar Association, also one of the main authors of the Baby Richard's Bill. Thank you."

Speaker Ryder: "You've heard the Gentleman. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Ryder: "Representative Cross? Representative Cross indicates that he will not yield for questions, Representative Lang. Representative Lang."

Lang: "Thank you, will the Sponsor yield?"

Speaker Ryder: "Representative Cross?"

Cross: "Representative Lang, you're very... you look very nice today, but I'm not going to yield."

Speaker Ryder: "Representative Lang, Representative Cross is mistaken about your appearance but he's still not going to answer the question."

Lang: "Well, can I ask one more question? Maybe...maybe...try this again. Will the Sponsor yield?"

Speaker Ryder: "Representative Cross."

Cross: "Representative Lang, it's nice to see you today but... and I'm glad you're here, but I'm not going to yield."

Speaker Ryder: "Representative Lang, I think you're stuck talking to the Bill."

Lang: "Well, then...then, to the Bill."

Speaker Ryder: "To the Bill."

Lang: "First let me say, had I had the opportunity to ask the Sponsor some questions, I would have asked him why, House Amendment #1 to this Bill was shoved aside by him, off to

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the Rules Committee. As he must know, House Amendment #1 is a full and comprehensive approach to dealing with the problems of DCFS in the State of Illinois. The Sponsor being a very responsible Representative and one that I think is concerned about children in our state. And one that was on a sub-committee that spent over a year studying this issue in the State of Illinois, must know that the provisions of this Amendment take a child in from the beginning of the time in the system all the way through the end of their time in the system, and makes some serious changes in the way DCFS works in this state. Changes that we all agree need to be made and changes that I thought the Sponsor supported, but apparently the Sponsor does not feel it appropriate to add these to his Bill. Ladies and Gentlemen, that's unfortunate because the problems of DCFS need to be resolved. They need to be resolved in a bipartisan way. And I think Representative Dart felt that when he Sponsored this Amendment and tried to put it on Representative Cross's Bill, that in a bipartisan way, we could deal with these major problems in DCFS. But apparently, Mr. Cross and the Party he represents, have no interest in dealing with these problems, these major problems. These problems that every day lead to be... to have children be abused and abandoned and not taken care of. And it's unfortunate because the very department of this state, DCFS, which is responsible for the health, welfare, and safety of children in the State of Illinois, has shirked their responsibility and here was an opportunity for a person who I know is a well meaning Representative, to do something about this problem. And I'm sorry that he felt it more appropriate to discuss the state of my clothing today, than the state of the problems

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in DCFS. He might have addressed those problems, but he chose to push them off to the burial ground of the House Rules Committee. At this time, Mr. Speaker, I ask that this Bill be removed from Short Debate and I'm joined by thousands of my colleagues."

Speaker Ryder: "Representative, I'm still waiting for a debate, but obviously we can remove it from Short Debate."

Lang: "Thank you. To the Main Bill..."

Speaker Ryder: "And again, raising two hands does not count twice. You have to stop that, Representative."

Lang: "To the...I have a lot of hands, Sir. To the...to the main Bill..."

Speaker Ryder: "Chair believes you're out of hand."

Lang: "To the main Bill, which of course, is not what it should be, because these Bills to reform DCFS were shoved aside and went to the Rules Committee, at the request of the Sponsor. To the main Bill, the main Bill is a series of measures to clean up the adoption problems in the State of Illinois. I know of no opposition to the main Bill, sponsored by the Chicago Bar Association. I applaud the Sponsor for that, but only express my disappointment in him for not dealing with more important issues revolving around the health, welfare, and safety of children in the State of Illinois. You can do better, Representative, we can do better. Children are being hurt every day because we don't act. And we hope to act in a bipartisan way on these issues. You leave us no choice by your continual efforts to push these things aside to deal in something other than a bipartisan way. That is your choice, not ours. That is your effort, not ours. We stand ready to reform DCFS. We would wish your side of the aisle would do the same. But I would vote 'aye' on this Bill."

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Speaker Ryder: "Chair recognizes the Gentleman from Cook, Representative Dart. Seven."

Dart: "Thank you, will the Sponsor yield?"

Speaker Ryder: "Representative Cross? Representative Dart?"

Dart: "Thank you, Representative, I can't imagine why anybody would not want to yield to Representative Lang. But..."

Speaker Ryder: "Representative...Representative Dart for one moment."

Dart: "Sure."

Speaker Ryder: "The Chair recognizes an obviously outraged, shocked, appalled, Representative Lang."

Lang: "Thank you. I would like the Members of the House to help me with this. I am shocked! Thank you. I can not believe and I know my name wasn't mentioned in debate, but surely, surely, I have been... I have now mentioned surely in debate. I am insulted by the fact that you would not answer my questions, Representative and certainly you know that Representative Dart will be much more difficult on you than I could ever be. And I'm happy to allow Representative Dart to continue this."

Speaker Ryder: "Representative Dart, unfortunately, since Representative Lang failed to make any good points, he used your time. And Representative Black in the Chair."

Dart: "Speaker, he has that problem though."

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

Speaker Black: "Further questions on House Bill 1741. The Gentleman from Cook, Representative Dart."

Dart: "Thank you. Representative, this Bill is a follow up Bill to the 'Baby Richard' legislation from last year, that you and I were involved with. There were some problems with

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it, as far as some technical problems. If you could run through a couple of them right now, in an effort to (a) assure people, it is in fact, technical and just if you could specifically, on any of those portions that have been coming up as questionable?"

Speaker Black: "Representative Cross."

Cross: "Representative, I'll try to do that...do that...rather as quickly as I can but to answer your question, on page 3, if you look at the addition there, starting with (C), that is language that we took from and off page 16, starting with (D) 1.5. That is identical language shifted from page 16 over to page 3. The feeling was it belonged in the process Section. That's a matter... it's an issue of who gets... who gets notice, so felt like it belong it that Section. So that's... same language, just shifted to a different location. Looking to page 6 and page 8, both under... dealing with the consent issue and the surrender issue. We've tried to be a little more... clean up the confusion about whether it was 30 days or within 30 days. And we think this language cleans up that issue and makes it specifically that you have to register within 30 days from the date of registration. Going to page 10, if you look on line 28, there was a typo. Went from 'now', it should have been the word 'not'. Page 11, some protective language, really for the mother or who ever would be actually the mother, in that affidavit of identification. Page 12, when the Department of DCFS, under the putative father registry, we needed to make sure we had a court order from this state. We have every other state or territory, included. And I think that pretty much wraps it up. Going to pages 22 and 23, 23's language, we've taken out because for the most part it's covered on page 22, on lines... from lines

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11 to 20. But I think that's it. It's technical in nature and I think that answered most of your questions."

Speaker Ryder: "Representative Ryder in the Chair. Representative Dart."

Dart: "Thank you. Thank you, Representative. The measures you went through are technical in nature. This Bill is something that both yourself and I have talked about and the CBA has worked quite a while on it. The CBS was one of the people who were intimately involved with the 'Baby Richard' law, last year. These were recommendations from them and from LRB to make the clarification needed in this law. There is nothing controversial about this. The only controversial thing was in fact, that person was originally asking you questions, which you didn't yield to anyway, so we didn't have to put up with that. And that worked out well, actually. Gave us all a little bit of a respite. And I think that this is a Bill that we should have plenty of bipartisan support for. As I said, it is something that's not controversial, it's merely technical. And I would urge your support on it."

Speaker Ryder: "Chair recognizes the Gentleman from McHenry, Representative Skinner. Representative Skinner."

Skinner: "I wonder if the Gentleman could tell us something about how this program has worked in the last 9 months? For example, how many fathers have signed up on this registry? If any?"

Speaker Ryder: "Representative Dart."

Skinner: "Representative Dart? We've taken control, it's a Republican Sponsor this year."

Speaker Ryder: "Representative...excuse me, Representative Cross. I apologize."

Cross: "Representative Skinner, I don't know the details of how

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it's been working. This was some language, as I said to clean up some technical concerns, those who drafted had. I can't answer that question and any others with respect to how it's been working."

Speaker Ryder: "Representative Skinner."

Skinner: "Well, let me express a concern. I've had the Legislative Research Unit do a survey of those states that have these types of laws in effect. The one that has the law in effect the longest is New York State. And I asked the Research Unit to find out how many fathers had actually achieved...you know had...how many times fathers had reported themselves as having sexual relations with a woman, that might have led to a child. And how many times those fathers had ended up being the custodial parent? No one can find any instance in the entire United States where this has occurred. So that makes me wonder if using the cover of law and this model, we have not figured out a way to make sure that a father never can end up having...being a custodial parent. If he doesn't know that a child has been born. I...I'm sure that doesn't make any difference whatsoever with regard to the charged emotional atmosphere that the 'Baby Richard' case has brought forward. But it is a sincere concern on my part and I hope it might tickle the backs of the minds of some other people as they vote 'yes' on this Bill."

Speaker Ryder: "Chair Recognizes the Lady from Cook, Representative Flowers."

Flowers: "Representative Cross, does this Bill deal with parental terminations? Termination of parental rights?"

Speaker Ryder: "The Gentleman indicates he will yield. Representative Cross."

Cross: "Yeah, there are parts in here that deal with it."

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Speaker Ryder: "Representative Flowers."

Flowers: "Representative Cross, would you please explain to me that portion of the Bill? Tell me how it would be implemented under what circumstances and just tell me something about the termination of parental rights."

Speaker Ryder: "Representative Cross."

Cross: "Representative, with in what context are you talking about?"

Speaker Ryder: "Representative Flowers."

Flowers: "If...if a parent's rights is terminated in courts, what right would that parent have with that child upon the termination?"

Speaker Ryder: "Representative Cross."

Flowers: "After the termination..."

Speaker Ryder: "Representative Cross."

Cross: "Well, Representative, once the parental rights are terminated, they're terminated. You have none. That has...generally and historically been the case."

Speaker Ryder: "Representative Flowers."

Flowers: "But I'm still the mother, Representative Cross. And I still have a concern there. Should...you know, yeah, I may have abused my child, in some kind of way. But still biologically I'm still connected. What am I to do?"

Speaker Ryder: "Representative Cross."

Cross: "Well, Representative, I'm not sure we're...that this Bill treads on any new ground with respect to that issue. Certainly, a mother is gonna always, I suspect, be concerned about a child. I can understand that and as a father, I certainly can. But legally and this Bill addresses, as I said, as to other parts in statute, once parental rights are terminated, they are terminated from a legal stand point. Now a mother may want to continue to

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have some emotional ties and that's understandable. But from a legal stand point, once their parental rights terminated, that's it."

Speaker Ryder: "Representative Flowers, your time is drawing short." Representative Flowers."

Flowers: "Thank you. Thank you, Representative. No further questions"

Speaker Ryder: "Lady has no further questions. No one else seeking recognition, Representative Cross to close."

Cross: "Thank you, Mr. Speaker, as I said and the other side of the aisle has said it's a technical Bill. A clean up Bill. One that we all believe that is needed. I'd appreciate a 'yes' vote. Thank you."

Speaker Ryder: "The Gentleman...You've heard the Gentleman. The question is, 'Shall House Bill 1741 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 109 voting 'yes', none voting 'no', 6 voting 'present', and this Bill having received a Constitutional Majority is hereby declared passed. Committee report, Mr. Clerk."

Clerk McLennand: "Committee report from Representative Churchill, Chairman for Committee on Rules, to which the following Amendment was referred, action taken on April 27, 1995, reported the same back with the following recommendation; 'do approve for consideration' Floor Amendment #3 to House Bill 1610."

Speaker Ryder: "Thank you, Mr. Clerk. What is the status of House Bill 1855?"

Clerk McLennand: "House Bill 1855 is on the Order of Third Reading."

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Speaker Ryder: "Please, move that to the Order of Second Reading, Mr. Clerk. Thank you. Mr. Clerk, continuing on the Order of House Bills Third Reading, House Bill 2140, Mr. Clerk."

Clerk McLennand: "House Bill 2140, a Bill for an Act to amend the Illinois Insurance Code, Third Reading of this House Bill."

Speaker Ryder: "Representative Moffitt on House Bill 2140."

Moffitt: "Thank you, Mr. Speaker, Members of the House. House Bill 2140, amends the insurance code. Provides that if a policy of an automobile insurance...for automobile insurance is cancelled or terminated at the request of the insured or policy holder, a notice of the request must be mailed to the lien holder and then the former policy holder within 10 business days of the request. When I presented this Bill in committee, I indicated that I would not move it ahead if we had not worked out all the differences. All the differences have been worked out. I'm not aware of any opposition. I had a constituent at a bank that indicated that they had had some vehicles which they had made loans on and then the policy holder in anticipation of repossession, had actually cancelled the insurance policy without the bank knowing it, so we had an uninsured vehicle for a while."

Speaker Ryder: "You've heard the Gentleman. Is there any discussion on that? The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. Will this Sponsor be courteous enough to yield?"

Speaker Ryder: "The Sponsor is always courteous and he yields, Representative Lang."

Lang: "Thank you. Thank you, Representative, it's a pleasure to see you. I'm certainly glad Representative Cross is not handling this Bill because I know you'll answer my

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questions. Representative, in the Amendment, you adopted to this Bill, it provides that notification of coverage termination must be sent to the former policy holder. The Bill as introduced only required that the lien holder be notified. Why that addition, Sir?"

Speaker Ryder: "Representative Moffitt."

Moffitt: "Felt that it should be both of them, the lien holder gets the notice knowing that the vehicle that is covered, there's no longer insurance on it. The policy holder or once it's terminated, the former policy holder getting conformation that that insurance has in fact, been cancelled. Thought it was appropriate that both they both be notified. And Representative, may I commend you on your friendly attitude that you've been displaying. It is good to see you and what a nice tie you have on."

Speaker Ryder: "Representative, if you'd hold that tie a little higher and closer...yes, that's the idea. Very good, very good, Representative Lang."

Lang: "Thank you, this politeness in this Body now is wonderful. Representative is...are these additional notices that are going to go out, going to cost premium payers, the holders of these insurance policies more money because the insurance companies will have to hire more people to send out these notices?"

Speaker Ryder: "Representative Moffitt."

Moffitt: "Representative, it will have very little impact. As we got into this Bill, we found that many companies do this as a matter of procedure. They feel it's appropriate to send this notice. The constituent that I had, where it had been a problem. They had dealt with some companies where they did not but many of the companies in Illinois are already doing this. And you'll notice for example, I believe

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Allstate is a proponent of this. So, many of the companies were as a matter of procedure were doing this."

Speaker Ryder: "Representative Lang."

Lang: "And do I understand that in the Amendment, Sir, the provision that would have prohibited termination before the lien holder was notified has been removed?"

Speaker Ryder: "Representative Moffitt."

Moffitt: "That is right. Just that the notice has to be sent to the lien holder and the former policy holder."

Speaker Ryder: "Representative Lang."

Lang: "Well, isn't the reason for notifying the lien holder to protect all parties and interest relative to that vehicle? And isn't conceivable that if they aren't notified first, that those protections won't be properly afforded?"

Speaker Ryder: "Representative Moffitt."

Moffitt: "Representative, I'm not sure I understand your question. The... if he would restate it, would be helpful."

Speaker Ryder: "Representative Lang."

Lang: "Thank you. Well, why do we notify the lien holder in the first place?"

Speaker Ryder: "Representative Moffitt."

Moffitt: "Lien holder of course, has loaned the money on the vehicle. If the insurance has been cancelled, the net effect is that there'd be an uninsured vehicle out there. This is an attempt to get the notice to that lien holder as soon as possible to reduce either the time or even the chances of there being an uninsured vehicle."

Speaker Ryder: "Representative Lang."

Lang: "Well, I certainly support that. That sounds like good consumer legislation but you've now taken out the provision that notific...we...that notification has to be received

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first. So, what you've said is, we have to notify them, but we don't have to notify them. That's really how the Bill comes out. You've said that the policy can't be...that they have to be notified but that you can still go ahead and cancel the policy, even if they haven't been notified. So, sounds to me like a Bill with no teeth, Sir."

Speaker Ryder: "Representative Moffitt."

Moffitt: "I would not describe it that way, Representative. I think it does help close the loophole that was there. Industry was not in favor. Felt that would be a problem and would actually. What you're suggesting, could actually cost the consumer through a delay in the actual cancellation. Once their customer or former customer, depending on how you want to describe it, wants that insurance cancelled, they were in favor of many that as promptly as possible. So this was a compromise working with industry, but they felt they were actually saving consumers money by the language that's in here now."

Speaker Ryder: "Representative Lang."

Lang: "However, doesn't this change, at least leave open the possibility that notification won't be received but policies will still be cancelled?"

Speaker Ryder: "Representative Moffitt."

Moffitt: "There's no ironclad guarantee. I suppose, you know, a registered letter or something like that would be the only guarantee. This is an attempt to close that chance of being uninsured. So, it's an attempt. We think it's a movement in the right direction and that it does help reduce the problem. And yet, is not an added cost to the consumer."

Speaker Ryder: "Representative Lang."

Lang: "I'd like to commend you, Representative, for handling this

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Bill without four hundred staff people around you. Thank you."

Speaker Ryder: "No further discussion? You've heard the Gentleman's Motion, the question is, 'Shall House Bill 2140 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 117 voting 'aye', none voting 'nay' and none voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, House Bill 648."

Clerk McLennand: "House Bill 648, a Bill for an Act that amends the Abused and Neglected Child Reporting Act. Third Reading of this Bill."

Speaker Ryder: "Mr. Hoffman, this is your chance. You've heard the Gentleman's Motion, all those in favor..."

Hoffman: "Fine with me. Thank you, Mr. Speaker."

Speaker Ryder: "You're welcome. You've heard the Gentleman's Motion. The question is, 'Shall House Bill 648 pass?' All those in favor vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there were 113 voting 'yes', none voting 'no', none voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Hoffman, we'd be glad to consider any other Bills that you have on the record at this time. I guess not. Thank you, Sir. Mr. Clerk, Mr. Clerk, House Bill 1144. Not now. Mr. Clerk."

Clerk McLennand: "House Bill 1144, a Bill for an Act that amends the Public Utilities Act. Third Reading of this House

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Bill."

Speaker Ryder: "Representative Wirsing ."

Wirsing: "Thank you, Mr. Speaker. House Bill 1144 removes the requirement that a water and sewer company must provide customers two notices regarding a change of services or rates. Other public utilities must provide only one notice to customers in a newspaper. Currently, water and sewer companies must put one notice in the newspaper and must include a notice in the customer's bills. This creates an additional cost for the utility, which's... which is passed on to the customer. Because water and sewer utility bills are usually sent on a post card, not in an envelope, passage of this proposal will merely put water and sewer companies on an equal footing with all other public utilities in regards to the notice requirement."

Speaker Ryder: "Thank you, Mr. Wirsing. You've heard the Gentleman's Motion on that. Is there any discussion? The Chair recognizes the Lady from Cook, Representative Schakowsky."

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

Speaker Ryder: "Chair indicates...or the Sponsor indicates that he will. The Chair also indicates it. Actually, we'll all answer it. Thank you very much."

Schakowsky: "Thanks to everybody. This will relieve water and sewer utilities from what responsibility, Representative?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "Only water and sewer utilities are required to include a notice of a rate change in the billing. And that is unlike all other utilities. They are the only one that has to do that. And this would eliminate that requirement."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "In what way are these utility companies required to

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give notice, regarding changes in rates or charges or practices? How under current practice are they required to inform customers of these changes?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "Well, there's two ways that they're required now. Published in the newspaper and in the billing."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Before I ask my nes...next question, Mr. Speaker, I'd like to take this Bill off of Short Debate and I'm joined by lots of my friends."

Speaker Ryder: "Representative, your request is disqualified because Representative Woolard voted twice. Chair recognizes the request."

Schakowsky: "He's really a good friend. Under your legislation then, how would they inform customers of their... of these changes?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "This...this change, Representative, then would require them only to publish in the newspaper, any notice of a change in rate, which will put them on the same playing field, if you will, as other utilities."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Does it not seem to you, Representative, that if you're saying that utility companies, and in this case water and sewer, should not have to do double notification to consumers, then a much more efficient in terms of really reaching customers, an efficient way of doing it, would be in the customer's bills. I mean, I... can you... well, answer that and then we'll go on."

Speaker Ryder: "Representative Wirsing."

Wirsing: "Well, I can't disagree with what your premise, but it would be an increase cost to the company. Okay, because

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they would have to do...be the cost of envelopes and the mailing process for that. And you know that that cost will get passed on to the... to the customers of that...of that utility. So, its...by doing it this way, it is an attempt at certainly...they can...cost efficient, if you talk about efficiencies. Because the customers of those public utilities are the ones that pays the bills."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Well, is it not true, however, that what they do currently, is in the first bill that's sent to customers after filing the proposed change, the customer's are notified. So, Representative, I really dispute your claim that the costs of the mailing and the envelopes. We're talking about sticking a notice in the bills that says your rates are going to go up. Is this not a good way to inform customers? In fact, isn't this a better way than putting it in the newspaper?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "Well, it would seem like it, if we're trying to even things out, make it all the same. If the newspaper process, notification has been sufficient for other utilities that... why should... why should this utility be any different?"

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "You know, Representative, I think we have overused...to the Bill. That have over used..."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "The notion of level playing field, here. We happen to have a process that is really good for consumers. We notify them through their bills that water and sewer rates are going up. If we want to save these companies some money, let's drop the requirement that they put it in the

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newspaper. But certainly, let's not lower the standard just because we have a pretty low standard for other utility companies. Seems to me, we voted on a Bill today, that had to do with shutting off water, shutting off sewers. Let's not..."

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

Schakowsky: "Thank you. This isn't a consumer piece of legislation. This is not good for consumers. We have a good system here of notifying customers that their water bills are going up. That there may be some kind of change in service or practices by the company. If you want to save the utility companies some money, the submit a Bill that says they don't have to put it in a newspaper because, Representative, nobody sees these notices in newspapers. If we're serious about informing customers about this, then we'll keep the notification in the Bills. I strongly urge those who are pro-consumer to vote 'no' on this legislation."

Speaker Ryder: "Chair recognizes the Lady from Cook, Representative Davis. Representative Davis."

Davis, M.: "I'd like to yield my time, Rep...Mr. Speaker to Jan Schakowsky. Thank you."

Speaker Ryder: "Representative Schakowsky. Representative Schakowsky."

Schakowsky: "Thank you, Representative. I actually did have a few more questions. Representative, had you considered the notion of simply eliminating the... if you were going against dual notification, eliminating the newspaper advertising?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "Well, I...I don't like to sound redundant but I guess

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it gets back to the...the fact that other utilities are required to use the news...newspaper as a form of notification. Certainly, a part of this Bill, what is it...it's attempting to do, is to put this utility company on the same level, the same process as other utility companies. It seems to have worked in the past for the utility companies, when rates...when rate changes are about. And I don't know about in your area, but I certainly know in my area, that when there's a rate change occurring, that through the media we are all certainly aware of that and it seems to me, it has been a successful way to notify customers. And certainly, if they don't read it in the newspaper, they certainly will know it when they get their next billing."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Representative, do you know how many electric utilities there are that are regulated by the Illinois Commerce Commission versus how many water or sewer companies are regulated by the Illinois Commerce Commission?"

Speaker Ryder: "Representative Wirsing"

Wirsing: "No, I don't. We can get you that information, if you desire that."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Well, my point is this, there are really a handful of electric utility companies in this state. And not all... that are regulated by the Commerce Commission. And not that many gas companies either. And so when those rates are going to go up, of course, a Commonwealth Edison rate increase is going to make headlines in the City of Chicago. But there are many water companies and sewer companies, small ones. So that people would not

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necessarily be aware of this, so they are a different kind of utility. Let me ask you this, what is the position of the Illinois Commerce Commission on this legislation?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "The Illinois Commerce Commission's position is neutral."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Well, my analysis tells me that the Illinois Commerce Commission is an opponent. Were they ever or is this just wrong information?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "No, not that I'm aware of. Our conversation has been they've been neutral."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "This legislation, though, is at the behest of whom, Representative?"

Speaker Ryder: "Representative Wirsing."

Wirsing: "This is at the request of the National Association of Water Companies."

Speaker Ryder: "Representative Schakowsky, you have 18 seconds."

Schakowsky: "To close, I would say that water and sewer companies are in a different category than these other large utilities. That in order to form... inform consumers of a change in their rate, let's not let them get socked when they get their next bill. Let's inform them ahead of time. This is bad legislation, vote 'no'."

Speaker Ryder: "Chair recognizes the Gentleman from Cook, Representative Durkin."

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

Speaker Ryder: "The Gentleman has moved the previous question. All those in favor of moving the previous question, please say 'aye'; those opposed 'no'. The 'ayes' have it. The

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previous question is put. You've heard the Gentleman. The question is, 'Shall House Bill 1144 pass?' All those in favor vote 'aye'; all those opposed 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the Roll. On this question there are 47 'yes', 63 'nay', 5 voting 'present'. Chair recognizes the Gentleman from DeKalb, Mr. Wirsing."

Wirsing: "We'd asked for this to go on Postpone Consideration."

Speaker Ryder: "That request will be honored. Mr. Clerk, please place this matter on the Order of Postpone Consideration. Mr. Clerk, House Bill 1303."

Clerk Rossi: "House Bill 1303, a Bill for an Act amending the Property Tax Code. Third Reading of this House Bill."

Speaker Ryder: "The Gentleman from DuPage, Representative Biggins. Representative Biggins?"

Biggins: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1303 contains three Bills relative to property taxation. Two of them were proposed by the Chicago Bar Association. The other is supported by the Township Officials of Illinois. House Bill 1303...well, we'll take House Bill 1304 first. House Bill 1304, stipulates that an order of court that finds the issuance of a tax deed for a parcel of property void, because the property was not subject to taxation or special assessment or taxes or special assessments were paid, prior to the sale of the property, shall be declared a sale in error."

Speaker Ryder: "You've heard the Gentleman on the Bill. Is there any questions? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Representative, you...what you've done with 1303, is you've combined...you've combined three Bills into this

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Bill, is that correct?"

Speaker Ryder: "Representative Biggins."

Biggins: "Yes, Sir, that's correct. The other two Bills were 1303, 1304 and House Bill 880."

Speaker Ryder: "Representative Dart."

Dart: "Could you explain to me what the Bill was? The number and the one...the substance of the one dealing with the townships?"

Speaker Ryder: "Representative Biggins."

Biggins: "House Bill 880, amends the Property Tax Code to require that any person that is appointed to fill a vacancy in the office of township assessor or multi-township assessor, must be a member of the same political Party, as the person vacating the office."

Speaker Ryder: "Representative Dart."

Dart: "Representative, I remember that Bill from committee. Can you...can you detail for the Body the reason why we're having to do this? There was a particular case in mind as to why we had to do this."

Speaker Ryder: "Representative Biggins."

Biggins: "I didn't quite hear his question. What was his question? Well, it's a Bill that deals with property taxation as does the other two Bills, in this package."

Speaker Ryder: "Representative Dart."

Dart: "Thank...Mr. Speaker, I'd also like to take this off of Short Debate and I'm joined by the requisite number of colleagues."

Speaker Ryder: "So far, Sir, no one has...Ah! Representative McGuire is disqualified. I acknowledge your request."

Dart: "Thank you. Thank you. But there was a particular case in my... that came before the committee, when we had this Bill, as to the need for this change because it was

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something I find...found to be a bit peculiar that we had to do it. Which...what township was it and what was the circumstances requiring them to do this? If you know."

Speaker Ryder: "Representative Biggins."

Biggins: "I don't require the specific township but the township officials and one time there were 1400 township assessors and now there's a lot fewer because of the multi-township assessment districts. But the request was made by the township officials to keep the office in the same political Party as the prior assessor would have been. I might add that the board lists myself as a Sponsor, but there are four Co-sponsors. Or three other Co-sponsors and that would be Representative Novak, Representative Moffitt and Representative Julie Curry. Three former county treasurers."

Speaker Ryder: "Representative Dart, did you have further questions?"

Dart: "Could there...could there be a problem with the filling of the vacancy, if in fact, someone was an independent? Would that pose a problem?"

Speaker Ryder: "Representative Biggins."

Biggins: "Well, Sir, I presume that the board then would, in their best judgement, pick the best candidate available. And that...would not have to consider Party affiliation."

Speaker Ryder: "Representative Dart."

Dart: "Does the language...would the language of that Section allow for that, though? Or would that...the way I look at it, it said the actual Party. Would there be some provision in there, which would allow for them to take into account a situation that is maybe not anticipated, namely that, this is not one of the two traditional Parties?"

Speaker Ryder: "Representative Biggins."

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Biggins: "Sir, if the...if there's a Party affiliation, would have to be continued, assuming there was somebody available that met the proper requirements for the office. Some of those positions require certification or certain educational backgrounds before becoming an assessor. But if you're not affiliated with a known Party, and many township assessors are not, they run statewide on tickets without names on the top of the ticket, then it would just be up to the freedom of the township trustees to select another individual from the township."

Speaker Ryder: "Representative Dart."

Dart: "Thank...I just wanted to clarify that so that if in fact, in that event occurs, the language is specific in saying that they can then do what they must do to fill the vacancy and they aren't obligated to try to interpret...make some interpretation along the Party lines. That's okay, then?"

Speaker Ryder: "Representative Biggins."

Biggins: "Well, it does state that the election...the political Party must still be in existence at the time the appointment is made."

Speaker Ryder: "Representative Dart."

Dart: "In a different Section, what are the Sale and Error Fund and the Immunity Fund?"

Speaker Ryder: "Representative Biggins."

Biggins: "Was that... was that a question, Sir? What was that, please?"

Speaker Ryder: "Represent... Representative Dart."

Dart: "What are the Sale and Error Fund and the Immunity Fund?"

Speaker Ryder: "Representative Biggins."

Biggins: "I think it might be better if I read the summaries of them, so that the Body can get the feel for the entire Bill. In House Bill 1303, it allows monies that have

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accumulated in a fund, established with the payment of interest and costs associated with a property sale, to be distributed to an Indemnity Fund, for the payment of unpaid judgments associated with sales in error. And it permits revenues, in excess of \$500,000, received from the sale of property, to be deposited into the County General Fund, if and only if all unpaid judgments in the Indemnity Fund are settled. This pertains, I think, solely to Cook County. And that is why the Chicago Bar Association requested it."

Speaker Ryder: "Chair recognizes the Lady from Cook, Representative Fantin."

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

Speaker Ryder: "The Sponsor indicates he'll yield."

Fantin: "What you had just read to us, Mr...Representative, is there anything else in that Bill?"

Speaker Ryder: "Representative Biggins."

Biggins: "Well, there is quite a bit of technical language in the remainder of the Bill. But those are the two main ideas, along with the other township assessor portion."

Speaker Ryder: "Representative Fantin."

Fantin: "All right. You said that was a combination of three Bills? Is that correct?"

Speaker Ryder: "Representative Biggins."

Biggins: "Yes, 1303, 1304, which I started with tonight in explaining, and then House Bill 880."

Speaker Ryder: "Representative Fantin."

Fantin: "So, that 130...well, which Bill was it that just out of the three, which Bill was it that just stated that the assessor must be of the same Party?"

Speaker Ryder: "Representative Biggins."

Biggins: "Hous...House Bill 880."

Speaker Ryder: "Representative Fantin."

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Fantin: "1303 and 1304 are what you just previous read, then to Representative Dart? Is that a combination or is there two different things there...two different Bills, I mean, are they different? Or were they one and the same?"

Speaker Ryder: "Representative Biggins. Representative Biggins."

Biggins: "Yes, that 1303, 1304, and House Bill 880."

Speaker Ryder: "Representative Fantin."

Fantin: "Now, my question was 1303 and 1304, what were they? I understand 880. Okay, what is 1304? Let's do that."

Speaker Ryder: "Representative Biggins."

Biggins: "Thirteen...House Bill 1304 stipulates that an order of a court, that finds the issuance of a tax deed for a parcel of property void, because the property was not subject to taxation or special assessment, or taxes or special assessments were paid prior to the sale of the property, shall be declared a sale in error. And directs the county collector to refund the following amounts to a tax grantee, if the tax sale is declared a sale in error."

Speaker Ryder: "Representative Fantin."

Fantin: "1303, please."

Speaker Ryder: "Representative Biggins. Representative Biggins."

Biggins: "It allows monies that have accumulated in the fund established for the payment of interest and costs associated with a property sale to be distributed through the Indemnity Fund for the payment of unpaid judgments associated with sales and error."

Speaker Ryder: "Representative Fantin, 28 seconds."

Fantin: "Would you explain the purpose for this Bill, please?"

Speaker Ryder: "Representative Biggins."

Biggins: "...question, please."

Speaker Ryder: "Representative Fantin."

Fantin: "Would you explain the purpose of the Bill, please?"

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Speaker Ryder: "Representative Biggins."

Biggins: "This Bill clarifies, simplifies and plainly defines the amounts of money required..."

Speaker Ryder: "Representative Biggins, please bring your answer to a close. Representative Biggins."

Biggins: "...I think I've explained House Bill 1303, 1304 and House Bill 880, and I urge an 'aye' vote."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Durkin."

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

Speaker Ryder: "Gentleman's moved the previous question. All those in favor of putting the previous question, say 'aye'; all those opposed 'nay'. The 'ayes' have it and the previous question shall be put. You've heard the Gentleman on House Bill 1303, the question is, 'Shall House Bill 1303 pass?' All those in favor vote 'aye'; all those opposed '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 113 'ayes', 0 voting 'nay' and 0 voting 'present'. This Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of House Bills, Second Reading, there appears House Bill 1610. Please read the Bill."

Clerk McLennand: "House Bill 1610, a Bill has been read a second time previously. Floor Amendment #2, offered by Representative Balthis, has been approved for consideration."

Speaker Ryder: "Representative Balthis, on Amendment #2 to House Bill 1610."

Balthis: "Thank you, Mr. Speaker. I would like to withdraw Amendment #2."

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Speaker Ryder: "Mr. Clerk, please withdraw Amendment #2. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Balthis, is approved for consideration."

Speaker Ryder: "Mr. Balthis, on Amendment #3."

Balthis: "Thank you, Mr. Speaker. Amendment #3 to House Bill 1610 becomes the Bill. This Amendment modifies the Retail Rate Law to require that the refuse is generated in the State of Illinois. It requires a recycling component for anybody that uses this rate. The...there is a repayment back, a repayment plan required with a lien on the facility and any revenues generated by that facility. There is a facility fee that's paid each year to the EPA for the monitoring process. And I would be happy to answer any questions."

Speaker Ryder: "You heard the Gentleman on Amendment #3. On that, is there any discussion? The Chair recognizes the Gentleman from Madison, Representative Davis."

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

Speaker Ryder: "Sponsor indicates he'll yield."

Davis, S.: "Representative Balthis, would this Bill continue the state subsidy for co-generation incinerators?"

Speaker Ryder: "Representative Balthis."

Balthis: "There is a sunset clause in the legislation that would sunset any new facilities two years after this went into law."

Speaker Ryder: "Representative Davis."

Davis, S.: "Would that be facilities that have not been approved up until today or they can get approval for up until two years from now?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, on page 8 of the Amendment it talks

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about beginning two years after the effective date of this Amendment... Amendatory Act applies to qualified solid waste energy facilities to satisfy on or before that date the following criteria: 1) all permits from the Environmental Protection Agency necessary to commence construction had been issued, 2) is sighting approval for the facility had been granted, 3) construction of the facility had commenced pursuant to a plan of continuous construction designed as a result of the completion of the facility within three years and bond or debt, other debt, the finance construction of the facility had been issued."

Speaker Ryder: "Representative Davis. Representative Davis."

Davis, S.: "So, the facilities that come underneath this agreement, will be under the Retail Rate Law for the next 15 years, is that correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, the repayment schedule would start at a maximum of 20 years or a minimum of 15 years after the commencement of that rate."

Speaker Ryder: "Representative Davis."

Davis, S.: "Representative, under current law, once an owner operator of a qualified solid waste energy facility is paid the capital cost of the facility, the owner's operator is required to reimburse the public utilities fund for the tax subsidy, is that correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "Yes."

Speaker Ryder: "Representative Davis."

Davis, S.: "Can you tell me what the monies in the Public Utilities Fund are used for?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, they're used for monitoring, they're

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used for repayment of subsidies, such as this, that's my understanding."

Speaker Ryder: "Representative Davis."

Davis, S.: "Under... under this Bill, this does not affect the Robbins Plan, is that correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, all of the language in this Bill applies to every facility that's under consideration or under construction as we speak. And it does apply to the Robbins Facility, yes."

Speaker Ryder: "Representative Davis."

Davis, S.: "Representative, on page 4, I see that you limit or you are allowing facilities that burn waste tires generated in Illinois and bio-mass generated in Illinois. Why Sir, only the State of Illinois, why did you put that language in there?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, the taxpayers of Illinois are the ones that are paying this subsidy and we believe that it was...they and only they that should receive the benefit of that."

Speaker Ryder: "Representative Davis."

Davis, S.: "But, Sir, don't you feel that if we are going to build these co-generation plants and if they do create jobs and if they do generate electricity, that we should allow them to bring in as many waste tires and as much waste wood as necessary to be able to continue the operation of their facilities and to help alleviate any energy crisis that we may have in the future? Because we are always accused of not looking forward in this Body and in this country and a lot of people are claiming that we have plenty of electricity right now in the State of Illinois and that

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Com-Ed and Illinois Power have all the electricity they need and they really don't need to be buying this electricity from the co-generation plants. However, if we'll remember back in the '70's about the energy crisis. Let's not forget that, that can happen again to us tomorrow. So, to me, Sir the language in here prohibits certain facilities from being constructed in the state to help generate the electricity that we may need in the future."

Speaker Ryder: "Is that a question?"

Davis, S.: "Is that correct, is that correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative Davis, when this original Retail Rate Law was passed in 1989 it was passed because we had a landfill crisis in the State..."

Speaker Ryder: "Representative Balthis, please bring your answer to a close."

Balthis: "We had a landfill crisis or a perceived landfill crisis in the State of Illinois. This was not designed to subsidize the taxpayers of Missouri, New York or any other state, this was designed for the taxpayers of the State of Illinois."

Speaker Ryder: "Mr. Davis, please bring your remarks to a close."

Davis, S.: "I don't... Speaker, I don't feel that we are wasting the taxpayers' money of Illinois and I don't feel that we're giving the residents in Missouri a tax break or the residents of Iowa or the residents of Indiana by simply allowing co-generation plants to burn wood that comes from those states. I don't understand where you come up with that...with that formula. I'll tell you this, I have a \$100 million co-generation plant that is being considered for my district and with the current language in this Bill.

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The language it restricts only waste wood and waste tires, there is no way in the world that this company is going to build that co-generation plant. And we're talking 60, 70, 80 jobs plus another 60, 70, 80 construction jobs and \$100 million infusion into my district which has been...which has been under pressure and we've had high unemployment rates and we've had big industry moving out. We need these type of plants. Now, if that language wasn't in this Amendment, I wouldn't have any problem with it. But I would ask you to consider taking that language out or changing that language that would include either neighboring states or other states that we could use their waste wood, their waste tires to allow our co-generation plants to survive. Thank you."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Durkin."

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

Speaker Ryder: "The Gentleman moves the previous question. All those in favor of putting the previous question please say 'aye'; those opposed 'nay'. The previous question is put. The Gentleman moves to adopt Floor Amendment #3 to House Bill 1610. All those in favor vote 'aye'; all those opposed say 'no'. The 'ayes' have it. The Amendment is adopted. Any further Amendments?"

Clerk McLennand: "No further Amendments."

Speaker Ryder: "Third Reading. On the Order of...this is as much fun as I can have guys. On the Order of House Bills, Third Reading. Mr. Clerk, House Bill 1610."

Clerk McLennand: "House Bill 1610, a Bill for an Act that amends the Public Utilities Act. Third Reading of this House Bill."

Speaker Ryder: "Representative Balthis on House Bill 1610."

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Balthis: "Thank you, Mr. Speaker. House Bill 1610, as we said before, is a Bill that will restrict the retail rate law and sunset it in two years. Create a requirement for recycling as a part of the process. And I would be happy to answer any questions."

Speaker Ryder: "You heard the Gentleman's Motion. The Chair recognizes the Gentleman from Clinton, Representative Granberg. Representative Granberg, do you wish...Representative Granberg."

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

Speaker Ryder: "The Gentleman indicates he'll yield."

Granberg: "Representative Balthis, what...who came to you with this Amendment, what group is Sponsoring this Amendment?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, there were several people that had an interest in the Amendment that wanted to see the State of Illinois do something in a reasonable manner to get rid of a law that many people believe shouldn't have been there in the first place."

Speaker Ryder: "Representative Granberg."

Granberg: "And who are those several people?"

Speaker Ryder: "Representative Balthis."

Balthis: "There are a few former State Reps and other folks that have an interest in the Retail Rate Law, which I don't think are important to the discussion."

Speaker Ryder: "Representative Granberg."

Granberg: "Representative, I disagree, I think it's very important. We just dealt with issue on Robbins and this Amendment comes to the floor. Now, Sir, you indicated these former State Reps came to you with this Amendment and this thing came out tonight. Will you please identify those people and what interest they have in...any project?"

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Speaker Ryder: "Representative Balthis."

Balthis: "Representative, there were people from the Robbins facility, there were people that are representing the facility that's in Representative Davis' district, there were people in several different areas of the state that have an interest in what happens with this Amendment. But quite frankly, they have a better interest in this than they do the complete repeal which is called 730."

Speaker Ryder: "Representative Granberg."

Granberg: "Representative, do you understand the impact this will have on Representative Davis' district and for downstaters? The issue is going to be the same, Sir. These places are being built or in the process of being built, will be built. And that means downstate will become a garbage dump for the northern part of Illinois. Do you understand the consequences to these districts downstate?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, if this Bill doesn't pass, do you want 730 to pass?"

Speaker Ryder: "Representative Granberg on the question."

Granberg: "Who's giving us that option, Representative?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, this was presented as an alternative to the complete repeal in order to do this in a rational way. It was not designed to build an incinerator on every street corner in the State of Illinois."

Speaker Ryder: "Representative Granberg."

Granberg: "Well, Representative, we would like to discuss this. You have projects that are in the process of being completed. Bonding is being sought, investors are or have been contacted, these things are in the process. Contractors are being retained. And now this comes out at

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this time of night that obviously would kill these projects. Now, if that's what you want to do, you know, we tried to help because we're trying to keep garbage out of downstate. This is an alternative. And now you defeat one and then you bring this out at eight o'clock at night and you say this is the alternative. Whose alternative? You say we can have one or the other. Who makes that policy?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, every facility that is under consideration right now, is grandfathered in under this legislation. So, the facility in Representative Davis' district can go forward with this legislation. So this does not stop his project."

Speaker Ryder: "Representative Granberg."

Granberg: "Representative Balthis, these projects are based on estimates, on who will contract with them, what products come into that service area, who's going to be impacted. That's how they make their determination on the feasibility of these multi-million dollar projects. For you to say then limit what they can receive that throws out all the projections, that throws out the whole foundation for the project. You know that, Sir. Isn't that true?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, the intent of this legislation originally, in 1989, was to help the taxpayers of the State of Illinois. This language will permit those projects that are ongoing to continue. They can get refuse from Peoria, they can get it from Bloomington, there's a lot of other places. They do not have to go to Missouri and take care of the taxpayers of St. Louis in order to build that facility."

Speaker Ryder: "Representative Granberg."

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Granberg: "This argument is the same as with Robbins, Representative. You're going into someone else's district telling them project should be grounded after all the money has been spent? All the initial studies, all the feasibility studies have been conducted, all the financing has been retained and now you say no, and now you say no, at the last second. Have you had any discussions with any of the people involved in these projects before this Amendment? Did you talk to the owners of these groups? Did you talk to Representative Davis to see if we can't work out a compromise on this? Because this impacts his district, Sir, immediately. It impacts all southern Illinois because we're going to end up getting the garbage if this doesn't happen..."

Speaker Ryder: "Representative Granberg, were you finished, Sir?"

Granberg: "To the Bill, Mr. Speaker."

Speaker Ryder: "Mr. Granberg."

Granberg: "I think this is a...it really is shocking. We deal one then we hear we can only have one or the other. Who makes this dictum, who decides if we're going to have one Bill or the other? Certainly I wasn't aware of it, Representative Davis wasn't aware of it, this side of the aisle wasn't aware of it. Is this your Leadership, Representative Balthis? One Bill or the other. Let's have a reasonable discussion, let's talk about policy. I don't want downstate to become a garbage dump for the rest of Illinois. That's what you're going to do because you're going to limit the volume. They've already had the studies, if they don't have the volume, they don't have the ability to do this. That means they don't have the project. That means downstate gets the garbage again. If you want the garbage, Representative, you can have it, we

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don't want it. And I intend to vote 'no'."

Speaker Ryder: "The Chair recognizes the Gentleman from Vermilion, Representative Black."

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

Speaker Ryder: "The Sponsor indicates that he will."

Black: "Yes. Representative, I come from a downstate district and I don't think this Bill is quite as bad as my good friend and colleague on the other side of the aisle would have us believe. Let's take a look at this. House Bill 1610, if I'm reading it correctly, any incinerator that is on the drawing board and will begin any kind of construction within two years of the effective date of this Bill would not be impacted whatsoever, correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "That's correct, Representative."

Speaker Ryder: "Representative Black."

Black: "So, in the case of the Robbins incinerator, this will have absolutely no adverse impact on the Robbins incinerator whatsoever, will it?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, it will have no impact on that facility. They are supportive of the legislation because it does not impact them in a negative way. And I would simply say that this Bill was introduced...I think we introduced something close to 3,000 Bills this year and this is House Bill 1610, so it's been on the calendar for some month and a half to six weeks and these are minor changes to this Bill."

Speaker Ryder: "Representative Black."

Black: "Yes, thank you very much, Representative, Mr. Speaker and Ladies and Gentlemen of the House, no one has been...no one

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has been anymore vociferous in objection to anything that would prevent communities north of my district from doing anything that would result in their shipping their waste to downstate counties. And I have a county with a lot of abandoned coal mines, both shaft mines and service mines, so I know very well what some people would like to do. They would generate the trash and would like to send it down to my county and call it economic development and I don't think we're particularly interested in that. But I think I'm going to vote for this Bill because I think it does a couple things a little differently than some of the Bills that we've talked about in the past. First of all, it provides a sunset on the retail rate which we all know has the potential to be a very expensive impact on the rate payers of the State of Illinois. However, it does not affect any, it doesn't affect Robbins, I doubt that it will affect anyone and anyone...any incinerator in anyone's district that is even close to being a reality. Because it will not impact any of those facilities that would be under construction in any way, shape or form by the time this Bill would go into effect. So what it does, it grandfathers those trash to energy facilities that are either under construction, such as Robbins, and it does not in anyway impact the ability of the Robbins recycling and trash to energy facility which has already issued some \$385 million of bonds. That's grandfathered under this Bill, as will any trash to energy facility or incinerator being grandfathered as well that's under construction, up to two years, after the effective date of this legislation. It has a number of procedures in it about tightening up of the air quality standards. It addresses the concern many of us have had about the Robbins and other projects that are

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close to fruition. But it does do something that many of us have been concerned about for some time and that is the potential financial impact on the Retail Rate Law. So, I think it's a well crafted legislation, I don't think it's going to present any major problems to my downstate district. I'm not aware of any incinerators on the drawing board in some of the collar counties. I am aware of some incinerators on the drawing boards in other counties, in fact some of them downstate. And I would submit to you that this Bill will not hurt those in any way, shape or form. So I commend the Gentleman on what I think is a very fair Bill and I'm pleased to be able to finally vote for something that accomplishes the concern or meets the concerns of downstate communities as well as meeting the concerns of some of the environmentalists who are concerned about the Retail Rate Law. So, I think it's a pretty fair piece of legislation, deserving of an 'aye' vote."

Speaker Ryder: "Thank you. The Chair would recognize the Gentleman from Cook, Representative Kubik. Representative Kubik."

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

Speaker Ryder: "Sponsor indicates that he will yield to your questions, Sir."

Kubik: "Representative Balthis, I guess I want to make sure I understand this Bill. Essentially what you're saying is, that you're grandfathering those who currently have permits and are under construction and they will be able to take advantage of the Retail Rate Law. Is that essentially what this Bill does?"

Speaker Ryder: "Representative Balthis."

Balthis: "Yes, Representative, the language is very specific in that, outlines what they need to do to meet that criteria

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and specifically gives them a time frame which has been felt by everyone I've talked to, meets the criteria that they would need to qualify."

Speaker Ryder: "Representative Kubik."

Kubik: "If there was a co-generation facility, which is currently seeking a license, and manages to obtain a license before this Bill is signed, would they be...would they be able to take advantage of the Retail Rate Law?"

Speaker Ryder: "Representative Balthis."

Balthis: "Yes, Representative, in fact on page 8 of the Amendment which becomes the Bill it talks about they have two years to get those permits after the effective date of this legislation. So, not only is it someone who has a permit today, but someone...they have two years in which to receive those permits or to get under construction."

Speaker Ryder: "Representative Kubik."

Kubik: "Well, I know there's been a great deal of attention focused on the Robbins incinerator. I happen to have an incinerator that is very close to my district, which is Summit, the Summit incinerator. And as I understand it, by the provisions of this Bill, if Summit were to receive their permit in six months they would have...they would be able to take advantage of the Retail Rate Law. Is that correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "Yes."

Speaker Ryder: "Representative Kubik. Nothing further. The Chair recognizes the Gentleman from Kankakee, Representative Novak."

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

Speaker Ryder: "Sponsor indicates that he will."

Novak: "Representative Balthis, if I can phrase this...if I can

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phrase this question in the right manner. Does the essence of your Bill more or less agree to the acceptance of the Robbins incinerator and more or less preclude construction of any proposed incinerators, whether they're in the southern suburbs or any other part of the State of Illinois?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, there's a requirement in here, in the legislation, that would require any community that wanted to site a facility from the inception of this language...this legislation. But they would have to prove to that community that they wanted to build it in had a need for it in that community and the general area. So, if you're asking me if it would stop any more building of incinerators in the south suburbs, the answer is yes. One of the things we've tried to do in the south suburbs is stop the proliferation of incinerators in this language and this legislation will do it. It will not stop them from being built any place where they qualify for the language in this legislation."

Speaker Ryder: "Representative Novak."

Novak: "Thank you, Representative. When you indicated to me that a community or an area has a say so or right to say yes or no, how is that determined?"

Speaker Ryder: "Representative Balthis."

Balthis: "The language speaks to the solid waste management plans that the State of Illinois required every county to put in place a few years ago. That lan...speaks to that language or those solid waste plans in the language in the legislation."

Speaker Ryder: "Representative Novak."

Novak: "Do those...do those solid waste plans include the 172

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sighting process like we use for landfills?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, this does not deal with any of the EPA or local sighting situations. It just simply...Right, they have to go through the regular EPA process that they do today, both local sighting and state sighting, in order to get their permits."

Speaker Ryder: "Representative Novak."

Novak: "So, there are no public...are there public hearings or can a referendum be held or what type of community input is contained in this legislation? And does the local government body itself where a proposed incinerator is to be sighted or is it a consortium of cities or villages within a contiguous area that makes the decision?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, there's nothing in this language that speaks to those issues. Those issues are already in statute. The requirements there for local sighting, all those public hearings that remains intact just as it is today."

Speaker Ryder: "Representative Novak."

Novak: "Thank you, Representative. You know, I share your concern about the south suburbs, you know, I do. But if a community down in southern Illinois in a predominately rural area wanted to sight a facility, how would this legislation affect them?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, it would not affect them unless they could not qualify under the sunset provisions that take effect two years after the effective date of this legislation."

Speaker Ryder: "Representative Novak, you're out of time. Please

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bring your remarks to a close."

Novak: "Representative, I thank you for the comments. To the Bill, Mr. Speaker."

Speaker Ryder: "To the Bill, Representative."

Novak: "I have to get up and oppose this Bill. I think...unfortunately I understand the concerns of the Representative concerning the south suburbs but the State of Illinois is a very large place and I think if a community wants a facility such as this, they certainly shouldn't be impeded by any type of state action or state public policy. And I would certainly ask my colleagues to support me in voting 'no' against this Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Madison, Representative Davis."

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

Speaker Ryder: "Sponsor indicates he'll yield for your questions, Representative."

Davis, S.: "Representative, let me take a different tactic here for one second. I can remember when I first got sworn in here, in here as a Legislator and the...and Speaker Daniels said that they were going to be fair and open and they wanted to have open debate on all these issues. It's a shame that we didn't get to see this Amendment come before a committee other than the Rules Committee to where people could come and testify for or against it. Now, can you tell me who the opponents of this Bill are, Sir?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, this legislation, in its initial form, which comprises about 99% of the language of this Amendment was introduced in February of 1995. So if you didn't pay attention to it when it was introduced, that's not my problem."

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Speaker Ryder: "Representative Davis."

Davis, S.: "Well, Representative, according to my analysis, the opponents of this Bill are the Illinois Association of Environmental Services, is that correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, I have had no contact with any environmental group about this legislation."

Speaker Ryder: "Representative Balthis or Representative Davis."

Davis, S.: "Well could you explain to me one more time because I want to get this really, really clear about the Retail Rate Law? Now, the Retail Rate Law is still going to be in effect under this legislation, is that correct?"

Speaker Ryder: "Representative Balthis."

Balthis: "Yes."

Speaker Ryder: "Representative Davis."

Davis, S.: "And the Retail Rate Law is going to be in effect for 22 years or 20 years after passage because we have a two year time limit in here on the co-generation plants. So, would it be 20 years if they built it within that two year period and then 20 years after that?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative, it's my understanding that the maximum time, from the time they started receiving the incentive would be 20 years."

Speaker Ryder: "Representative Davis."

Davis, S.: "I'd like to go back to the one provision in here. I only have a problem with one provision in this Bill. I really do and I am curious as to why you limit the tires and wood to Illinois. Is it because some special interest group asked you to put that into the Amendment? Why is it that you want to limit wood and tires to only Illinois wood and tires?"

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Speaker Ryder: "Representative Balthis."

Balthis: "Representative, it is not only wood and tires, it is household garbage, commercial garbage, it is not just for tires and wood. It's for any waste to energy product that is used to generate energy. So it is for everything, not just wood and tires."

Speaker Ryder: "Representative Davis."

Davis, S.: "To the Bill, Mr. Speaker."

Speaker Ryder: "To the Bill, Mr. Davis."

Davis, S.: "I want my colleagues to know this. If you're an environmentalist, if you're an environmentalist, you have to vote against this Bill because you're allowing Robbins and you're allowing wood and tires to be burnt, so you have to vote against this Bill, if you're an environmentalist. If you are against the Retail Rate Law, in the State of Illinois, you have got to vote against this Bill. You cannot vote for this Bill if you are against the...the Retail Rate Law. I ask you to vote against this Bill because this Bill hurts my district. I would urge all of my colleagues for a 'no' vote. Now, Mr. Speaker, I wish that after you...after the vote is cast we would like a verification."

Speaker Ryder: "Your request is acknowledged. The Chair recognizes the Gentleman from Madison, Representative Stephens."

Stephens: "If I'm a tree hugger, I'm supposed to vote 'no'?"

Speaker Ryder: "Representative Stephens, you're recognized on the Bill."

Stephens: "Well, I think if I'm a tree hugger, I'm supposed to vote 'no'. And I just wanted everybody to know that."

Speaker Ryder: "The Chair recognizes the Gentleman from Kendall, Representative Cross."

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

Speaker Ryder: "The Gentleman's moved the previous question. All in favor of putting the previous question say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question is put. You have heard the Gentleman. The question is, 'Shall House Bill 1610 pass?' All those in favor vote 'aye', all those opposed '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 22 voting 'yes', 88 voting 'no' and 3 voting 'present'. And this Bill, having failed to receive a Constitutional Majority, is hereby declared lost. Mr. Davis, I believe that your request for a verification was conditional, was it not, Sir? Yes, indeed it was. Mr. Clerk, continue on the order of House Bills - Third Reading, House Bill 1384."

Clerk Rossi: "House Bill 1384, a Bill for an Act in relation to regimented juvenile training. Third Reading of that House Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 1384 amends the Juvenile Court Act to create a three year joint pilot program within the seventeenth judicial circuit. I would answer any questions, be more than happy to."

Speaker Ryder: "You have heard the Gentleman. And on that, the Chair recognizes the Gentleman from Effingham, Representative Hartke. Representative Hartke. I am sorry. Your light... I'm sorry, Sir. I'm sorry. Then the Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

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

Speaker Ryder: "I'm sorry, Mr. Hoffman."

Hoffman: "Mr. Speaker, first, joined by the requisite number of hands, I would like to take this off of Short Debate."

Speaker Ryder: "I am sorry, Sir. I cannot... Okay, Representative Lang, please, one at a time. One at a time, Representative Lang. Your request is acknowledged, Sir. Please, proceed."

Hoffman: "Question of the Sponsor. Representative, this is the Bill that indicates that you will develop only in the judicial circuit where you are from, a state funded juvenile boot camp, is that correct?"

Speaker Ryder: "Representative Winters."

Winters: "Yes, as a pilot project, it is the first one in the state. We want to find out exactly how to best run this type of project so that we don't waste money as we expand it across the state."

Speaker Ryder: "Representative Hoffman."

Hoffman: "And this is also the Bill that indicates that this juvenile boot camp... An individual who is sentenced to this juvenile boot camp will not serve over 14 days in that boot camp, is that correct?"

Speaker Ryder: "Representative Hoffman, was that a question, Sir? With a question mark at the end would be helpful for this..."

Hoffman: "I said, 'is that correct'."

Speaker Ryder: "Thank you very much. Representative Winters."

Winters: "As these are first and second time non-violent offenders only, the very youngest and the least hardened of criminals, we decided that a 14 day sentence would be the maximum allowed at this facility. It is an option that the court can use. It is not mandatory at all. They can

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choose a harsher sentence if they feel it is warranted."

Speaker Ryder: "Representative Hoffman, Sir."

Hoffman: "Well, let me explain to everybody in the Body. I think that everybody needs to know, especially on this side of the aisle, what this Bill does. This Bill...This Bill establishes, for the Rockford area only, a juvenile boot camp where a juvenile will serve only 14 days. Now, the Representative...the Representative would have you believe that only non-violent offenders, juveniles who are not going to reek harm on society, would be in this boot camp. Let me indicate to you some of the offenses that are still eligible to only serve 14 days in a juvenile boot camp. If you have a weapon in a school zone and you can be expelled for a year, you can be expelled from school for a year, but under this Bill, you would only have to serve 14 days in a juvenile boot camp. Aggravated battery. Where I come from... Where I come from, that is a violent offense, you would only have to serve 14 days in a juvenile boot camp. Aggravated assault, 14 days in a juvenile boot camp. Here is one...here is one, if you have more than 500 grams of cannabis, 500 grams of cannabis, you only have to serve 14 days in a juvenile boot camp. Dealing of cannabis on school grounds, 14 days in a juvenile boot camp. Aggravated assault by discharge of a firearm, 14 days in a juvenile boot camp, and here, for some other people on the other people on this side of the aisle, hate crimes. Hate crimes, 14 days in a juvenile boot camp. Well, I want to tell you something. I want to tell you something. I am glad I don't live in the Rockford area. I am glad I don't because you know what, if you live in the Rockford area and a person who is a juvenile, a gangbanger, a gangbanger who commits aggravated battery, aggravated assault, only has to

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serve 14 days in a juvenile boot camp. In my area, we can put them into detention for some time. In my area, we can do something that is going to reform these kids. But if you live in Rockford, for God's sake...for God's sake, you have to do 14 days in a juvenile boot camp and learn to do jumping jacks and learn to make your bed neatly. This is absolutely, absolutely ridiculous. I want to tell you something. I am not going to be a part of sending my taxpayers' dollars over to Rockford to make sure that gangbangers can reap havoc on the citizens of Rockford. I urge a 'no' vote on this."

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

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

Speaker Ryder: "Sponsor indicates that he will."

Dart: "Representative, this was as you have said, is a pilot program. What is it modeled after?"

Speaker Ryder: "Representative Winters."

Winters: "The best model that we are using for this is the Sheriff's Work Alternative Program, the SWAP program in Cook County."

Speaker Ryder: "Representative Dart."

Dart: "And what if...who will be sentencing the juveniles to this facility? Who would be the one doing the sentencing?"

Speaker Ryder: "Representative Winters."

Winters: "There are two uses here. The initial is as a holding period of up to 36 hours as an intake center. They would not be adjudicated at that point, but it is a place to hold them to release the police back onto the street while the social service agencies are involved, while the parents are involved in determining the future of that juvenile. If they then commit a second offense, this would be the

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normally handling, they would go through the juvenile court system, they would be sentenced there by the judge responsible for the juvenile courts."

Speaker Ryder: "Representative Dart."

Dart: "Representative, so in effect, the defendants or the adjudicated delinquents in this case, would be individuals from both Boone County and Winnebago County? Is that correct?"

Speaker Ryder: "Representative Winters."

Winters: "Yes, it is designed to serve the seventeenth judicial circuit which is both counties."

Speaker Ryder: "Representative Dart."

Dart: "Are there any other counties within that judicial circuit?"

Speaker Ryder: "Representative Winters."

Winters: "No, that is the...one of the primary reasons that judicial circuit was chosen since it only has two counties to work out the intergovernmental agreements. We thought it would be much easier to handle on a pilot basis."

Speaker Ryder: "Representative Dart."

Dart: "Do you have an estimate of how many youths would be able to make themselves available to this, how many juveniles?"

Speaker Ryder: "Representative Winters."

Winters: "The best estimate from Winnebago County is they arrest on the order of 1500 to 1800 per year. Most of those would be eligible. Obviously, the violent ones that would be housed in our juvenile detention center, would not be eligible for this. That estimate, I think, was around 300 a year. So, we are talking between 1200 and 1500 from Winnebago County, a smaller number but still significant number, from Boone County."

Speaker Ryder: "Representative Dart."

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Winters: "Also, the arresting officers, we feel, would be more likely to actually follow up on criminal behavior that they see knowing that they wouldn't have to turn that juvenile loose within 6 hours. They would have a facility available to them to get them out of the squad car because there are many instances when a patrolman may see behavior that would warrant arrest and decides it is not worth the effort because of the paper work hassle that he has. So, we may see more juveniles actually go through the system and receive some of the message that there is going to be a consequence for breaking the law."

Speaker Ryder: "Representative Dart."

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

Speaker Ryder: "Representative Dart."

Dart: "I realize the Sponsor has put a great deal of time in that and God knows we have had this Bill up here often enough, but I rise in opposition to this Bill for two reasons. One reason is, we don't need a pilot program to tell us how to deal with these juveniles. We have a program that has been used in Cook County, we have other programs that have been used around the United States. So, the theory of needing a pilot program is speeches at best. We don't need that. We already have that. So, what do we have then? We have a \$400,000 program that will be used for what? For two counties. If you are representing those two counties, I suggest strongly you vote for this measure. If you don't, however, I would suggest you probably could find a better use of \$400,000 within your own county. Remember, these are for juvenile offenders only in those two counties. None of your residents would be able to make use of this. Your police forces will not be able to make use of this. This is a project for only those two counties. So, if you

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are in a giving mood and you feel as if your counties have enough and you cannot use the extra \$400,000, then gladly vote for this Bill because that is what you will be doing here. But if you feel that this is a project for only two counties and you would rather see the money spent within your own, I would suggest you vote against this. And as I said before, a pilot program is when you test something out. We already know how these programs work. We have them in Cook County, we have had them around the United States and I would urge your 'no' vote."

Speaker Ryder: "The Chair recognizes the Lady from Kane, Representative Deuchler."

Deuchler: "Would the Sponsor yield for a question?"

Speaker Ryder: "The Sponsor indicates that he will yield for a question."

Deuchler: "Representative Winters, did you state that the \$400,000 was going to come from GRF?"

Speaker Ryder: "Representative Winters."

Winters: "The source of those funds has not been determined yet, at all. It could be county, it could be state, it could be federal funds."

Speaker Ryder: "Representative Deuchler. I'm sorry, Representative Winters. Representative Deuchler."

Deuchler: "Well, I must confess I am a little at a loss, and if you are unable to tell me whether this is GRF, I certainly, to the Bill, am looking at areas like transitional day care, domestic violence shelter, elderly home care. And quite frankly, I would have to support those issues that would have statewide impact before I would support a program for one county. Thank you."

Speaker Ryder: "Representative Black, where is the doorman? The Chair recognizes the Gentleman from Cook, Representative

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Durkin."

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

Speaker Ryder: "The Gentleman has moved the previous question.

All those in favor of the previous question, please say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question is put. The Chair recognizes the Gentleman from Winnebago, Representative Winters, to close."

Winters: "Thank you, Mr. Speaker. This is designed as a pilot.

The idea is that we save money by not developing these young juveniles into future criminals. We don't need to build a new prison every year as we have over the last 15 years. Let's make sure that these juveniles do not turn into criminals and this is the most effective way to do that. I would ask for your favorable vote."

Speaker Ryder: "The question is, 'Shall House Bill 1384 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 55 'ayes', 60 'nos' and 0 voting 'present'. The Chair recognizes the Gentleman from Winnebago, Representative Winters."

Winters: "I would ask that this be put on Postponed Consideration."

Speaker Ryder: "Your request shall be acknowledged. Mr. Clerk, please place House Bill 1384 on Postponed Consideration. Representative Churchill in the Chair."

Speaker Churchill: "Mr. Clerk, please read House Bill 1459."

Clerk Rossi: "House Bill 1459, a Bill for an Act amending the School Code. Third Reading of this House Bill."

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

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Representative O'Connor."

O'Connor: "Thank you, Mr. Speaker. House Bill 1459 amends the School Code. It provides for a tuition charge to be made if a school board determines that a non-resident pupil is improperly attending the district school on a tuition free basis, and I would be happy to answer any questions, Mr. Speaker."

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

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

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

Dart: "Representative, how is this changing the present scheme?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Representative, this Bill will strengthen the existing law by building in a specific hearing mechanism through with both the students and the school district's due process rights are protected, and the issue of non-resident school attendance is addressed in a timely and specific manner."

Speaker Churchill: "Representative Dart."

Dart: "Representative, can you give me the present scheme, though, as far as...When this occurs right now, today, prior to this law, what would physically happens? What occurs when this happens right now?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Representative, current law provides that boards of education must charge non-resident pupils who attend the schools of the district tuition in the amount not exceeding 110% of the per capita costs of maintain the schools of the district for the preceeding school year."

Speaker Churchill: "Representative Dart."

Dart: "But, now if somebody were to be a non-resident and come

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into the district and be doing it illegally, what is the procedure now?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Are you talking about this Bill that we are proposing or what is the procedure prior to this Bill?"

Speaker Churchill: "Representative Dart."

Dart: "Prior to this Bill right now, prior to the Bill...I'm trying to figure out what...is easier to understand what we are changing then."

Speaker Churchill: "Representative O'Connor."

O'Connor: "Well basically, what we are trying to change is, prior to this Bill and legislation being introduced, alright? You have boards of educations pretty much making decisions. What we are attempting to do with this legislation is to have it become more local by letting the local school boards make the decisions."

Speaker Churchill: "Representative Dart."

Dart: "And presently, right now, the local school boards are not making the decisions?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "No."

Speaker Churchill: "Representative Dart."

Dart: "In the event of a non-resident going to school in a district and say that the non-resident is lying, what would the...what occurs to that person now?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Representative, would you be kind enough to repeat that? I honestly did not hear you."

Speaker Churchill: "Representative Dart."

Dart: "Sure. If... In a situation right now, if you have an individual who is a non-resident, say a resident of Evergreen Park who is living in Evergreen Park, but through

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some ruse, is going to school in Oaklawn, if that individual is caught going to school in Oaklawn, what is the present procedure for dealing with that individual whether it be the child or the family?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Well, they would probably expel them."

Speaker Churchill: "Representative Dart, you have two minutes left on your Bill. Do you stand in opposition to the Bill? If so, would you please state your opposition?"

Dart: "Pardon me?"

Speaker Churchill: "You have two minutes left on the Bill. If you stand in opposition, would you please state your opposition? And then we will proceed to go towards the Bill."

Dart: "Mr. Speaker, I am trying to find out what the Bill does before I can determine whether I am for it or against it."

Speaker Churchill: "I am giving you opportunity now, Sir."

Dart: "Thank you very much, Mr. Speaker. What is the changes you are making in regards to DCFS wards and or foster children, foster families?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Representative, DCFS students go to school where his or her foster home is located."

Speaker Churchill: "Representative Dart."

Dart: "So, now, if a DCFS ward is taken from their original place of residence, their original home, they are taken...not DCFS ward, child's living in a town and is removed from that family and it becomes a ward of the state is taken to another town, under your Bill, what would happen to that child? Would that child be treated any differently or is that child now a resident of the new school district, and are they allowed to start up as if they are a new student

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there? Are there any penalties?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Wherever it would be deemed his residency would be at, that is where he would be required to attend that school in that district."

Speaker Churchill: "Representative Dart."

Dart: "If the child has been taken away from the family... So then the long and short of it is, if the child has residency within the foster family in this other town, it is as if it is a natural child as their natural child...they treat that way?"

Speaker Churchill: "Representative O'Connor."

O'Connor: "Again, if you define like a natural child, like with legal guardianship, then it would flow under the same privy, yes."

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

Skinner: "Today, I had a conversation with a Barrington High School Board member, Unit School district board member, and she told me that 24 students had been found wanting to attend and actually attending Barrington High School that were not residents of the district. It seems to me we need more penalties, so I intend to vote 'yes'."

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

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

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

O'Connor: "Mr. Speaker, I would request a favorable vote on House Bill 1459."

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Speaker Churchill: "The question is, 'Shall House Bill 1459 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye' 4 voting 'no' and 4 voting 'present' and this Bill, having received a constitutional majority, is hereby declared passed. Mr. Clerk, please read House Bill 1850."

Clerk McLennand: "House Bill #1850, a Bill for an Act that amends the Upper Illinois River Valley Development Authority Act. Third Reading of this House Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. This Bill amends the Upper Illinois River Valley Development Act. The Upper Illinois River Valley Development Act created...put together four or five counties which were Grundy, LaSalle, Bureau, Putnam and Marshall to expand or encourage economic growth in that area, in that region along the Illinois River. We've added...we're trying to add to this particular, Bill Kendall County. There aren't any additional costs, it got out of committee unanimously. I'd be glad to answer any questions."

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

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

Speaker Churchill: "Indicates he will. Please proceed."

Mautino: "The Upper Illinois River Development Authority, the changes that...are being added here is just to add Kendall County into it, correct?"

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Speaker Churchill: "Representative Cross."

Cross: "That's exactly right."

Speaker Churchill: "Representative Mautino."

Mautino: "So, they will have the same number of directors and members on the board as any of the other five counties currently in the Upper Illinois River Development Authority?"

Speaker Churchill: "Representative Cross."

Cross: "That's correct, Frank."

Speaker Churchill: "Representative Mautino."

Mautino: "Okay. Just to the Bill itself."

Speaker Churchill: "To the Bill."

Mautino: "I would...I stand in support of the Bill. This has been agreed. The Kendall County will be able to...could you ask...could you hold the level down a little bit? This is a good piece of legislation..."

Speaker Churchill: "Representative Deering, Representative Novak...."

Mautino: "...it's good for the economic development."

Speaker Churchill: "...please hold it down back there."

Mautino: "Economic development throughout Bureau, LaSalle, Marshall, Putnam, Grundy and Kendall County, there are some projects which will tremendously benefit all the peoples in the upper Illinois River area and I just ask for an 'aye' vote."

Speaker Churchill: "Representative Mautino stands in support of this Bill. Representative Hoffman, do you stand in opposition to the Bill?"

Hoffman: "I just have some questions of the Sponsor."

Speaker Churchill: "Please proceed."

Hoffman: "Yes, Representative, this would...would this add quick take authority to Kendall County?"

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Speaker Churchill: "Representative Cross."

Cross: "No."

Speaker Churchill: "Representative Hoffman."

Hoffman: "This doesn't...the Illinois River Valley Development Act does not include quick take authority for the Development Act? The reason I asked that is we just had one, the Southwestern Illinois Development Authority had quick take authority. Does this allow Kendall County to now have quick take authority under this Act?"

Speaker Churchill: "Representative Cross."

Cross: "Not in the current Act, Jay. It's not anywhere that I see."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Is this any increased cost to the state as a result of this?"

Speaker Churchill: "Representative Cross."

Cross: "No."

Speaker Churchill: "Representative Hoffman."

Hoffman: "And the officials at Kendall County are all in favor of joining this group?"

Speaker Churchill: "Representative Cross."

Cross: "Our county board did a Resolution supporting this."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Does this group have bonding authority that is backed by the full faith and credit of the state?"

Speaker Churchill: "Representative Cross."

Cross: "Representative, the authority does having bonding power, moral obligation bonds, in the amount of \$100 million."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So, the question is, by adding another county, does this put the state more at risk?"

Speaker Churchill: "Representative Cross."

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Cross: "No. There's no additional...no more additional bonding power or authority than the current amount and the Governor has to approve all the bonds before they're sold."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Okay. So, that doesn't change that. The Governor still would have to approve all the bonds, regardless of what county they're from and regardless of them being from Kendall...in Kendall County, if they're a part of this Illinois River Valley Development Authority Act?"

Speaker Churchill: "Representative Cross."

Cross: "Right."

Speaker Churchill: "Representative Hoffman."

Hoffman: "In no way...in no way would affect the adversely the current bond rating of the State of Illinois?"

Speaker Churchill: "Representative Cross."

Cross: "No."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Nothing further."

Speaker Churchill: "Representative Davis from Cook, do you stand in opposition to this Bill?"

Davis, M.: "I don't stand in opposition to this Bill. I do stand in opposition to the previous one that passed. And I just wanted to say, if we funded education properly parents would not try and sneak their children into areas where the funding for education is more than the one that they're sneaking away from. We must fund education and not make parents felons or Class C misdemeanor people because they're trying to get a good education for their children. So hopefully, the Governor or the Senate will vote against this Bill."

Speaker Churchill: "The record will reflect your remarks. Representative Cross to close."

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Cross: "Thank you, Mr. Speaker. I appreciate Representative Mautino's help and assistance. I appreciate a 'yes' vote as well. Thank you."

Speaker Churchill: "Question is, 'Shall House Bill 1850 pass?' 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 111 'aye', 4 voting 'no' and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed."

Speaker Churchill: "Mr. Clerk, please read House Bill 1900."

Clerk McLennand: "House Bill #1900, a Bill for an Act concerning tax collections. Third Reading of this House Bill."

Speaker Churchill: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill will be used as vehicle on behalf of the State of Illinois, in particularly, the County of Cook. We are in negotiations and have reached an agreement with the Department of Revenue for the state to be collecting the use tax on behalf of Cook County. Unfortunately, since the Department of Revenue is working on the Amendment, they have yet to finish the drafting. I would ask the assistance of the House to move the Bill to the Senate so that they can have an Amendment adopted there and hopefully, we can come back. On behalf of Representative Stroger, my Cosponsor, I ask for your assistance."

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

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

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

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Dart: "Representative, my understanding is that there is, as you have mentioned, there is ongoing negotiations going on about this Bill and that you have been working hand in hand with the county on this. Is that correct?"

Speaker Churchill: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Actually, the negotiations, I think, have been concluded and the department has been directed to draft the legislation. They are just, you know, they are gnomes."

Speaker Churchill: "Representative..."

Ryder: "They want to do it correctly and I would like to give them the chance to do that correctly. So, with your help on this ignominious piece of legislation, I would appreciate your help."

Speaker Churchill: "Representative Dart."

Dart: "Far be it for me to ever get in the way of the gnomes. I fully support your Bill, Representative. Thank you."

Speaker Churchill: "Representative Ryder to close."

Ryder: "Vote 'yes'."

Speaker Churchill: "The question is, 'Shall House Bill 1900 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'nay' and 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2076."

Clerk McLennand: "House Bill #2076, a Bill for an Act to amend the School Code. Third Reading of this House Bill."

Speaker Churchill: "The Gentleman from Winnebago, Representative Winters."

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Winters: "Thank you, Mr. Chairman...Mr. Speaker, Members of the General Assembly. House Bill 2076 is amended, adds school districts to the list of those entities eligible to receive scientific illiteracy contracts and grants, provides that a guarantee energy savings contract, if funded in whole or in part, will be used. The energy savings will be used to pay off the bond. In provisions relating to block grants, changes the current authority of the State Board of Education to award those block grants, requires the State Superintendent of Education to provide assistance for the schools for improved technology utilization and amends the Occupational Skills and Standards Act."

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

Dart: "Thank you, Mr. Speaker. Initially, I would ask to have this taken off of Short Debate and I am joined by the requisite number of hands."

Speaker Churchill: "You are joined by the requisite number of hands. It is off Short Debate, but please, if you are in opposition to the Bill, stand up and make your point."

Dart: "Thank you, Mr. Speaker. I am... I have questions of the Sponsor as to..."

Speaker Churchill: "Please, proceed."

Dart: "Thank you. Representative, can you tell me initially, what Amendments...There were 11 Amendments filed to this Bill. Which ones are on?"

Speaker Churchill: "Representative Winters." Winters:# "The two Amendments that are on it are #10 and #11. Number 10 includes provisions from several other Bills. ...11 is that from Mautino and Mitchell."

Speaker Churchill: "Representative Dart."

Dart: "Mr. Speaker, an inquiry of the Clerk. I show on the

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Calendar that Amendment 4 is on as well. Can I have a ruling to whether that is on or not?"

Speaker Churchill: "Mr. Clerk, please tell us the status of this Bill and Floor Amendment #4."

Clerk McLennand: "House Amendments #4, 10 and 11 have been adopted."

Speaker Churchill: "Representative Dart."

Dart: "Representative, can you explain to me as to what Amendment #4 does?"

Speaker Churchill: "Representative Winters."

Winters: "Yes. Floor Amendment 4 included the provisions of House Bill 795, 796, 2078, and the original Bill."

Speaker Churchill: "Representative Dart."

Dart: "Representative, that was a Committee Amendment, not a Floor Amendment, correct?"

Speaker Churchill: "Representative Winters."

Winters: "That is correct."

Speaker Churchill: "Representative Dart."

Dart: "Now, in regards to Amendment #4, there were numerous provisions in Amendment #4 I seem to recall that were problematic, if I'm not mistaken. Can you explain to me the ones that were in Amendment #4 that are now out of it?"

Speaker Churchill: "Representative Winters."

Winters: "Yes. Floor Amendment #10 put in all the originals, but took out the charter district language. That was the only one there seemed to be any problem with. So, that has been removed."

Speaker Churchill: "Representative Dart."

Dart: "Was this the Bill, Representative, I apologize, because there was quite a few of them, was this the Bill that had the language in there about Project Jump Start?"

Speaker Churchill: "Representative Winters."

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Winters: "Amendment #10 put in House Bill 2077, which included Project Jump Start. As Amendment 10, that portion of 2077 was removed."

Speaker Churchill: "Representative Dart."

Dart: "So, if I am not mistaken, Representative, the portions dealing with Project Jump Start, had been controversial, but now in the form that you have them in now with Amendment #10 and 11 added, the area dealing with Project Jump Start is no longer a point of contention?"

Speaker Churchill: "Representative Winters."

Winters: "That is correct. As far as I know, there is no opposition."

Speaker Churchill: "Representative Dart."

Dart: "Thank you. Now, the provisions, Representative, in here dealing with the expansion of the grants, what in precisely is that attempting to do there?"

Speaker Churchill: "Representative Winters."

Winters: "I am sorry. Could you repeat that? Which grants were you talking of?"

Speaker Churchill: "Representative Dart."

Dart: "Thank you. The provisions in here dealing with the grants, the competitive grants from fund. I believe there is an expansion of that."

Speaker Churchill: "Representative Winters."

Winters: "I believe this is the language from the original House Bill 2077 dealing with block grants. This continues an effort begun last year to try to get the fragmented and categorical approaches to grants to a more unified and flexible grant program."

Speaker Churchill: "Representative Dart, you have just a little more than a a minute left. If you stand in opposition of the Bill, perhaps now would be a good time for you to state

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that."

Dart: "Mr. Speaker, I am still trying to find out. This was a Bill where the Sponsor wasn't even aware that an Amendment was on there at first. So, I am trying to figure out exactly what it is..."

Speaker Churchill: "Please, proceed."

Dart: "It rolled five Bills into one. It makes it very difficult..."

Speaker Churchill: "Please, proceed. Please, proceed."

Dart: "Thank you, Mr. Speaker. Now, Representative, does this still contain provisions dealing with the technology utilization, the changes in that area? Is that still in here?"

Speaker Churchill: "Representative Winters."

Winters: "Yes. This is a no cost provision. It is basically adding statutory authorization to what the State Board is already doing, but it is unsure that they have authorization. This adds that language."

Speaker Churchill: "Representative Dart."

Dart: "And is there also provisions in here still dealing with the...allowing the State Board to enter into contracts and award grants to school districts, are those provisions in there still as well?"

Speaker Churchill: "Representative Winters."

Winters: "Yes, that is the scientific literacy grants for staff development. That is part of the Bill."

Speaker Churchill: "Representative Dart, nothing further. The Gentleman from Rock Island, Representative Brunsvold, do you stand in opposition to this Bill?"

Brunsvold: "I am not sure yet, Mr. Speaker, until I ask a few questions."

Speaker Churchill: "Proceed quickly, please."

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Brunsvold: "Will the Gentleman yield?"

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

Brunsvold: "Representative, all the issues that were in...or a problem with the original Bill have been taken out. Now, that would be Jump Start and what else?"

Speaker Churchill: "Representative Winters."

Winters: "Project Jump Start was not a part of the original Bill. The part that was taken out was the charter school district language. That was the only part that I am aware of opposition to the original Bill."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "The analysis indicates that you would add grants for the Illinois Math and Science Academy? Can you explain that? What are these grants and how much?"

Speaker Churchill: "Representative Winters."

Winters: "The language in the Bill allows the Science and Math Academy in Aurora to compete to do in-service training for school districts along with allowing school districts to do their own training. It also includes colleges and universities within Illinois. If the school district felt that it was not properly prepared to do its own in service training, it could contract with any of these other agencies to do those. The reason for the Math and Science Academy being included is because they have specialized knowledge in this area and more in depth training."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "That is an interesting comment. We have got a Math and Science Academy that is there to teach a specific subject to go to a specific goal with the young adults that are there, and it is costing us any where from, I don't know, about \$20,000 a child. Is that what it cost?"

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Residential High School, what are we paying per student there?"

Speaker Churchill: "Representative Winters."

Winters: "I have no exact figures on the cost of that school. We are using the expertise that they have developed in teaching those children and the specialized curriculum that that school was designed to develop and trying to extrapolate those to other schools around the state. So, I don't feel that the cost that that academy has per student has any real bearing. They are a special case designed because of their specialized nature, they will have higher costs, but that shouldn't impact on the other school districts. With the lessons that they have to learn...have learned should apply without additional costs to the other school districts."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "One of my colleagues indicates it is about \$18,000 per child at the Math and Science Academy. Well, they are there under that situation and now we are going to bring people from outside to have an educational process for other teachers and other administrators?"

Speaker Churchill: "Representative Winters."

Brunsvold: "During the day..."

Winters: "I don't know what you mean by outside. A school district any place in the state could contract with the Math and Science Academy, the University of Illinois, Northern Illinois, any of the teacher training colleges that we have, depending on how the grants are submitted."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "If outside interests are going to contract with the Math and Science Academy, they are going to contract, I assume, with their teachers. Is that correct?"

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Speaker Churchill: "Representative Winters."

Winters: "Another school district would be allowed to have the Math and Science Academy, if that is what you are driving at, would be allowed to use them as the in service training staff for their own teachers."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "So they are going to go out and do in service programs at a cost that is going to be paid by another school district, the money goes back into the Math and Science Academy?"

Speaker Churchill: "Representative Winters."

Winters: "Yes, it would be on a competitive award basis for their expenses. I assume that the teachers would be doing much of this in the summertime when it would be additional income to that Math and Science Academy."

Speaker Churchill: "Representative Brunsvold..."

Winters: "It is money currently in their budget."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Is there anything else in here that is new? You got kind of complicated when we went through this process. Is there anything in here that is new that wasn't in the other Bill that was combined or in the original Bill?"

Speaker Churchill: "Representative Winters."

Winters: "The only other new piece that we have not discussed is Floor Amendment #11, sponsored by Representative Mautino, and I would like him to answer any questions on that particular Amendment. That is correct."

Speaker Churchill: "Representative Brunsvold."

Brunsvold: "Thank you, Representative."

Speaker Churchill: "The Chair recognizes the Gentleman from Cook, Representative Durkin. Representative Durkin moves the previous question. All those in favor of the previous

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question be moved say 'aye'; opposed say 'nay'. In the opinion of the Chair the 'ayes' have it. The previous question is moved. Representative Winters to close."

Winters: "Thank you, Mr. Speaker. I would appreciate a favorable vote on this House Bill, 2076. Thank you."

Speaker Churchill: "The question is, 'Shall House Bill 2076 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'nay', and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2294."

Clerk McLennand: "House Bill #2294, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Churchill: "The Gentleman from Dupage, Representative Persico."

Persico: "Thank you, Mr. Speaker. Members of the House, House Bill 2294 is a Bill that amends the Illinois Vehicle Code. It is a vehicle Bill right now, that may be used for further negotiations to bring Lake Michigan water to Northeast Will and Southwest Cook Counties. I would just like to move this Bill along and to the Senate to keep the process going. I would be happy to answer any questions."

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

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

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

Lang: "Hi, Representative. How are you doing? Representative, this is a vehicle Bill about the Vehicle Code. Is that

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correct?"

Speaker Churchill: "Representative Persico."

Persico: "It is a shell Bill amending the Vehicle Code."

Speaker Churchill: "Representative Lang."

Lang: "What are you going to do with it?"

Speaker Churchill: "Representative Persico."

Persico: "What I would like to do with it, Representative, is move it along to the Senate to keep the process going. They are in the midst of negotiating to bring Lake Michigan water to Northeast Will and Southwest Cook County."

Speaker Churchill: "Representative Lang."

Lang: "Can you tell me what Lake Michigan water has to do with the Vehicle Code, Sir?"

Speaker Churchill: "Representative Persico."

Persico: "In order to get the project going, we had to amend that Section in order to...because if they didn't, it wouldn't be regulated and it would be...nor they wouldn't be able to get finances or the use of eminent domain."

Speaker Churchill: "Representative Lang."

Lang: "Sir, are we talking about the same Bill? I have no idea what you just said. You told me this Bill deals with Lake Michigan water. This Bill is about the Vehicle Code. Can you give me a broader explanation of what you intend to do and why it affects the Vehicle Code?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, it is because we are transporting water and they want to bring Lake Michigan...possibly bring Lake Michigan water to these communities and they are in the process of negotiating with communities such as Frankfort and New Lenox and Joliet and Bollingbrook and Lemont. So, they want to keep the process going to keep the negotiations going."

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Speaker Churchill: "Representative Lang."

Lang: "Are we going to bring this water to them in trucks?"

Speaker Churchill: "Representative Persico."

Persico: "No, we are not, Representative."

Speaker Churchill: "Representative Lang, do you stand in opposition to this obvious vehicle Bill?"

Lang: "Well, Sir, I am entitled to find out where he is going with this and what it is for. The communities you listed..."

Speaker Churchill: "I think he has already stated that, Sir."

Lang: "...can I assume they have water now?"

Speaker Churchill: "Representative Lang, he has already stated that this is a vehicle Bill. If you stand in opposition, please make your point."

Lang: "Sir, I am not sure whether I stand in opposition. We got a vehicle Bill here and I recall when you were in the Minority, you railed on and on about vehicle Bills. I am not railing, I am just asking. So, I am entitled to do that and I will proceed. Thank you."

Speaker Churchill: "Well, you have two minutes and twenty-five seconds..."

Lang: "That is fine.."

Speaker Churchill: "Continue your rail."

Lang: "That is fine, Sir. Representative, I am really not understanding what you intend to do. I know you are still in the process of some kind of delicate negotiations. What do you intend for this to do? Give me some idea of what you want to happen here."

Speaker Churchill: "Representative Persico."

Persico: "Representative, I would like to move this along in the process, over to the Senate. This project is in its advance planning stages. We are presently negotiating with

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the City of Chicago and Bedford Park to transfer water to these communities. They are trying to get the different communities involved in the process to see if they would like Lake Michigan water. All we are doing is moving it to the Senate, holding it there so that they can negotiate further. They will not move this Bill, obviously it is a vehicle Bill, until they get all the negotiations finished."

Speaker Churchill: "Representative Lang."

Lang: "Could you possibly just tell me why those communities want Lake Michigan water? I really don't know why."

Speaker Churchill: "They are thirsty, Representative Lang."

Persico: "Well, Representative, I live in Dupage County and in the last few years, we had Lake Michigan water brought into our county and it is a much better water than well water."

Speaker Churchill: "Representative Lang."

Persico: "So, I am sure that they would like the same use of this water."

Speaker Churchill: "Representative Lang."

Lang: "I thank the Sponsor for his answers."

Speaker Churchill: "The Gentleman from Cook, Representative Durkin, now moves the previous question. All those in favor of moving the previous question, please state 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Persico to close."

Persico: "Thank you, Mr. Speaker. Members of the House, I would just ask for an 'aye' vote."

Speaker Churchill: "The question is, 'Shall House Bill 2294 pass?' All those in favor vote 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who

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wish? Mr. Clerk, take the record. On this question, there are 76 voting 'aye', 37 voting 'no', and 3 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2338."

Clerk McLennand: "House Bill #2338, a Bill for an Act to amend the Illinois Human Rights Act. Third Reading of this House Bill."

Speaker Churchill: "The Lady from Dupage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House, House Bill 2338 amends the Human Rights Act and makes changes involving...regarding the use of arrest information by employers, the use of sign language interpreters at hearings, time limits for holding and initial hearing on a complaint, subpoenas and discovery in matters pending before the Human Rights Commission, agreements to have the commission retained, jurisdiction over a matter for purposes of enforcing a settlement, dismissal of complaints, amendment of complaints and modification of commission orders and other matters. And I would be happy to answer any questions."

Speaker Churchill: "The Gentleman from Cook, Representative Lang."

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

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

Lang: "Representative, are both Amendments #1 and 2 on the Bill?"

Speaker Churchill: "Representative Biggert."

Biggert: "Yes."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. There was some confusion and some discussion regarding the term 'arrest information' and the fact of an

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arrest and there was some concern about whether somebody's right to privacy might be violated. Can you discuss this issue for us?"

Speaker Churchill: "Representative Biggert."

Biggert: "No, I don't think that there is any question of anybody's right to privacy and that is why the words 'the fact of an arrest' is used as opposed to 'arrest information'."

Speaker Churchill: "Representative Lang."

Lang: "Well, can you tell us how in a factual situation, give us a hypothetical and tell us how it can be used."

Speaker Churchill: "Representative Biggert."

Biggert: "I guess the situation would be in a hospital where someone is seeking a job to work and they have been abusive of patients in another hospital. So, there is the...and they were arrested on that and they were found not...they were arrested, but it was never proven and they were not indicted and prosecuted. So, when they go to apply for another job, according to this...the employer who would be the second hospital, cannot go in and look at the documents showing the arrest information which would have been expunged. But, they could look at the conduct of that potential employee to determine whether to hire them, but they could not look at the fact of the arrest. It could not be a basis for not hiring them."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. The original Bill calls for the rules of discovery to be specified by the Commission and that if no rule is promulgated, the Code of Civil Procedure may be used. Does that mean that until such time as the commission promulgates rules, that the Code of Civil Procedure completely covers the area of discovery so there

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would be interrogatories, depositions, notices to admit facts, all that special...interogatories, all that type of thing?"

Speaker Churchill: "Representative Biggert."

Biggert: "I would hope not."

Speaker Churchill: "Representative Lang."

Biggert: "I think the advantage of the administrative review is that there is a limit to discovery and I think if you look at that, the rest of the Bill on page 16, that it says that you can use the Code of Civil Procedure; however, a party may take discovery depositions only upon leave of the hearing officer and for good cause shown. So, I think that that is also limited to the discovery."

Speaker Churchill: "Representative Lang."

Biggert: "I would hope that the rules would be promulgated by the commission."

Speaker Churchill: "Representative Lang."

Lang: "Well, except we may have now uncovered a flaw because it says, if no rules are promulgated by the commission, the Code of Civil Procedure covers. So, one would presume that on the day we pass this Bill and the Governor signs it and it becomes law, no rules will yet have been promulgated. And according to your Bill, the Code of Civil Procedure covers. So, you do have a dichotomy there and I would just simply request that you take a look at this when the Bill goes to the Senate. I think it is loose here and I think it needs to be tied up, because I don't think you mean to say what it says."

Speaker Churchill: "Representative Biggert."

Biggert: "That would be true of any law then that has passed. It just says that the procedure shall be specified by rules. If something comes up where there is no rule, by chance

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there was something that they had forgotten to do, then the Code of Civil Procedure would apply. But, the first part of that on page 15 says the procedure for obtaining discovery of information from parties and witnesses shall be specified..."

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

Biggert: "Thank you, Mr. Speaker. This is the agency Bill for amending the Human Rights Act..."

Speaker Churchill: "The question is, 'Shall House Bill 2338 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 111 voting 'aye', 0 voting 'nay' and 4 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2345."

Clerk McLennand: "House Bill #2345, a Bill for an Act to create the Airport Noise Act. Third Reading of this House Bill."

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

Parke: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, House Bill 2345 establishes a noise monitoring system for O'Hare Airport so that we can physically monitor the noise and determine the extent of noise at the airport. It is considered a vehicle Bill that we would like to send to the Senate in case we need to actually establish it. Yesterday, the Governor announced that he is working out a plan to establish a noise monitoring system and this might be the vehicle that might be used for it, but we would like to put it in the Senate. And I stand ready to answer any

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questions."

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

Hartke: "Is this a... Will the Sponsor yield?"

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

Hartke: "Representative Parke, is this a vehicle Bill?"

Speaker Churchill: "Representative Parke."

Parke: "Yes, as I stated, it is a vehicle Bill and we are going to...we hope to put it in the Senate and wait and see if it is necessary to be used over there."

Speaker Churchill: "Representative Hartke."

Hartke: "If your intent was to just create a monitoring system, why wasn't that language placed in this Bill?"

Speaker Churchill: "Representative Parke."

Parke: "It actually is, Representative Hartke, it is a noise monitoring Bill language. We are hoping that the... We have been notified that the airlines are planning on doing this and we want to just make sure that in fact, the airlines are going to do it and if not, the people around that airport whether they are Chicago or suburban areas, deserve to know the true facts of what kind of noise...the decibel of noise and this is the vehicle that will do it. We will let it sit over there. If the airlines do it in fact, then we won't need it and it will die over there."

Speaker Churchill: "Representative Hartke..."

Parke: "...something by the end of May, we should be able to determine whether or not we need it."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, I would think that if...we ought to have some language there ready, willing and waiting and we could have passed it over to the Senate with that language on it and, you know, be prepared right now. We don't know what it is

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going to do and many of us over here are very skeptical of a vehicle Bill that mentions airport in it."

Speaker Churchill: "Was that a question, Representative Hartke, or was that your point and opposition to the Bill?"

Hartke: "That was my point and opposition to the Bill and I would request that most Members over here vote in opposition to the Bill."

Speaker Churchill: "Representative Hartke has stood in opposition to the Bill. Representative Durkin now moves the previous question. All those in favor of moving the previous question, please say 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is moved. Representative Parke to close on this vehicle Bill."

Parke: "I would ask the Body to support this legislation."

Speaker Churchill: "The question is, 'Shall House Bill 2345 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 64 voting 'aye', 50 voting 'nay' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 2445."

Clerk McLennand: "House Bill #2425..."

Speaker Churchill: "Twenty-four forty-five, please."

Clerk McLennand: "House Bill #2445, a Bill for an Act that amends the Juvenile Court Act of 1987. Third Reading of this House Bill."

Speaker Churchill: "The Gentleman from Cook, Representative Zabrocki."

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

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House, this Bill 2445, consists of five different areas. First area is House Bill 1104 which amends the Juvenile Court Act to provide for definition of a neglected minor which encompasses the minor's meconium, the newborn stool, contains the amount for the controlled substance. It includes House Bill 1232 giving the authorities permission to give records of a minor to the principal of the school. House Bill 2046, which authorizes the duration of informal supervision of a juvenile from 6 to 12 months. House Bill 2445, which defines a habitual juvenile offender and House Bill 2048 which imposes a \$25 fine for each month of supervision probation or conditional discharge."

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

Dart: "Thank you, Mr. Speaker. Initially, I am joined by the requisite number of the people on my side to take this off of Short Debate."

Speaker Churchill: "It is off Short Debate."

Dart: "Will the Sponsor yield?"

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

Dart: "Representative, what is the...what are the changes you are making here in regards to the habitual criminal?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "The changes that are being made gives greater definitions to what is a habitual juvenile offender. It adds, in the case of a three year...in a three year section, it adds...let me see here. In the case of the three year, it adds involuntary manslaughter, forcible felony other than a burglary, attempted commission and an attempted commission of these offenses. In the two year category, it adds burglary, gang conscription, aggravated discharge of a firearm, possession of a controlled

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substance with the intent to deliver."

Speaker Churchill: "Representative Dart."

Dart: "In regards to the habitual criminals, will this in any way impact the changes that we recently made in regards to juvenile offenders mandating five years minimum probation in regards to certain offenses?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "No, it does not."

Speaker Churchill: "Representative Dart."

Dart: "In regards to the changes in the law dealing with forming the schools, are those for any time there is a conviction for a juvenile or are we talking about arrests?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "We are talking about a felony and the information that would be given to the school would be given to the principal and the counselor."

Speaker Churchill: "Representative Dart. Representative Zabrocki, do you have something further?"

Zabrocki: "I'm going to rest also."

Speaker Churchill: "Representative Dart."

Dart: "So, in the event of an arrest, the...it would be mandated that the schools be informed of the arrest and...who would be the person in charge of making sure that they plead...Is it a police report that is sent to the school physically? How would that work? The police officer would be required to send physically the report to the school?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Yes, either to the principal or the guidance counselor."

Speaker Churchill: "Representative Dart."

Dart: "Does this Bill still have in the provisions, dealing with the finding of abuse based on the meconium test?"

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Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Yes, it does."

Speaker Churchill: "Representative Dart."

Dart: "Can you explain to me what that says?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Basically, what it does, it allows the...if there is a suspicion of abuse, the folks at the hospital or wherever, presently they would have the opportunity to test the baby, either through blood or through urine and this would add the third item of 'meconium'."

Speaker Churchill: "Representative Dart."

Dart: "We made some changes in the law this last year dealing with meconium tests. This would in no way impact that?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "No, it would not."

Speaker Churchill: "Representative Dart."

Dart: "The provisions in here dealing with probation fees, are those provisions still in here?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Yes, they are and they are permissive."

Speaker Churchill: "Representative Dart."

Dart: "I guess you sort of anticipated my question. If the court finds the person is indigent and they cannot afford to or it is going to place an undo hardship on the individual, the court can then waive the fees. Is that correct?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "They can put them down as a token amount, a dollar a month or something along those lines."

Speaker Churchill: "Representative Dart."

Dart: "If they have nothing, could they also give them zero and make them...some other way of penalizing..."

Speaker Churchill: "Was that the end of a question,

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Representative Dart? I am not sure."

Dart: "That was a question. If they have nothing..."

Speaker Churchill: "Okay. Representative Zabrocki."

Zabrocki: "The Bill reads the court 'shall'."

Speaker Churchill: "Representative Dart."

Dart: "What is the time period, the minimum time period, a habitual juvenile will have to be held in corrections?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Could you repeat the question? I couldn't hear you."

Speaker Churchill: "Representative Dart."

Dart: "I am concerned about whether or not there is a technical flaw in here, and I am trying to find out based on the fact... How long would this mandate...the minimum amount of time a habitual criminal...juvenile would have to serve?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Depending upon the offense, two or three years."

Speaker Churchill: "Representative Dart."

Dart: "What if you are habitual under Section (a) though?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "One more time. I am sorry. I can't hear you."

Speaker Churchill: "Representative Dart, would you repeat the question, please?"

Dart: "If you are an habitual juvenile offender under Section (a) which is on page 33, would that be the same?"

Speaker Churchill: "Representative Zabrocki, please answer that question and we will go on."

Zabrocki: "It is not meant to affect the juveniles under Section (a)."

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

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

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

Lang: "Is there...You've got the definition of an habitual criminal in Section (a). Is there some conflict with what's in paragraph (b) of subsection (1)?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Hang on, let me look. Can we move onto another question? We're going to take a look at that one. I'm not sure I can answer that at this point."

Speaker Churchill: "Representative Lang."

Lang: "Let me go onto another. On page 37 of the Bill, in subparagraph (6), in the underlying Sections, you refer to a period of three years under paragraph (b) and a period of two years under paragraph (c), but you don't say anything about paragraph (a). Where is paragraph (a)?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Are you stating the question that you asked before?"

Speaker Churchill: "Representative Lang."

Lang: "Well, I'll wait patiently cause it's such an important question that I really must have the answer."

Speaker Churchill: "Representative Zabrocki, whenever you're ready. Representative Lang."

Lang: "Would Representative Zabrocki like to take the Bill out of the record and we can show him what we're talking about and..."

Speaker Churchill: "Representative Lang..."

Lang: "...maybe get back to it."

Speaker Churchill: "Representative Lang, that sounds like a wonderful idea. Representative Zabrocki takes the Bill out of the record and perhaps before tomorrow sometime, your staffs can get together and iron all that out and get it straight. Mr. Clerk, please read House Bill 1124."

Clerk McLennand: "House Bill #1124, a Bill for an Act concerning

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transportation. Third Reading of this House Bill."

Speaker Churchill: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 1124 is a Bill which...which got out of committee 24 to 1. It was a... I move for adoption of the Amendments... the...the Bill... Yeah..."

Speaker Churchill: "Representative Saviano, this is on Third Reading. Do you wish to take it out of the record or do you wish to proceed?"

Saviano: "Yes, this...this Bill was a Bill that was negotiated between the downstate tow truck operators, the upstate tow truck operators, the Secretary of State's Office, the Illinois Department of Transportation, the Illinois State Police. We have numerous hours of negotiations. This is an agreed Bill and I would ask for a favorable vote."

Speaker Churchill: "Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Dart. Do you stand as a proponent to this Bill?"

Dart: "Mr. Speaker, I don't know at this point. This is a major rewrite. I'm trying to find out if there's fees in this, something that everyone's a little touchy about around here. Will the Sponsor yield?"

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

Dart: "Representative, at some point and you have detailed already. There's been a lot of negotiations going on with this Bill. This is a rather lengthy Bill and a major rewrite. At some point there were a lot of...a great deal of concerns about there being fees in here. What Section...(A) Are they still in here and if they aren't, can you tell me what Section they are...were in so I can check and make sure in my copy they've been removed?"

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Speaker Churchill: "Representative Saviano."

Saviano: "The original Section, Section 4-307, provided for a one dollar surcharge for each certificate, registration or evidence of proper registration. One half of the charge is to be paid into the Abandoned Vehicle Recycling Fund; the other half shall be paid to a law enforcement agency to have...having jurisdiction of said cost. That has been taken out."

Speaker Churchill: "Representative Dart."

Dart: "Thank you, Representative. And there are no other fees of any nature in this Bill at this time?"

Speaker Churchill: "Representative Saviano."

Saviano: "Just... We increased the penalties, but there's no increase of any fees."

Speaker Churchill: "Representative Dart."

Dart: "In regards...Is House Amendment...is Amendment #2 on this Bill?"

Speaker Churchill: "Representative Saviano."

Saviano: "Yes, it is."

Speaker Churchill: "Representative Dart."

Dart: "What are the changes... Amendment #2 makes changes dealing with the responsibility for a towing service as far as who's responsible for numerous things. What are those changes and at whose bequest are those? Is that something made by the towing agencies or who is making that?"

Speaker Churchill: "Representative Saviano."

Saviano: "The changes were pursuant to a...to the negotiation process. As I said before, a vehicle wouldn't be considered abandoned. It would change the time from 15 days to 30 days. That was at...change was at the request of the insurance industry. Yeah, the Illinois Commerce Commission also had some opposition. We removed their

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opposition. We had... Actually, Amendment #2 was... The purpose of that was to remove all opposition from any party that had any questions regarding the Bill."

Speaker Churchill: "Representative Dart."

Dart: "Thank you. My only concern was, Representative, maybe you could explain to me. It makes changes in the law dealing with the responsibility as far as payment for removal, towing, storage, processing and collection associated with towing. Is...Are we now making the...the individual who's been towed responsible for that? And if so, how was that deviated from current law and is that something where this is something that tow truck drivers are the ones pushing this as opposed to consumers?"

Speaker Churchill: "Representative Saviano."

Saviano: "Yesterday, I think it was yesterday, when I put the Amendment on, Representative Granberg asked me some specifics on this and I have the answers for you now. The process now, is the tower has to wait 30 days before he can start the disposal process. The tower must notify the owner and lienholder within five days that the vehicle's being held in storage. The storage cost to the owner of the vehicle varies depending on the location within the state. The rates are determined by the police. That have jurisdiction over that particular road. The costs are 15 day...\$15 per day in northern Illinois, \$10 per day in central Illinois and \$8 per day in southern Illinois."

Speaker Churchill: "Representative Dart."

Dart: "And those amounts are in addition to the other amounts that are already in existence? Those are not the total amounts that people can be charged for towing, correct?"

Speaker Churchill: "Representative Saviano."

Saviano: "The other costs are already law. These are in addition

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to those costs."

Speaker Churchill: "Representative Dart."

Dart: "Has there been any opposition to these additional penalties? And these are penalties. These are not fines. These are not fees, put it that way. These are penalties for people who...we have... They've had their vehicle towed and they have done something wrong, correct?"

Speaker Churchill: "Representative Saviano."

Saviano: "Would I just...The fee schedule I just gave you, was...that's what is dictated by the law enforcement agencies, not by this Bill. This was just information that I was providing pursuant to the Representative's inquiries yesterday. This is not in the Bill. We tried to get a feel for what the average rates are that the police department sign onto when they contract with the various towing companies."

Speaker Churchill: "Representative Dart."

Dart: "Thank you. That's fine. So there is no fee in this, and this is truly something where you've worked with the different parties to put this together."

Speaker Churchill: "Representative Saviano."

Saviano: "That's correct."

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

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

Speaker Churchill: "Indicates he will. Please proceed."

Granberg: "Representative Saviano, my questions are addressed to the schedule on how you would assess the cost on the towing and for the holding the vehicle. We talked about this briefly the other day, then we both ran out of time, and you attempted to discuss this with me earlier tonight, and..."

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

Granberg: "I was responding to Representative Ryder, Mr. Speaker, and..."

Speaker Churchill: "Did Representative Ryder confuse you, Representative Granberg, by waving at you? If I'd have known that, I'd have sent him over there a long time ago."

Granberg: "I assumed, and wrongly again, that Representative Ryder had something important to tell me, but I should have known better."

Speaker Churchill: "You're correct."

Granberg: "Representative Saviano, so the fees, the costs are allocated for hold...for impounding the vehicle. So right now, the vehicle is impounded, the vehicle is impounded, then the law enforcement agency contracts with the owner of the tow truck company for storage of the vehicle. Is that what your legislation would do?"

Speaker Churchill: "Representative Saviano."

Saviano: "The legislation provides, and it's assumed that the law enforcement agencies are the ones that contract with them. The schedule storage costs that I gave you were simply some research that we'd done to find out what the average costs were that they usually contract with."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, you also indicated, I believe, there is a time schedule, at least when we dealt with the Amendment on this matter, that the towing company could hold the vehicle or impound the vehicle for 60 days. Is that correct?"

Speaker Churchill: "Representative Saviano."

Saviano: "They hold it for a maximum 30 days before disposing and for the consumer twist on it, the tower must notify the

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owner and lienholder, so you're notifying two parties within five days that the vehicle is being held in storage."

Speaker Churchill: "Representative Saviano. Representative Granberg."

Granberg: "So, how would the time period change now by your legislation? Prior to this time, they could hold it for 30 days, and now could go up to 60, Representative?"

Speaker Churchill: "Representative Saviano."

Saviano: "Previously, it was 15 days; they wanted 45 days. We negotiated back down to 30; it's currently at 30 under this Bill."

Speaker Churchill: "Representative Granberg."

Granberg: "I ask to make sure I understand it. They impound the vehicle. Law enforcement agency contracts with the towing company to hold the vehicle for 30 days. They can notify Representative Ryder and others concerned with this. Then they assess the cost on a daily basis, based by region, northern Illinois, central Illinois, southern Illinois and Jerseyville. And then those costs are assessed and the costs are assessed by the owner of the vehicle, and they are paid to the law enforcement agencies or are they paid to the towing operator themselves?"

Speaker Churchill: "Representative Saviano."

Saviano: "Okay. Let's try this one more time. The car gets towed. It goes into the storage house. Within five days from the date of towing, the lienholder and the owner are notified. After 30 days is when they could finally dispose of the vehicle."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative, I apologize. It's very hard to concentrate when you have a man of Representative Ryder's

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stature in front of you and you're trying to concentrate on these important issues."

Speaker Churchill: "Representative Granberg, I never let that bother me."

Granberg: "That's pretty obvious, Mr. Speaker. Representative Saviano, I certainly appreciate the time. I certainly appreciate the time you've taken to answer these questions, but I certainly would feel more comfortable with it if it had not been for the Representative from Jerseyville. But I do appreciate the time you've taken, the good faith effort, so I rise in support of the Bill, regardless of what Representative Ryder indicates to me. He indicated there was some opposition on your side of the aisle, and I've been assured that that is not accurate and that there is no opposition, no fees."

Speaker Churchill: "Representative Granberg's stand is a proponent of the Bill. Representative Durkin now moves the previous question. All those in favor of moving the previous question signify by saying 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is moved. Representative Saviano, to close."

Saviano: "Thank you, Representative Hartke, for your help on this Bill. I would ask for a favorable vote."

Speaker Churchill: "The question is, 'Shall House Bill 1124 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100... Mr. Clerk, if there's any way to add Representative Eugene Moore. He's in front of his desk pushing his button and somehow it wasn't working. Okay,

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Representative Moore? Okay, on this question, there are 101 voting 'aye', 14 voting 'no' and none voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Supplemental Calendar 1."

Clerk McLennand: "...Resolution #41 offered by Representatives Churchill and Ryder; pursuant to House Rule 3-7, the legislative measures listed in this Resolution were recommitted to the Rules Committee: House Bills #124, 521, 774 and 950, 1537, 1614, 1677, 1888, 1901, 1920, 2050, 2083, 2305, 2313, 2337, and House Bill #2348."

Speaker Churchill: "Representative Ryder now moves for the adoption of House Resolution 41. All those in favor, signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. House Resolution #41 is adopted. On the Order of House Bills - Second Reading. Mr. Clerk, please read House Bill 656."

Clerk McLennand: "House Bill #656, the Bill's been read a second time previously. Floor Amendment #4, offered by Representative Biggert, is approved for consideration."

Speaker Churchill: "The Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. Amendment...#4 to House Bill 656, which is the Internet Bill, is a...is an Amendment which provides that state agency documents are to be provided to the Secretary of State, who is the State Librarian, in an appropriate electronic format when feasible and deletes reference in the Bill which would allow the State Librarian to request staff assistance from state agencies and this was..."

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

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

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

Granberg: "Representative Biggert, is this the legislation you worked with Representative Kaszak on during the course of the Spring Session and you have reached agreement with the Secretary of State's Office, I believe? Is that correct?"

Speaker Churchill: "Representative Biggert."

Biggert: "Representative Granberg, Representative Kaszak and I have worked on this for quite a while with the agencies: the Secretary of State, the Governor's Office and the Lieutenant Governor's Office. However, I would say that we have not really come to conclusion with this, and this really is what we would like to send over to the Senate in this form. But it really is not in completion yet, and we do have another Amendment, but we would prefer to send this on and then have it amended in the Senate and come back for concurrence."

Speaker Churchill: "Representative Granberg."

Granberg: "And so, if I understand you correctly, Representative, this is not the final, final draft of the legislation, and there is still negotiations going now on with the Secretary of State's Office?"

Speaker Churchill: "Representative Biggert."

Biggert: "That's correct. The Secretary of State's Office, the Lieutenant Governor's Office, the Governor and actually the Clerk. So unfortunately, we were not able to finish the drafting of this, much to I think our disappointment, because certainly the Internet is something that is very important to Representative Kaszak and to me and is something that we would like to complete this year, but...And will, I think, but this is...It is not in its final form."

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Speaker Churchill: "Representative Granberg."

Granberg: "Representative, do you intend to include the provisions on the tasks to appoint the Task Force? Members of the General Assembly, members appointed by the Governor to study how to implement this system. Is that your intention or is that...Are you attempting to put this into effect immediately for this year or actually to study it over the course of next year and finally come to the position of phasing this program in with all state agencies and across the State of Illinois for all businesses?"

Speaker Churchill: "Representative Biggert."

Biggert: "I think we had...a meeting today and I think that I really can't say yet. I think that we've come pretty much to agreement on the first phase of it, which would be with the State Library. There's still one Amendment that we had just drafted, which is not on there. But we have not reached agreement on the Task Force yet, and we have not reached agreement on the legislative part of this. I think that we really tried to do the whole thing at once, but I think that sometimes there was just too much involved in this. And it is a disappointment that we haven't gotten further, but I think this is a start and certainly has raised the consciousness of the Legislature and of the agencies and to the Internet and the Super Highway and how valuable this is. And I think it will probably take more than one year, but I think that things will move faster because of the work that's been done, particularly by Representative Kaszak already."

Speaker Churchill: "Representative Granberg."

Granberg: "Representative Biggert, I know you and Representative Kaszak have worked very hard on this. Would it be your intention then if you cannot reach agreements on the

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phase-in of this very complicated, and a lot of policy questions, on this complicated issue, would it be your intent to have it in the Senate, to bring it back for concurrence and just implement the system out of the State Library? Would that be your short-term goal for this Session?"

Speaker Churchill: "Representative Biggert."

Biggert: "Yes."

Speaker Churchill: "Representative Granberg."

Granberg: "And one last question, Representative. If that is indeed the case, would you still prohibit any fees from being charged to any businesses or persons who would have access to the Internet System administrated by the State of Illinois?"

Speaker Churchill: "Representative Biggert."

Biggert: "I...It's really hard for me to hear. I think that you asked whether...what about the fees. And I think that's one of the things that we've been working on and certainly the fees are very important to the Legislature, and we don't want to do anything that interferes with what is happening right now. There's also the..."

Speaker Churchill: "Representative Granberg. Representative Biggert, were you not... Representative Biggert."

Biggert: "There...In the Amendment or in the 656 as is drafted now, it talks about no cost. We're not talking about fees at this point."

Speaker Churchill: "Representative Granberg."

Granberg: "Thank you, Representative. So I just wanted to indicate to the Members, there are no fees currently in your legislation and you do not...you don't anticipate..."

Speaker Churchill: "Representative Granberg."

Biggert: "With the negotiations..."

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Speaker Churchill: "Representative Granberg had not asked a question. He was making a closing statement. Your time is up. Representative Kaszak, do you rise in support of the Amendment? If so, would you do so briefly, please."

Kaszak: "Thank you, Mr. Speaker. Yes, I rise in support of this Amendment. This has been a product of about a years worth of work. It is hardly a finished product. We are in the process of fine-tuning this to address the needs, not only of agencies, but also of the Legislature, and we would like to come out with a Bill that we think was...can be very effective, but we need to keep it moving and I'd ask that...for your support. I think it's a very exciting opportunity for the Legislature to enter into the next century and the Information Super Highway. I ask for your support. Thank you."

Speaker Churchill: "The Gentleman from Cook, Representative Durkin, now moves the previous question. All those in favor of moving the previous question, please say 'yes'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Biggert, to close."

Biggert: "Thank you. I would ask for your support in the adoption of Amendment #4 to House Bill..."

Speaker Churchill: "All those in favor...All those in favor of the adoption of Floor Amendment #4 to House Bill 656, please say 'aye'; those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #4 is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments. A Fiscal Note has been requested on the Bill, as amended, on Amendment #4."

Speaker Churchill: "Fiscal Note was requested by Representative Lang. Representative Lang."

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Lang: "Withdraw the Fiscal Note, please."

Speaker Churchill: "The Fiscal Note has been withdrawn. Is there anything further, Mr. Clerk?"

Clerk McLennand: "Nothing further."

Speaker Churchill: "Third Reading. Mr. Clerk, please read 9...House Bill 944."

Clerk McLennand: "House Bill #944. The Bill's been read a second time previously today. Floor Amendment #2, offered by Representative Klingler, was approved for consideration."

Speaker Churchill: "The Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. Floor Amendment #2 to House Bill 944, represents an agreement that's been reached after extensive negotiations between the Illinois Association of Realtors, the Illinois Department of Agriculture and the Illinois Association of Soil and Water Conservation Districts. The Amendment will become the Bill. There are four major provisions in this Amendment. The first provides that if the Soil and Water Conservation District does not issue its written opinion within the 30 day period, then the county agency or municipality shall not be obligated to receive the written report in order to approve zoning ordinances. Secondly, it provides that the Department of Agriculture shall promulgate rules and regulations for the natural resource information reports issued by the Soil and Water Conservation Districts. And this, the important part of this is it will ensure the natural resource information reports are standardized throughout the state. Third, it stipulates that fees are to be reasonable and that's to ensure that fees charged are not excessive. And finally, it adds clarification that the schedule of fees adopted by the Soil and Water Conservation

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District and any revisions of the schedule shall be available to the general public upon request. Again, this language clarifies existing law."

Speaker Churchill: "Is there any discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. Would the Lady yield?"

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

Hartke: "Thank you. Representative Klingler, it's my understanding that after some very hard work and so forth, you finally reached an agreement with all parties involved in this dispute. Is that correct?"

Speaker Churchill: "Representative Klingler."

Klingler: "That's correct. There were extensive negotiations regarding this Bill; and in fact, the Amendment that you have is actually the seventh draft. We had meetings with our realtors and developers throughout the State of Illinois, with the representatives of the Department of Agriculture and representatives from various Soil and Water Conservation Districts."

Speaker Churchill: "Representative Hartke."

Hartke: "What was the...What was the major problem as we saw it and so forth why this... we had trouble getting together? Could you explain that briefly."

Speaker Churchill: "Representative Klingler."

Klingler: "Initially, our main concern was standardization of what is in the reports because it was found to have varied widely from county to county. And initially we considered putting exactly what would be in the reports as part of the law. And finally, the Amendment reads that the Department of Agriculture shall promulgate the rules and regulations for the natural resource information reports issued by the

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district. And it was felt that this was a better way to leave this up to the Department of Agriculture."

Speaker Churchill: "Representative Hartke."

Hartke: "Okay, originally the realtors had some real problems with this because of the Soil and Water Conservation Districts were furnishing reports to various boards and they were not using those to their fullest extent. Is that correct?"

Speaker Churchill: "Representative Klingler."

Klingler: "That's correct. That's correct, Representative, and in fact, that was the exact problem in Sangamon County."

Speaker Churchill: "Representative Hartke."

Hartke: "Was there some question about the structure of the fees as well as being very unreasonable?"

Speaker Churchill: "Representative Klingler."

Klingler: "That's correct."

Speaker Churchill: "Representative Hartke."

Hartke: "Excuse me. I didn't hear your answer."

Speaker Churchill: "Representative Klingler."

Klingler: "I believe I'm having a little trouble hearing. I believe the question was was there a question about the rate of the fees and that is correct."

Speaker Churchill: "Representative Hartke."

Hartke: "Yes, and that has been a...that has been addressed and so forth and reached satisfaction with all parties, including the Soil and Water Conservation Districts in the State of Illinois, the realtors in Illinois and the home builders and the Department of Agriculture. Am I correct?"

Speaker Churchill: "Representative Klingler."

Klingler: "That's correct."

Speaker Churchill: "Representative Hartke."

Hartke: "Thank you very much. I conclude my questions."

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Speaker Churchill: "Further discussion? The Gentleman from Kankakee, Representative Novak."

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

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

Novak: "Representative Klingler, I'm over here. Hi! Hello! Hello! Hi! Nice to see you this evening."

Speaker Churchill: "Representative Novak, Representative Novak, normally your seatmate is standing in front of you and no one can see you."

Novak: "You look marvelous tonight, Representative Klingler. I want to congratulate you on your hard work that you've done to try to work out this compromise with the Realtors Association and the Department of Agriculture and the Soil and Water Conservation Districts. Now, you're well aware of what the NRIC's are...the National...Natural Resource Inventory Reports."

Speaker Churchill: "Representative Klingler."

Klingler: "Yes, I'm certainly aware and they are extremely important that those be carried out before any development is to occur."

Speaker Churchill: "Representative Novak."

Novak: "And the reason, I think this Bill was filed was because there was some serious concerns in certain counties, I think Sangamon County was one, about the administration of these reports. Can you elaborate a little bit on why this Bill was filed?"

Speaker Churchill: "Representative Klingler."

Klingler: "I think that there were concerns that a number of counties, one of the county concerns was Sangamon. What is perhaps unusual is we have a very strong Regional Planning Commission in Sangamon County that it, in fact, addressed on its own many of those same needs."

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Speaker Churchill: "Representative Novak."

Novak: "Yes, thank you. And is the Department of Agriculture on board on this Bill? Are they neutral or are they for it or what's the...What is their position?"

Speaker Churchill: "Representative Klingler."

Klingler: "Mr...Representative, the Department of Agriculture is very strongly supportive of the Bill and the Soil and Water Conservation District has a sheet indicating that it's neutral on the Bill, although it did approve the language."

Speaker Churchill: "Representative Novak."

Novak: "Thank you. And then once again, how are these Natural Resource Inventory Reports, how do Soil and Water Conservation Districts assess fees on these things? Are they charged by the thickness of the report? How much time involved in the report? Some of the scientific evidence that has to be put into a report, can you give me that information, please."

Speaker Churchill: "Representative Klingler."

Klingler: "Yes, I do have information, and in fact, that's one of the issues that this Bill is to address. Because the way they are assessed, in fact, has varied and also what has been included in the report has varied. This Bill is an attempt to standardize information throughout the state, so that the same general amount of information and quality of information will be provided from one county to another."

Speaker Churchill: "Representative Novak."

Novak: "So for our... Thank you. So for our friends in the Soil and Water Conservation Districts, for those Legislators that are concerned about that group of people, which they are fine people, this Bill in no way precludes them from assessing a fee, correct?"

Speaker Churchill: "Representative Klingler."

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Klingler: "That's correct and in fact, the Bill specifically provides that the Soil and Water Conservation District may charge reasonable fees to any person that makes a request for services or receives benefits. And it further provides that the schedule of fees shall be available to the general public upon request."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Speaker. And these fees...fees are usually charged to who? What type of people have to pay these fees?"

Speaker Churchill: "Representative Klingler."

Klingler: "The Bill and the existing Statute refers to a person who receives the benefit on...in actual practice is usually a realtor or developer who is making a proposal on...for development on land."

Speaker Churchill: "Representative Novak."

Novak: "Could these fees be assessed to municipal officers, such as code inspectors or zoning officers, anyone associated with local governments?"

Speaker Churchill: "Representative Klingler."

Klingler: "No, they're not. In fact, the Soil and Water Conservation Districts provide a great deal of service, not only to municipal agencies or counties, but even to the Federal Government."

Speaker Churchill: "Representative Novak."

Novak: "Thank you, Mr. Speaker. To the Amendment. I'm going to support this Amendment. I think it's a reasonable compromise that was worked out. And of course, it's taken quite a bit of time and I want to congratulate the parties for trying to work together the best they can. I think this is the best possible accommodation we could reach with respect to both interests, so I would ask my colleagues to

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support your Amendment."

Speaker Churchill: "Representative Novak stands in support of the Amendment. Representative Durkin now moves the previous question. All those in favor of moving the previous question please signify by saying 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Klingler, do you wish to close?"

Klingler: "Colleagues, I ask for the support of this Amendment #2, which would become the Bill."

Speaker Churchill: "All those in favor of Floor Amendment #2 to House Bill 944 signify by saying 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #2 is adopted. Mr. Clerk, further Amendments?"

Clerk McLennand: "No further Amendments, but a Fiscal Note has been requested on the Bill, as amended, by Amendment #2. The Note has not been filed."

Speaker Churchill: "The Bill will remain on Second. Mr. Clerk, please read House Bill 1123."

Clerk McLennand: "House Bill #1123. The Bill's been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2, offered by Representative Maureen Murphy, has been approved for consideration."

Speaker Churchill: "The Lady from Cook, Representative Murphy, on Floor Amendment #2."

Murphy, M.: "Thank you, Mr. Speaker, Ladies and Gentlemen. Yes, this is about the take notice, but what it will do by agreement is extend the time period by 15 days that a purchaser of a property sold due to delinquent property taxes may file a notice with the county clerk. The time period had been shortened from five months to four months,

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and this is agreed upon between the tax buyers and Cook County Clerk David Orr's Office."

Speaker Churchill: "Is there any discussion?"

Murphy, M.: "So, it's originally...I urge your favorable approval. Thank you."

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

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

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

Dart: "Representative, what is the...the necessary...Why is it we're changing this period of time from four months and adding 15 days to it?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Representative, statutorily at the six month juncture, the penalty doubles. What we are finding by practice is that some tax purchase...tax delinquent property purchasers were waiting to the last minute to send out a notice, and with today's postal system of delivery, oftentimes a person who is trying to redeem their property tax purchase only had approximately 14 days with which to make arrangements to do so. This in essence will extend by 15 days their ability and in the end they still do not. The tax purchaser is still allowed at the six month juncture double the rate of interest. So, we worked it out between both groups and it's agreed upon. It helps the tax folks that are able to redeem their property and ...gets more properties back on the tax rolls and in good standing."

Speaker Churchill: "Representative Dart."

Dart: "Would...Now who was involved in the negotiations? I recall that David Orr was someone who had been involved with the initial Bill. Who was involved with it? Because

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I know that there were some concerns and there were some negotiations that went on though."

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Paul Williams was representing Clerk David Orr's Office and he had indicated to me he was in conversation with Ron Swanson, who was working on behalf of the tax purchasers."

Speaker Churchill: "Representative Dart."

Dart: "Okay. And the purpose of this, just so I can get it straight, Representative, it's pro-consumer. Is that correct or is...this is not something that was put together by the buyers?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Those that have the ability to pay will be paying and getting the taxes back on or the tax purchasers, as their right is will then become the owners of that property. Either way, the governments win, the people that can make arrangements in a more timely way could win or the tax purchasers win. So it's a win, win, win scenario, I believe, Representative."

Speaker Churchill: "Representative Dart."

Dart: "And this would have no other effect other than that as far as the take notice goes. It will not impact any of the other procedures involved here?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "No, it only...You're correct. It will not have any other effect other than the 15 days additional with which notice can be given."

Speaker Churchill: "Representative Dart."

Dart: "Representative, the Amendment merely makes the change to the Bill as it was in its original form. This leaves in the contents of Amendment 1. This does not disturb that

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portion of the Bill?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Committee Amendment #1 is not in there. Floor Amendment #2 would be adding to the Bill, the 15 days, so Amendment #2 adds to the Bill."

Speaker Churchill: "Representative Dart."

Dart: "But, just so I'm clear then, Committee Amendment #1 is on the Bill and it's not affected at all by Amendment #2, correct?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "Yes."

Speaker Churchill: "Representative Dart."

Dart: "No further questions."

Speaker Churchill: "Being no further discussion, Representative Murphy, to close."

Murphy, M.: "I urge your favorable approval of this Amendment. It has been agreed to by the parties that are affected by this. And again, it is...it allows those that can to have the needed time to pay up on their delinquent taxes."

Speaker Churchill: "All in favor of Floor Amendment #2 to House Bill 1123, signify by saying 'aye'; all those opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and Floor Amendment #2 to House Bill 1123 is adopted. Further Amendments, Mr. Clerk?"

Clerk McLennand: "Floor Amendment #3, offered by Representative Maureen Murphy, is approved for consideration."

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

Murphy, M.: "Yes, we had a technical Amendment and that's why we bring it to the floor. The technical change was accidentally inserted in Committee Amendment #1. Amendment #3, as amended in the Title and the Introductory Clause of Section 5, by replacing 10-30, 15-180 each times it appears

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in Section 5, deleting all Sections of Section 10-30."

Speaker Churchill: "Is there any discussion? The Gentleman...Representative Dart."

Dart: "Thank you, Representative. Amendment #3 is amending the Bill as amended, correct?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "It is."

Speaker Churchill: "Representative Dart."

Dart: "And by adding the additional language dealing with 10-30 and fif...what does that do?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "We are just changing an 'and' to a 'or' so as not to...I'm sorry. In the Amendment #1, an 'and' had been changed to an 'or' and this puts it back to its original format and intent."

Speaker Churchill: "Representative Dart."

Dart: "So, all references to 10-30 will be removed now. Is that correct?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "It is still in law. It has no place in this Bill."

Speaker Churchill: "Representative Dart."

Dart: "Okay, yeah, that's all I was trying to get squared away. I mean we weren't repealing 10-30 in the law, but we're just removing references of it to...in this Bill?"

Speaker Churchill: "Representative Murphy."

Murphy, M.: "That's correct, Representative. It's a technical correction and it does not remove 10-30, only the reference to it in the Amendment that was previously discussed."

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

Murphy, M.: "Again, I urge your favorable approval. It will help those that we discussed earlier, and it's an agreed upon

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Bill by the parties that were involved."

Speaker Churchill: "All those in favor of Floor Amendment #3 to House Bill 1123 signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. Floor Amendment #3 to House Bill 1123 is adopted. Further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments. A Fiscal Note, a State Mandates Note, and Home Rule Note have been requested on the Bill, as amended, by Amendments #2 and 3. They have not been filed."

Speaker Churchill: "The Bill will remain on Second Reading. Mr. Clerk, what's the status of House Bill 944?"

Clerk McLennand: "House Bill #944 had been held on the Order of Second Reading, pending a Fiscal Note request for the Bill as amended by number...Amendment #2. That Fiscal Note has now been filed."

Speaker Churchill: "Third Reading. Mr. Clerk, please read House Bill 1322."

Clerk McLennand: "House Bill #1322. The Bill's been read a second time previously. No Floor Amendments."

Speaker Churchill: "Third Reading. Mr. Clerk, read House Bill 1322 on Third Reading."

Clerk McLennand: "House Bill #1322, a Bill for an Act that amends the Alternative Health Care Delivery Act. Third Reading of this House Bill."

Speaker Churchill: "The Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This is a Bill that we discussed earlier today when I adopted an Amendment on behalf of the Illinois Department of Public Health. There are also portions of the Bill that are there for some other post-surgical care recovery centers, which is the main part

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of the Bill, a children's respite care center and also we talked about an application withdrawal that we had discussed previously. I'll be happy to answer any questions."

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

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

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

Schakowsky: "Okay. Representative, I'm looking for the analysis here, but the portion that I was interested in yesterday, I thought, it seems like yesterday, wasn't it yesterday? I...whatever! Was the creation of a new category of care - children's respite care centers, and I wanted to know the genesis of this. This is the first time this concept has appeared before this Body that I am aware of. It seems to me a significant change, and I'd like to know a little history of where this has come from."

Speaker Churchill: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. I'd be happy to answer the question, but first I have to confer with Staff."

Speaker Churchill: "Representative Granberg, will you please give Representative Ryder the correct answer so that he can tell Representative Schakowsky. Representative Ryder, are you prepared now that you've conversed with Representative Granberg?"

Ryder: "Yes, I have had a short briefing and...don't leave. Representative..."

Speaker Churchill: "Gives you a bad answer, then leaves you, huh, Ryder!"

Ryder: "Representative, this... I apologize for the frivolity. What you're asking is a serious question and I will give you a serious answer. A children's respite care center, as

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a demonstration projects, this would provide a home-like setting for temporary respite care for those that are medically frail or technologically dependent children, clinically stable up to age 18 for no more than 14 days. Let me expand a little bit on that concept, if I may. Children that perhaps are on a ventilator, children that perhaps require very aggressive kinds of medical treatment, that requires...that require the parents to not leave the children alone. It's been my experience when I've talked to these parents, perhaps you've had the same experience, that the demands of those children, although the parents love them, the demands on those children take away from the opportunities for the parents to be with other children. And what this would provide is an opportunity for those parents to perhaps take some time out by placing their children in a respite care where they could be confident of the care provided those children. And yet, it's only on a temporary basis. It's not meant to be long term. Does that help that...Does that help to explain the issue, Representative."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Representative, in talking to one of the lobbyists for the people who helped draft the Bill, my understanding was that there was a situation with a family in DuPage County who needed this kind of service and I understand...Well, this is the way it was explained to me, that there was a particular situation, and I'm sure there are many such situations, but it seems to me to create this whole new category of care centers would...And this authorizes eight of them, as I understand it, around the state without any kind of a debate in committee or input or testimony from people who either want it or don't, seems to

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me does not give the proper attention that this kind of policy change really deserves. Would you comment on that."

Speaker Churchill: "Representative Ryder."

Ryder: "Representative, I'm shocked. If I had known that this was a DuPage County Bill, I wouldn't be sponsoring it, you know. It is not...It is not for all of those...well, except those folks from DuPage. They can believe that it is, but it is not. It's meant for statewide application. It is a pilot project. We're going to try it to see if it works. I think it's a sound idea, particularly for the parents, particularly for the parents of these children. They devote their whole lives, their whole being, their whole time to the children out of love. They reach burnout, pretty much like we're reaching at this time of night. And as a result, they need respite, and they need someplace they can place those children, where those children can be cared in a stable setting."

Speaker Churchill: "Representative Schakowsky."

Schakowsky: "Well, maybe at this time of night, we need a legislative respite center or something like that that might be an additional Amendment to the Bill. My understanding is there exists only one of these at the current time that it is in Naperville, and still I would argue that without the kind of scrutiny that this kind of major new development, this creation of a new entity, that this is premature, I would say."

Speaker Churchill: "Further discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative Ryder, I think this subject was discussed quite extensively the other day and I think Representative Ryder in explaining this in detail, this...I guess I'm getting up and speaking in maybe

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a selfish manner, but this certainly helps the hospital in my area and a few other areas and around the State of Illinois. These hospitals were qualified. They did receive their prescribed points. We're just trying to broaden the system here to allow these other facilities to come within this new concept of health care provisions, so I certainly would ask my colleagues on my side of the aisle to support this legislation."

Speaker Churchill: "Representative Novak stands in support of the Bill. Representative Durkin now moves the previous question. All those in favor of moving the previous question signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is moved. Representative Ryder, to close. Representative Ryder moves for passage of House Bill 1322. The question is, 'Shall House Bill 1322 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 115 voting 'aye', none voting 'nay', and 1 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what's the status of House Bill 1123?"

Clerk McLennand: "House Bill 1123 had been held on the Order of Second Reading pending the filing of a State Mandates Note and a Fiscal Note on the Bill as amended by Amendments #2 and 3. Those Notes have been filed."

Speaker Churchill: "Third Reading. We'll now proceed to the Order of House Bills - Third Reading. Mr. Clerk, please read House Bill 2445."

Clerk McLennand: "House Bill #2445, a Bill for an Act amending

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

Speaker Churchill: "The Gentleman from Cook, Representative Zabrocki."

Zabrocki: "Mr. Speaker, we will consider clarifying language as we sent it over to the Senate. Two staffs have gotten together and found out what the problem was."

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

Hoffman: "So...so the problem that was...was pointed out earlier, you're going to attempt to change in the Senate?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "The two staffs have gotten together and decided...and decided what the problem was and have it straightened out."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Why I...I think we told you what the problem was and now you know what the problem is, and you're going to try and straighten it out in the Senate. Is that right?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "We don't think there's a problem, but we've identified the clarifying language, okay."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So, what exactly is the potential problem then?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "We don't see it as a problem."

Speaker Churchill: "Representative Hoffman, on the perceived problem."

Hoffman: "So...so it's your position that the language is flawless and what we're passing now is what you would like to see sent to the Governor's desk?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "We would be pleased if that were to happen."

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Speaker Churchill: "Representative Hoffman."

Hoffman: "Well...so...so the, the technical flaw that set forth a...that failed to set forth a mandatory minimum term of imprisonment for individuals found to be habitual juvenile offenders under the provisions of existing law. You're saying that's not a flaw at all?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "We're saying this will go through legislative process and end up where it should be."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, Jill's here now. And what about this...look on page 5, line 1 through 13, Representative."

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Could you repeat your question?"

Speaker Churchill: "Representative Hoffman, for the repeat."

Hoffman: "Well, the page where the problem was earlier, regarding that it was page 37 of the Amendment."

Speaker Churchill: "I'm sorry, Representative Hoffman. Was that a question?"

Hoffman: "I'm asking him to please go to that. And the Amendment contains a technical flaw in that it...it fails to set forth a mandatory minimum term of imprisonment for individuals found to be habitual juvenile offenders under the provisions of existing law. That's lines 15 through 30. Now, if you want to do that and you want to pass flawed legislation and not set forth the mandatory minimum term of imprisonment for individuals found to be habitual juvenile offenders, we can just do that. But to...to say that it isn't flawed, at least, I mean let's at least be honest and say we're going to try and fix it. Either...either you agree that there's a problem with it or you don't. Which is it?"

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April 27, 1995

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "We're going to clarify the language through the Senate."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Okay. So, three minutes later there is a problem. And the problem is on page 37, lines 15 through 30, and we're going to try and correct it in the Senate. Is that right?"

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "You are correct, it was four minutes."

Speaker Churchill: "Representative Hoffman."

Hoffman: "I...Well, what I'd like to do, I mean, we want to vote for the Bill, okay. We on this side of the aisle think the idea of the Bill is good. The problem is, is we don't want...Jill says the Bill is good and we on this side of the aisle would...would like to vote for it. The problem is, we don't want to vote for something that would not set out the mandatory minimum term of prison for individuals who are found to be habitual juveniles, offenders. That could be a problem, because it could be perceived as being soft on crime potentially. Now, if you want to pass a Bill that could be perceived as being soft on crime, go ahead, pass it. But, if you're willing to make the commitment that you're going to change it and clear up the technical flaw in the Senate, we on this side of the aisle will be willing to go along with you. Pass this good Bill. If you make that commitment that you're going to work with the Senate to take care of the technical flaw."

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "Trust me, you'll be comfortable with it when we're through with it."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, Sir, I have 21 seconds to call you soft on crime."

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I'm not going to do it. I'm going to try and help you pass the Bill, but will you just please promise to do that, because I think it's very important to people on this side of the aisle, people on that side of the aisle. I'm being very serious. I'm not trying to mess around."

Speaker Churchill: "Representative Zabrocki."

Zabrocki: "We will clarify the language for you and you'll be comfortable with it."

Speaker Churchill: "Representative Hoffman says thank you. Representative Hoffman, would you please just... The Gentleman from...the Gentleman from Cook, Representative Durkin, now moves the previous question. All those in favor of moving the previous question, signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question is moved. Representative Zabrocki, to close."

Zabrocki: "Gentlemen, I'd appreciate your support."

Speaker Churchill: "The question is, 'Shall House Bill 2445 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 'ayes', no 'nays', and 6 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. House Bills - Third Reading. Mr. Clerk, please read the Motion."

Clerk McLennand: "Motion from Representative Black. I move the final passage of House Bills 375, 527, 838, 999, 1171, 1279, 1281, 1461, 1462, 1465, 1470, 1475, 2106, 2108, 2177, 2403, 2404, 2407..."

Speaker Churchill: "All those in favor will vote 'aye'. All those opposed will vote 'nay'. Mr. Clerk, the voting is

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open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 68 voting 'aye', 27 voting 'nay', and 7 voting 'present'. And those Bills, having received a Constitutional Amendment (sic - Majority), are hereby declared passed. Representative Black now moves that the House stands adjourned until Friday, April 27th at the hour of 9:00 a.m. All those in favor signify by saying 'aye'; any opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the House does now stand adjourned until Friday, April 27, 1995, at the hour of 9:00 a.m. The House is adjourned."

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