

STATE OF ILLINOIS
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Speaker Churchill: "The House will be in order. Members will be in their chairs. Representative Churchill in the Chair. The Chaplain for the day is Pastor John Keefer of the Zion Lutheran Church of Bonfield. Pastor Keefer is the guest of Representative Stephen Spangler. Will the guests in the Gallery please rise to join us for the invocation. Pastor Keefer."

Pastor Keefer: "Oh Mighty God, Creator of this world, Sustainer of life, we ask Your blessings of peace and of help and of wisdom and of understanding for all the Representatives here today. We ask Your blessings of forgiveness for all of us through Christ our Lord, as we do remember those who fought in World War II and the other wars that our country fought. We ask Your blessings to maintain the freedoms that we have, to fight for those freedoms; freedoms of worship, freedoms of assembly, and freedoms of speech. As we do carry on in our fight to protect these freedoms, as President Lincoln did fight and die for, we ask Your blessings from Your Holy Spirit. And we pray through Christ our Saviour, who died and rose again, for our salvation. Amen."

Speaker Churchill: "We have a special treat today. We'll be led in the Pledge of Allegiance by Speaker Daniels' daughter, Lori."

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

Speaker Churchill: "Roll Call for Attendance. While we're doing the Roll Call, the Chair would recognize the Gentleman from DuPage, Speaker Daniels."

Speaker Daniels: "Thank you, Mr. Speaker, Ladies and Gentlemen of

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the House. As many of you know, every year my daughter does visit Springfield, to say 'hello', with her friends and colleagues from the Bethshan Adult Living Center in Palos Heights, Illinois, and we're joined... they're joining us today. In fact, I think they're in the gallery right behind us. We want to say 'hello' to them. And in front, and they're also headed by Joe Lanigove, who runs the organization, and Mr. Speaker, Lori just wanted to say 'hello' to everybody here."

Lori Daniels: "Hello. I'm glad to be here with you guys. Keep the good work up."

Speaker Churchill: "Thank you, Lori, and welcome to all of you. We're glad that you're here with us. Representative Currie, are there any excused absences on the Democratic side of the aisle?"

Currie: "Thank you, Speaker. Please let the record show that Representatives Martinez and Morrow are both excused today."

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

Cross: "Yes, Mr. Speaker. The record would please reflect, that Representative Judy Biggert is excused today."

Speaker Churchill: "Thank you. The record will so reflect. Mr. Clerk, take the record. There are 115 Members answering the Roll and a quorum is present. The House will come to order. Committee reports."

Clerk McLennand: "Committee report from Representative Skinner, Chairman for the Committee on Privatization and De-regulation to which the following Bill was referred, action taken on May 10, 1995, reported the same back with the following recommendation: 'do pass' Short Debate

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Senate Bill 216. Committee report from Representative Andrea Moore, Chairman for Committee on Elections in State Government, to which the following Bills were referred, action taken on May 10, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 457; 'do pass' Short Debate Senate Bill 695 and 426; 'do pass as amended', Short Debate Senate Bill 77. Committee report from Representative Hughes, Chairman for Committee on Counties and Townships, to which the following Bills were referred, action taken on May 10, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 1067 and 284; 'do pass as amended' Senate Bill 948, 63, and 1111. Committee report from Representative Persico, Chairman for Committee on Environment and Energy, to which the following Bills were referred, action taken on May 10, 1995, reported the same back with the following recommendations: 'do pass' Senate Bills 214 and 460; 'do pass as amended' Senate Bill 461 and 789. Committee report from Representative Biggins, Chairman for Committee on Appropriations for General Services, to which the following Bill was referred, action taken on May 10, 1995, reported the same back with the following recommendations: 'do pass as amended' Senate Bill 925. Committee report from Representative Wirsing, Chairman for Committee on Higher Education, to which the following Bills were referred... Bills and Resolutions was referred, action taken on May 10, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 207 and 549; 'do pass as amended' Short Debate Senate Bill 210; 'do adopt' House Joint Resolution 38. Committee report from Representative Rutherford, Chairman for the Committee on Constitutional Officers, to which the following Bills were

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referred, action taken on May 11, 1995, reported the same back with the following recommendations: 'do pass as amended' Senate Bill 1149; 'do pass as amended' Short Debate Senate Bill 587 and 615. Committee report from Representative Tim Johnson... Committee report from Representative Tom Johnson, Chairman for the Committee on Judiciary for Criminal Law, to which the following Bills were referred, action taken on May 11, 1995, reported the same back with the following recommendations: 'do pass' Short Debate Senate Bill 312 and Senate Bill 146; 'do pass as amended' Short Debate Senate Bill 741. Committee report from Representative Brady, Chairman for the Committee on Personal and Pensions, to which the following Bills were referred, action taken on May 11, 1995, reported the same back with the following recommendations: 'do pass' Short Debate Senate Bill 103, Senate Bill 423 and Senate Bill 95. Committee report from Representative Meyer, Chairman for the Committee on Veteran's Affairs, to which the following Bills were referred, action taken on May 11, 1995, reported the same back with the following recommendations: 'do pass as amended' Short Debate Senate Bill 774 and Senate Bill 428. Committee report from Representative Maureen Murphy, Chairman for the Committee on Revenue, to which the following Bills were referred, action taken on May 11, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 215 and 244 and Senate Bill 249; 'do pass as amended' Senate Bill 370. Committee reported from Representative Churchill, Chairman for the Committee on Rules to which the following Bills and Amendments were referred, action taken on May 11, 1995, reported the same back with the following recommendations: 'do approve for consideration' Floor Amendment 2 to Senate

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Bill 162."

Speaker Churchill: "Supplemental Calendar Announcement."

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

Speaker Churchill: "We will now proceed in the order of Senate Bills Third Reading. Mr. Clerk, please read Senate Bill 5."

Clerk McLennand: "Senate Bill 5, a Bill for an Act that amends the Juvenile Court Act of 1987. Third Reading of this Senate Bill."

Speaker Churchill: "The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. This is a Bill that came out of the Senate 58 to nothing, 58 to zero. It amends several provisions of the Juvenile Court Act relating to dispositional orders. It's a Bill that came together as a result of groups working together involving Judge O'Connell, who is a Chief Judge of Cook County, Department of Children and Family Services as well as the Governor's Office. It's a Bill that deals with permanency hearings and dispositional orders and the like. It's, I believe, a Bill that's in agreement by most but I'll be happy to try to answer any questions."

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

Dart: "Thank you, Mr. Speaker. To the Bill."

Speaker Churchill: "To the Bill."

Dart: "This is a Bill that was... came through our committee, I've had some reservations about it. Some of my reservations were laid but at the heart of it they have not been. This is a Bill that contains some very good measures in it, unfortunately it has one or two measures, I just don't agree with at all. As the Sponsor mentioned, this is

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something where the Governor's Office and the Chief Judge have worked together at length on. It's heartening to hear they have, it's unfortunate that the Governor's Office and DCFS do not see fit to work with too many other people though. However, the heart of my problem with this Bill was... is a provision of it that deals with removing some of the courts authority. As I mentioned, some of it has been allayed. Some of the judges have promised me that this would not change laws that had been put on the books. But, two years ago we put in provisions dealing with foster parents rights to intervene into court cases, when the DCFS would be taking children out of one home and bouncing them to another. We put a law in the books which would allow a foster family to intervene in the case and they'd be able to then object to that and they would then also be able to have the court order the child be put back into the home that the foster parent who originally had the child. This Bill specifically changes language which prohibits the court from ordering specific placements... which is troubling to me. As I said, the judge who testified in our committee hearing allayed some of my fears but I think the plain language in this Bill is a little bit disturbing. For the last couple of years the DCFS has gone out of its way to try to remove the judiciary, especially in the juvenile court area from more and more of the proceedings, saying that they're doing the better job. I think anybody who knows anything about DCFS realizes that they're doing a pathetic job and they need the courts. They need the courts in there as often as possible so they can monitor and keep an eye on what DCFS is doing and when DCFS is messing up to step in. In my view, this Bill will further cut into the courts ability to order placements, something

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that I find to be another disturbing move in the direction of removing the courts from this activity. As I mentioned, it would be one thing if we were dealing with a department that has done the things that would give us reason to have some confidence and to have some degree of trust in them, but they have been a department that has been adamantly opposed to any changes. It's been a department that has been quiet partisan this past year and it's been a department that has... while admitting its faults has refused to take the steps needed to remedy a lot of this. For those... as I mentioned before, there are some things in this Bill that are very good, especially the area dealing with the hearing officers. It will alleviate a lot of the problems in the courts. Unfortunately, as I said, there's provisions in this Bill that I just can't agree with at all and for that reason, I will be opposing this Bill and I would hope that in the future DCFS would see fit to work with other individuals in regards to trying to reform this mess. Thanks."

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

Cross: "I would appreciate a favorable vote, Mr. Speaker, thank you."

Speaker Churchill: "The question is, 'Shall Senate Bill 5 pass?' All those in favor vote 'aye'; all those opposed vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 108 'aye', 6 voting 'no', and none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 14."

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Clerk McLennand: "Senate Bill 14, a Bill for an Act that amends the Code of Civil Procedure. Third Reading of this Senate Bill."

Speaker Churchill: "Chair recognizes the Lady from Lake, Representative Clayton."

Clayton: "Thank you, very much, Mr. Speaker. There are two provisions in Senate Bill 14. Main portion, under present law, if the corporate limits of a municipality extend into more than one county, then that municipality may prosecute violations of its ordinances in the county where the office of the clerk of the municipality is located. Regardless of which county the violation was committed or occurred. This Bill allows the municipalities to prosecute in either the county in which the office of clerk of the municipality is located or in any county in which at least 35% of the territory within the municipality's corporate limits is located. Village of Barrington is requesting this Bill. Its clerk currently is located in Cook County but they are considering a move of their village hall into Lake County. Barrington wants to be able to continue to prosecute in Cook County because of the travel distance for them. To go the Lake County Court House, rather than one... the Cook County one in Rolling Meadows. The Village of Barrington also has an intergovernmental agreement with the Village of Inverness, which is totally in Cook County. They provide their police protection and they would still have to go to the Cook County Court House for that. With that in mind, this would provide them a more efficient way of being able to prosecute. The second provision in the Bill, is an Amendment that was put on in committee that had been Senate Bill 435. And the provisions of that, until October of 1994, the U.S. Postal Service has been honoring wage

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deduction issues under the Illinois Wage Deduction Statute and pursuant to the Hatch Act Reform Amendments of '93. Effective October 1, 1994, the Postal Service changed their procedures and refused to honor any wage deductions issued in the State of Illinois. This action of the Postal Service is resulting in substantial disadvantage to creditors, including credit unions, who must reconsider the granting of any credit to anyone employed by the Postal Service. Judgement creditors have been deprived of a method of collection that has... has been available. Unless the Wage Deduction Law is changed, postal employees are effectively exempt from the collection process. While the purpose of the passage of the Hatch Act was to make employees of the federal government responsible for their debts and actions of the Postal Service, resulted in the opposite effect. This Amendment is designed to allow the Postal Service and other agencies of the federal government to honor the Wage Deduction Statutes of the State of Illinois and to comply with the intent of the Federal Hatch Act."

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

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

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

Lang: "Mr. Speaker, could we cut down the noise level in here please, without taking away from my time?"

Speaker Churchill: "Quiet!"

Lang: "Thank you. Representative, I see there was a House Amendment 2 filed to this Bill. What happened to that Amendment?"

Speaker Churchill: "Representative Clayton."

Clayton: "Oh, that Amendment 2 was ruled not germane."

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Speaker Churchill: "Representative Lang."

Lang: "Well, that was the Amendment that dealt with the \$30 million of state debt that was forgiven by the State Treasurer. Did you think it was not germane?"

Speaker Churchill: "Representative Lang, please deal with the Bill that is before you. If the Amendment is not on there, then you're arguing a part of a Bill that is not before you. Representative Lang."

Lang: "Okay. I've made my point, thank you, Mr. Speaker. Representative, on your Bill in committee, do you recall me asking a question regarding whether your Amen... your Bill would allow Forum Shopping?"

Speaker Churchill: "Representative Clayton."

Clayton: "Yes, I recall that. It is not the intent of the Bill to provide for Forum Shopping. The intent of the Bill is to provide for efficient operation of a municipality that extends into two counties."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. Well, as you know, I told you in committee that I agreed that there was a problem here, that you were trying to address and it made sense to resolve the problem. But do you recall me saying to you that what your Bill does is leave open the option on a case by case basis for the municipality to handle some of their cases in Cook and some of their cases in Lake? Do you recall that inquiry?"

Speaker Churchill: "Representative Clayton."

Clayton: "Yes, I do."

Speaker Churchill: "Representative Lang."

Lang: "And do you recall that I suggested to you, that you could resolve this by simply saying, they could pick, but once they picked, they had to put all of their cases in that county? Why don't we do that? The way your Bill reads

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today, the City of Barrington, I think it's the City of Barrington, can... can have some of their cases in Cook County, some of their cases in Lake County and I know you've said that their intention is not to do that, but you've left open the option that they can do that. Why don't we correct this?"

Speaker Churchill: "Representative Clayton. Representative Clayton."

Clayton: "The Bill would provide the municipality, whether it's Barrington, or any other community that crosses the county line, the ability to go to the court that is most efficient for their operation."

Speaker Churchill: "Representative Lang."

Lang: "But doesn't that leave open the possibility that the City of Barrington or any other city, so situated can just pick and choose on a case by case basis? You don't say they can't do that. Perhaps they feel the proper administration of justice on a DUI case is in Cook County. Perhaps they feel the proper administration of justice on a parking case is in Lake County. How... why don't we rectify this problem? You can do it with a simple Amendment, Representative. There's plenty of time. Why don't you correct this problem so that we don't have the potentiality of this village or any other filing some cases in some mu... in some county court house and other cases in another county court house?"

Speaker Churchill: "Representative Clayton."

Clayton: "It would seem that they would direct the cases to the county where it was most efficient to hear the case. Thus, taking up less of their police time. We're looking at the tax payer's dollars."

Speaker Churchill: "Representative Lang."

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Lang: "Well, Representative, with all due respect, you know, I agree with the intent of your Bill, but we're not getting any answer from you here. Why don't we just simply say in a straight forward way, that the Village of Barrington can use either county but once having chosen that county, must send all their cases to that county?"

Speaker Churchill: "Representative Clayton."

Clayton: "There would be occasions when it would be more efficient to take it to Lake County, other times it would be more efficient to take it to Cook County, depending on where the occurrence took place and the people involved resided."

Speaker Churchill: "Further discussion, the Gentleman from Effingham, Representative Hartke."

Hartke: "Mr. Speaker, I'd like to take this off of short debate if I could?"

Speaker Churchill: "There are sufficient number of hands in the air and so the Bill is off short debate. Representative Hartke, please proceed."

Hartke: "Thank you very much, Mr. Speaker. I'd like to yield my time to Representative Lang."

Speaker Churchill: "Your time has been yielded. Representative Lang for further questions."

Lang: "Thank you. Let's talk about the other portion of the Bill, for a moment, Representative. The portion that deals with your Amendment on the issue of garnishment, using the federal... being able to garnish federal employees. Can you give us the background on what this is all about? By the way, this is a portion of the Bill that I completely support but perhaps the Members of the Body would like to know why we need to do this."

Speaker Churchill: "Representative Clayton."

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Clayton: "Okay. Since that Amendment was originally Representative Cross' Bill and we just collapsed it into one Bill for efficiency purposes on the Floor, I would like to yield to Representative Cross to explain his Bill."

Speaker Churchill: "Perhaps if Representative Cross could explain that. Ladies and Gentlemen, it is very noisy in here, today. Please, can we bring our conversations to a conclusion. If you have to have a discussion, take it to the back of the Floor and will our guests in the Gallery, please refrain from making any noise so that the people debating this issue can hear it. Representative Cross."

Cross: "Thank you, Mr. Speaker. Representative Lang, as you know, this was previously Senate Bill 435 and I think you're understand this issue. It allows, currently the law prohibits garnishing wages of federal employees, once a judgement is entered against a judgement debtor. This would allow the garnishment of federal employees, like a postal worker, and I... got out of the Senate, I don't know of any opposition except for may be some debtors. But in all seriousness, it's a good Bill and I think that if there are any other questions, I'll try to answer them."

Speaker Churchill: "Representative Lang."

Lang: "Well, as I said before, Representative, I support this very strongly, but I just want to make sure that Members of the Body know. So, up until recently, the federal law prohibited creditors from garnisheeing the wages of federal employees except for postal workers. And because of some changes in the Hatch Act, as I understand it, in Washington, we can now do this, but we needed state action to be able to tell the Feds that we have agreed that we will allow creditors to do this, is that correct?"

Speaker Churchill: "Representative Cross, on behalf of

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Representative Clayton."

Cross: "Essentially, that's very... that's right on point, Representative. I think all federal employees up to this point, have been exempt from wage garnishment proceeding but under this Bill, they would be... they would no longer be exempt. However, all... all of the provisions of the wage garnishment Section, with respect to notice and summons, process, et cetera, would all be substantially the same. All this does is allow the federal employees to be subject to the garnishment proceedings."

Speaker Churchill: "Representative Lang."

Lang: "And along with your comments that all other rules regarding wage deductions are the same, that includes 'due process', 'notice', 'opportunity to be heard' and all of that. So we're changing none of that. All we're doing is complying with the new rights under federal law to file wage garnishments against federal employees so that they're no longer unfairly exempt, is that correct?"

Speaker Churchill: "Representative Cross."

Cross: "Lou, just to clear up one area, that there's no contention about it but to make sure that my statements are accurate. The only other area that... the only exception is, right now the employer withholds the wages, as you know for up to 12 or 16 week period. Under this provision, the attorney would hold the wages until the court ordered them dispersed. But other than that, it's identical. So your characterization is right on point, with the exception of that."

Speaker Churchill: "Representative Lang."

Lang: "Thank you. I'd like to go back to Representative Clayton, if I might. Thank you, Representative Cross. Representative Clayton, I hate to continue to pursue the

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same point but frankly, I still don't really have an answer. Has the Village of Barrington determined which county they want to do this in?"

Speaker Churchill: "Representative Clayton."

Clayton: "Not at the present time. They want the ability to be able to locate. They have to move their village hall. They've out grown it. They want the ability to locate it any place within their municipality."

Speaker Churchill: "Representative Lang."

Lang: "Well, what county are they moving the village hall to? My understanding is they're moving it... the village hall to Lake County?"

Speaker Churchill: "Representative Clayton."

Clayton: "Possibly."

Speaker Churchill: "Representative Lang."

Lang: "So they've not yet determined where they're moving it?"

Speaker Churchill: "Representative Clayton."

Clayton: "That's correct."

Speaker Churchill: "Representative Lang."

Lang: "Well, don't the attorneys for the Village of Barrington have an idea, as we stand here today, where they'd like to have their cases heard?"

Speaker Churchill: "Representative Clayton."

Clayton: "They wouldn't know unless they knew where the case took place and where the officers were. They do know that they want to prosecute the Inverness tickets in Cook County because that's where Inverness is."

Speaker Churchill: "Further discussion, the Lady from Cook, Representative Ronen."

Ronen: "Thank you, Speaker. I'd like to yield my time to Representative Lang."

Speaker Churchill: "Representative Lang."

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Lang: "Thank you and thank you, Representative Ronen. Representative Clayton, you still have me, sorry. Where ar... where do they prosecute their cases, now?"

Speaker Churchill: "Representative Clayton."

Clayton: "They have no choice but to do it in Cook County, now."

Speaker Churchill: "Representative Lang."

Lang: "So they prosecute all their cases in Cook County, today. Is that correct?"

Speaker Churchill: "Representative Clayton."

Clayton: "That's correct."

Speaker Churchill: "Representative Lang."

Lang: "But they haven't decided whether they wish to continue that practice or whether they want to try their cases in Lake County?"

Speaker Churchill: "Representative Clayton."

Clayton: "If they move their village hall to Lake County, they would have no choice but to... and we didn't change the law, they would have no choice but to go to Lake County. They would then have to be going to Lake County and then also Cook County, since they have this intergovernmental agreement with Inverness. That's not very efficient."

Speaker Churchill: "Representative Lang."

Lang: "So then, are you really telling us, that they're planning to move their village hall to Lake County, but they want to continue to try their cases in Cook County. That would be fine with me. I'm not trying to keep them from doing that. I'm just trying to find out where your legislation is going. If that is the plan, please say so."

Speaker Churchill: "Representative Clayton."

Clayton: "This legislation provides them the flexibility of prosecuting their cases in an efficient manner. Those that need to be done in Lake County, they would do. Those that

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need to be done in Cook County, they would go there."

Speaker Churchill: "Representative Lang."

Lang: "Thank you, Mr. Speaker, Ladies and Gentlemen, to the Bill. I thank Representative Clayton, Representative Cross, for their answers. This Bill has two aspects to it. The first deals with the wage garnishments of federal government employees and I think it's right on point. And I strongly support it. Creditors should have the opportunity to get their money from debtors, who should not be able to hide behind some federal law that is antiquated. So I, I certainly support that. I have some concern however, about the other portion of this, not because I want to keep the Village of Barrington from prosecuting their cases wherever they feel like, but because the Bill is awkwardly written. Its flawed because it says that the Village of Barrington or some sit... so situated village or city, can choose where they want to try their cases. But it doesn't say they can choose one time and then that's it. It doesn't limit them to one choice, so under this Bill, you could interpret it to mean, that such a municipality could try their traffic cases in one county and their DUI cases in another county. This doesn't make sense, if we're...if the purpose of the legislation is the judicially economy for the village, then what about the judicially economy for the courts? Should we allow this village to perhaps try all of their cases anywhere they feel like it on a case by case basis? Perhaps they don't like the judges in one county on DUI. Perhaps they don't like the judges in the other county on parking tickets. And so I think there's a flaw in the Bill. I've asked the Representative several times, just yesterday, in committee and several times on the Floor, if she would just simply take this Bill back to

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Second Reading. Just simply take it back so she can correct this simple flaw with just a few words. I would support it. The Bill would pass. But apparently she's unwilling to do so. Apparently the City or Village of Barrington does know yet where they want to try their cases, although, if I'm a lawyer, trying cases, I know where I want to try my cases. And so I'm really confused about this Bill. So there's one part I strongly support and one part that's incredibly flawed. I would recommend 'present' votes."

Speaker Churchill: "There be no further discussion, the Lady from Lake, Representative Clayton to close."

Clayton: "This should be a very noncontroversial Bill on both of the issues that are covered here. I think if there's any flaw, it could be that Representative Lang refuses to recognize that a municipality should be relied upon to determine the operations of their village in an efficient manner. This Bill does not permit a municipality to go any place they want to. It has to be in the...in the county in which their village hall is located or a county in which 35% of their land is located. They could not go just to any county. I would urge support of this legislation."

Speaker Churchill: "The question is, 'Should Senate Bill 14 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 102 voting 'aye', none voting 'nay', and 12 voting 'present', and this Bill having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 43."

Clerk McLennand: "Senate Bill 43, Bill for an Act concerning bees

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and apiaries. Third Reading of this Senate Bill."

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

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 43 has an Amendment to it. Very briefly, a run down, it adds to the Bill. The underlying Bill, I think, was discussed in a House Bill. Representative Woolard is a cosponsor and I think he knows the Bees and Apiaries Bill. But the Committee Amendment 1 added the following measures to the Senate Bill 43. It amends House Bill 280, which was Sponsored by Representative Novak and that passed the Ag...Agriculture Committee unanimously. That's the Adopt a River proposal that Representative Novak had. The second provision of the Bill also passed the Agricultural Committee on a unanimous vote, was Sponsored by Representative Skinner. That was House Bill 2336. It has to do with the Department of Agriculture Administration Bill on how you handle broken eggs. Don't ask me folks, I don't write them, I just explain them. The third provision was House Bill 2329, which was sponsored by Representative Wirsing. Again, it's a Department of Ag...Agriculture Administration Bill, passed out of the committee unanimously. The last part of the Amendment includes the provisions of House Bill 1215, sponsored by Representative Noland, and also Senate Bill 449, sponsored by Representative Woolard, which has passed out of both chambers on a unanimous vote. It's the Farm Development Authority language cleanup. Be glad to answer any questions you have."

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

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

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

Deering: "Representative, I know that we got cut off in debate the other day. The fines... the regulations for the bees and apiaries are still in the underlying Bill, is that correct?"

Speaker Churchill: "Representative Black."

Black: "Yes, it is."

Speaker Churchill: "Representative Deering."

Deering: "Well, I noticed in our Amendment the other day, it had a list of fines if these people that raise bees didn't register the bees and keep certain records and transportation, and so on and so forth. Does this pertain to anyone that has a hive on his or her property? If I live in a rural area and I have three or four hives in a... in a orchard that I want to use for my personal use or my family, do I then have to register these bees and these hives? And if I do, will I be... will I be fined if I don't?"

Speaker Churchill: "Representative Black."

Black: "Yes, Representative, the liaison just handed me a sheet and the specific answer to the question you raised in committee. The Registration Section of the Act does state that every person keeping one or more colony of bees shall register with the department annually... with the department on an annual basis. The department will not charge and does not charge bee keepers for this registration. The department however, does feel it's very important that they know the number of colonies, where these colonies are located, and how to get a hold of the person holding these colonies, in case there would be any disease or any exotic species of bees brought into the

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state. I think that was the question you were asking."

Speaker Churchill: "Representative Deering."

Deering: "So then according to the information from the Department of Ag., it's a voluntary registration, is that correct? Okay. Now, I notice there's... there's fines that can be levied against an individual, so if... and one of the fines was, I think, \$50 for not registering. So if it's a voluntary registration program, why would we be fining people \$50 if they don't register? That's my concern, Representative, is... you know, if it's going to be voluntary or mandatory."

Speaker Churchill: "Representative Black."

Black: "Well, I'll stall for a minute, until Pat gets back over here. But you know, down home we'd say it's voluntary, but if you don't do it, we're going to fine you. But let me ask Pat."

Speaker Churchill: "Representative Black on a stall."

Black: "That's exactly why I've always gotten along with the Department of Agriculture. It's that good down home logic. It is voluntary but if you refuse to register and they find out, they will levy a fine or attempt to levy a fine on you, because as we said earlier, they feel it's very important to track these colonies in case of disease or someone who might bring in a killer bee strains. So the department feels very, I hear them, I hear them, they're gathering now, Representative, we'd better hurry."

Speaker Churchill: "Representative Deering."

Deering: "Well, I understand the concern over these... over the bees and the disease that almost wiped out the crop, but what about the individual that lives in a rural area, that if we pass this legislation, they don't belong to an association, they're not going to know about this. Is the

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Department of Ag. going to make sure that they publicize this so all agri... all the agricultural communities know about this? I mean, some of these people may get fined and they don't know what they're going to get fined for."

Speaker Churchill: "Representative Black."

Black: "I think the way it would work, Representative, and I know there are people in my own district, down in Edgar County, were very active in the Illinois Bee Keepers Association. The department is relying on the Illinois Bee Keepers Association to get out that word, and the association does want this language. They feel it's very important to protect the integrity of the colony that this be done."

Speaker Churchill: "Representative Deering."

Deering: "Thank you, Representative, for your indulgence. I have no further questions."

Speaker Churchill: "Further discussion, the ... Before we go on to further discussion, Representative David Wirsing would like you to join with him in welcoming the eighth grade class from Somonauk Junior High School in Somonauk, Illinois. Welcome to all of you in the eighth grade class. Further discussion, the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Representative Black..."

Speaker Churchill: "The Gentleman... the Gentleman indicates he will yield."

Hartke: "Thank you. Do you recall what happened to Amendment 2 on this piece of legislation?"

Speaker Churchill: "Representative Black."

Black: "I... in all due respect, a lot of what happened in that committee meeting, is kind of a blur to me. I recall that there was some harsh language on the Amendment, but I

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didn't stick around for all of it, as I recall."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, I think the Amendment 2 had to do something with bank loans and things like that and we were trying to get that... what happened to that Amendment, do you recall?"

Speaker Churchill: "Representative Black"

Black: "Staff tells me that was referred to the Rules Committee."

Speaker Churchill: "Representative Hartke."

Hartke: "Thank you. I've got a couple other questions. This piece of legislation is quite detailed in a lot of things that are being revamped by the Department of Agriculture. Are there any fee increases in this legislation in any of the portions of the Amendment 1?"

Speaker Churchill: "Representative Black."

Black: "No fee increases of any kind in the legislation. There are... there's language regarding penalties that could be levied. Of course, that means dollars and those penalties have been agreed to according to staff by all parties that would be impacted by those penalties."

Speaker Churchill: "Representative Hartke."

Hartke: "Why... I think there may be some fee increases, depending on which kind of rules are written under the Egg and Egg Producers Act and so forth. One of the things we're talking about is allowing for investigation and so forth. Does the Department of Agriculture now have enough employees to do this egg inspection or are you going to have to hire more employees to do that?"

Speaker Churchill: "Representative Black."

Black: "Yes. Mr. Fucik assures me that they have enough people to do the egg inspection and if they run short, I have volunteered my services and your services as well."

Speaker Churchill: "Representative Hartke."

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Hartke: "Representative Black, I have never professed to know anything about chickens and eggs. I really, really don't. One thing I am familiar with though, is the Feeder Pig, Swine Dealer's Act and Purchase and so forth. What changes are we making in that... that Act?"

Speaker Churchill: "Representative Hartke, the Chair thought that you were a farmer. Don't you know about chickens?"

Hartke: "I've never had chickens. I've always had pigs."

Speaker Churchill: "Okay. Representative Black."

Black: "Yes, the only change we're making to the Feeder Swine Licensing Act is there can only be one license, and that license can not be in any county where a Representative resides who lives in or near the City of Teutopolis."

Speaker Churchill: "Representative Hartke."

Hartke: "Well, I may be opposed to this Act. I want a serious answer. What changes are you making in the Feeder Pig Act?"

Speaker Churchill: "Representative Black."

Black: "I had to get time to get it in front of me here. The change in the Feeder Swine Licensing Act, this will require a license for people buying swine in Illinois for resale, to other states. That will bring these individuals and companies under the bonding requirements of the Act to protect Illinois sellers. It deletes the requirement for specific information on license applications that are no longer legal to request. It also clarifies the administration hearing process, revises the administrative penalty section, clarifies the provisions regarding the suspension of a Feeder Swine License and also clarifies subpoena powers and adds judicial review to the Act."

Speaker Churchill: "Representative Hartke."

Hartke: "Do we still require that those swine coming in the State of Illinois be vaccinated and for what?"

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Speaker Churchill: "Representative Black."

Black: "Yes."

Speaker Churchill: "Representative Hartke."

Hartke: "We're requiring them to be vaccinated for?"

Speaker Churchill: "Representative Black."

Black: "Yeah, still must have a health certificate as well."

Speaker Churchill: "Representative Hartke."

Hartke: "What are some of the requirements of that health certificate?"

Speaker Churchill: "Representative Black."

Black: "For the swine or the dealer?"

Speaker Churchill: "Representative Hartke."

Hartke: "Swine."

Speaker Churchill: "Representative Black."

Black: "Well, let's see. We're going to cover pseudorabies, I know that. We're going to cover brucellosis, I know that. I just saw the movie Outbreak, and we're going to cover that too, but I can't remember what they called it. Wait a minute, we're looking here to see what else is in here. Well, to make a long story short, they have to be healthy hogs. There's no way we're going to let an unhealthy hog be sold or transported within the State of Illinois."

Speaker Churchill: "Representative Hartke. Representative Hartke."

Hartke: "For those swine coming in to Illinois, are we requiring a blood..."

Speaker Churchill: "Representative from St. Clair, Representative Hoffman. Representative Hoffman yields his time to Representative Hartke. Representative Hartke."

Hartke: "Thank you, Representative Hoffman. Are we requiring a blood test from those herds where these feeder pigs are coming from, or just drawing blood from animals that are

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possibly coming across the border? I do know that if a... a buyer is stopped, the livestock must be tagged but are we sampling the entire herd or just part of the herd?"

Speaker Churchill: "I'm sorry, Representative Hartke, was that sneeze part of the question? Representative Black."

Black: "According to staff, obviously the animal... we're not adding any new requirements. The animal would have... obviously have to have its health certificate. They are eliminating the double tagging provision on animals being brought in from other states."

Speaker Churchill: "Representative Hartke do you have your health certificate?"

Hartke: "Yes, I do. Let's move on to the Buyers Act, Livestock Slaughter Buyers Act, actually, the Market Act. Is this got to do with downed animals and how we dispose of those animals?"

Speaker Churchill: "Representative Black."

Black: "No, the disposal of any downed animals would be covered under the Dead Animals Act. Has nothing to do with this particular portion that's in this Bill, according to Pat."

Speaker Churchill: "Representative Hartke."

Hartke: "I don't think so. I think the downed animals can be used for certain food products for dogs and cats and so forth, is that not true?"

Speaker Churchill: "Representative Black."

Black: "We're... we're really, we need to go into conference here. We're going to... hold on just a second. We're really not sure whether downed animals would be covered under the Slaughter Livestock Buyers Act. If it is, Pat said there'd be no change in how that could be disposed of or what kind of rendering facility you would take it to. We're really not sure whether that's covered under this

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particular Section."

Speaker Churchill: "Representative Hartke."

Hartke: "I think I recall reading somewhere in there about four month old animals, under that, they can not be used over that age. They would be required to or allowed to be used at a cannery for dog food and things like that. Somewhere... somewhere I read that. I'll wait until you come up with an answer for that."

Speaker Churchill: "Representative Black."

Black: "We'll... we'll look through here. The department doesn't think that anything changes in that, other than the hearing process and the penalty Section. So whatever would be in there now, would not be contradicted by this legislation. If that's a current provision, the department feels that the Section they're amending would not change anything under that current Act."

Speaker Churchill: "Representative Hartke."

Hartke: "I noticed you're also changing the Equine Infectious Anemia Control Act and I'm not a horseman or... what are we doing to that... to that Act?"

Speaker Churchill: "Representative Black."

Black: "Yes, there are changes under Equine Infectious Anemia Control Act. That includes a negative EIA Test for horses moving through sales and auctions. To place the Act in compliance with the Auction Market Law, changes have been proposed. Again, it also clarifies the hearing process, revises penalty section and adds judicial review. It does add a test to the Equine Infectious Anemia Control Act."

Speaker Churchill: "Representative Hartke."

Hartke: "...jump... I'd like to jump back up to the eggs a minute. I noticed it establishes a master fund. Is that with the Treasurer's Department, Treasurer's Office in the

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State of Illinois or does that stick with the Department of Revenue?"

Speaker Churchill: "Representative Black."

Black: "Pat... Pat informs me that that fund is already created under the State Finance Act. It is not a new fund."

Speaker Churchill: "Representative Hartke."

Hartke: "Is that fund controlled by the Department of Agriculture, the Treasurers Office or is it the Department of Revenue?"

Speaker Churchill: "Representative Black."

Black: "It is not... it a part of the General Revenue Fund, so I would assume that the General Assembly would have final authority over transfers in and out of that fund."

Speaker Churchill: "Representative Hartke."

Hartke: "One final question. I would think that any major rewrites, such as this, would have been in consultation with the Illinois Pork Producers, the Illinois Feeder Pig Association, possibly the Illinois Meat Marketing Board, probably the Horsemen in Illinois as well as... as well as Illinois Poultry Association. Can you give me any insight whether they have been consulted in many of these changes that are taking place?"

Speaker Churchill: "Representative Black."

Black: "Yes, the department informs me that all parties were consulted and have signed off on the Bill. The Horsemens Council, the Pork Producers, the Pseudorabies Advisory Committee, the Egg Packagers and particularly the Bee Keepers."

Speaker Churchill: "Further discussion, the Gentleman from Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Churchill. Appreciate the opportunity to speak, Mr. Speaker. Will the Gentleman yield?"

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

Woolard: "Representative Black, what was the genesis of all of the various areas that are covered in this Bill? You know, it's a little unusual when we deal with so many different areas, all related to the agri-business industry at one time."

Speaker Churchill: "Representative Black."

Black: "Yes, that... that's a very good question, Representative, and I'll give you a very short, sweet and honest answer. The genesis of this Bill was something we've called Third Reading deadline, on the various House Bills that weren't allowed... well, let's just say they didn't move in a timely fashion."

Speaker Churchill: "Representative Woolard."

Woolard: "In other words, it's your intent to clean up some of the various languages in areas of the various laws that are on the books today that have maybe some difficulties or problems with them."

Speaker Churchill: "Representative Black."

Black: "The Department of Agriculture indicates that's exactly what most of these original Bills were. This was a Bill that the Senate Sponsor agreed to accept some of these department Amendments to, that's why they're rolled into this Bill."

Speaker Churchill: "Representative Woolard."

Woolard: "As the Democrat's spokesperson on the Agriculture Committee, I would like to commend the Sponsor for the consolidation of a lot of very important issues. Many of which, have had other Sponsors in the past. I know that I recognize a couple of these as areas that I've had concern about and worked with in the past. I believe it is very important that we not only take care of these necessary

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changes, that the department has identified and various Members of this Body have identified, but I believe it is also in the best interest of all of us, to do it in the most efficient fashion, possible. Once again, I commend the Sponsor for the consolidation of all of these areas of concern and hopefully this will take care of a lot good things for the agri-business industry in this state. It is a honey of a Bill."

Speaker Churchill: "Being no further discussion...there being no further discussion, the Gentleman from Vermilion, Representative Black to close."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. All of these Bills is embodied in Senate Bill 43, received a full hearing in the House Agriculture and Conservation Committee. All of them received unanimous votes and we're just simply trying to clean up some language the Department of Agriculture needs. I urge an 'aye' vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 43 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 113 voting 'aye', 2 voting 'nay', and none voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 52."

Clerk McLennand: "Senate Bill 52, a Bill for an Act concerning school property and transportation. Third Reading of this Senate Bill."

Speaker Churchill: "Gentleman from DuPage, Representative Persico."

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Persico: "Thank you, Mr. Speaker and Members of the House.

Senate Bill 52 is what I call a mandate relief Bill. I'm sure many of you have received phone calls or letters from your school districts concerning Senate Bill 52. And the reason I call it a mandate relief Bill, because it provides school districts with the flexibility to solve a major transportation problem that they're having in their district. Basically, what the Bill does, is it allows school districts, and I emphasize the word, 'allow', school districts to transport up to 15 students by van to and from interscholastic or school sponsored activity. Presently, school districts are allowed to transport up to 10 students in a band. This Bill provides a narrower exemption to allow school districts to use vans carrying up to 15 students. This Bill originated from Belleville Community High School. I also heard about this Bill, a day that I visited one of my high schools, where the athletic director approached me and said, this is a very important Bill to us, and if you can pick up the sponsorship in the House, they would greatly appreciate it. What they were finding out that was happening was, for teams like the chess team or the golf team or the tennis team, where they needed to, you know, to have twelve, thirteen students, they would have to provide for a bus that carried up to sixty students. These buses many times would not show up, would come late, they would have to forfeit or cancel their meet and they are much more cost prohibitive. School districts are very much in support of this Bill and I would ask for your 'aye' vote and would be happy to answer any questions you may have."

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

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Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman: "Yes, Representative, this Bill would in no way allow the improper use of any type of vehicle. In other words, they would have to use it consistent with the factory mandates on how many people could ride in it, isn't that right?"

Speaker Churchill: "Representative Persico."

Persico: "Pres... presently, Representative, school districts are allowed to transport up to 10 students. This Bill will allow them to transfer up to 15 students in a van that is designed to carry 15 students."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So if the van is not designed to carry 15 students, if it's only designed to carry 10, you can't transport 15, you can only transport up to 10 people, is that right?"

Speaker Churchill: "Representative Persico."

Persico: "That is correct, Representative."

Speaker Churchill: "Representative Hoffman."

Hoffman: "So the safety concerns of a few in this...regarding this Bill, are not really valid when you look at the fact that the company who made this van or the company who manufactured the van, ma...made and indicated that you could transport these numbers of people in that van, isn't that right?"

Speaker Churchill: "Representative Persico."

Persico: "To answer that question, I'll answer it in two parts. First of all, right, these vans are designed to carry up to 15 students or 15 people. If you carried more than that, you would, first of all, be breaking the law, if this Bill

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became a law. Secondly, the transportation of these students is unlike a regular school bus, in that we are not stopping from home to home to pick up these students. What's happened you know, they'd pick up the tennis team at the school district parking lot and transport them to the parking lot of the school district that they are playing their match with."

Speaker Churchill: "Representative Hoffman."

Hoffman: "Well, I think, in my mind this is a common sense Bill that makes a lot of sense. I think it's a good Bill. We all too often have talked about mandates, the school mandates in this General Assem... General Assembly. We all believe that safety comes first and I know that the Sponsor of this Bill is an advocate of safety for our children because he has worked in the school system for many, many years. This Bill, in no way, in my mind would hamper that safety. This Bill indicates specifically that the van or the vehicle that will...the individuals will be transported in, has to be designed in order to enable a school district to transport that many...that many individuals. That's why I urge an 'aye' vote. Representative, just a couple more questions. The Bill, itself... the Bill, itself, does it apply to any age group?"

Speaker Churchill: "Representative Persico."

Persico: "Could you hold for just one second, Representative? Representative, I... I know that right now, collegiate teams are using vans for this purpose, but this Bill would apply K-12."

Speaker Churchill: "Representative Hoffman."

Hoffman: "As I indicated previously, although I think we need to insure the safety of our children, I think that this Bill does it. It makes a lot a sense. It gives the local

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school districts the flexibility, it's not a mandate. It doesn't say they have to do this. It allows school districts to have the flexibility to make common sense, business decisions, still keeping the...keeping the childrens safety in mind, as well as, insuring that the safety of the children is paramount by insuring that the vehicles that are used, are proper and made for that purpose."

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

Kotlarz: "Will the Gentleman yield?"

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

Kotlarz: "Representative, if you could, could you clarify whether this is currently legal for Catholic schools in the city and elsewhere?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, I believe that parochial schools and private schools fall under the same transportation code as our public schools. But it's my understanding, talking to Representative Bugielski and Representative Zabrocki, that private and parochial schools are currently doing this in order, as a cost saving measure and you know, finding very much success with it."

Speaker Churchill: "Representative Kotlarz."

Kotlarz: "To the Bill, Mr. Speaker, Members of the House."

Speaker Churchill: "To the Bill."

Kotlarz: "I urge my colleagues on this side of the aisle to vote for this measure. It's a good common sense measure and any time a school district can save money, I certainly encourage it."

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

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

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

Black: "Representative Persico, it's my understanding that if we had identical 15 passenger vans, identical in every respect, except one was painted yellow and had a stop arm on it, the one painted yellow is legal to haul students in under the current code, is that correct?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, I believe I read a letter from some superintendent from a district, and that is correct."

Speaker Churchill: "Representative Black."

Black: "Other words, what... what we're trying to get at with this Bill, it appears to be a good common sense measure to me, you would not have to go the extra expense of ordering a 15 passenger van, configured in school bus colors with the stop arm. It's the same van. The same number of people, but you can bet the cost isn't the same. So I think, Mr. Speaker, to the Bill."

Speaker Churchill: "To the Bill."

Black: "I don't... nobody wants to put any of our school children in jeopardy or safety concerns. But here's a classic case, where because a 15 passenger van, under the current code, would have to be configured ie: painted as a school bus and have a stop arm. And I'm not sure that any thing else has to be done to that van to enhance safety whatsoever. They can take the chess team or the cross country team anywhere in the state for a meet. But if it's just an off the lot, heavy duty, passenger van, which my community college uses all the time to transport students and athletic teams, which my parochial schools can use to transport their athletic or academic teams, the common

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schools in Illinois are prohibited from doing so. I think this Bill makes eminent good sense and I urge an 'aye' vote."

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

Davis, M.: "Thank you, Mr. Chairman, will the Sponsor yield?"

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

Davis, M.: "Representative, did the Department of Transportation remove it's opposition to this Bill?"

Speaker Churchill: "Representative Persico."

Persico: "Not to my knowledge. I believe they have not."

Speaker Churchill: "Representative Davis."

Davis, M.: "Is there concern that in some way there isn't a protection in a van that one would have in a school bus, in reference to collisions occurring?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, obviously everyone in this Body is very concerned about the safety of our students. As you are well aware, many families transport their families in these kind of a vehicle. Many schools...I mean, many church groups transport their children in vehicles such as this. And again, the safety issue is not as much as a factor in the belief...in my belief since they are transporting these students from one parking lot to another parking lot and they are not stopping at every home to pick up these students."

Speaker Churchill: "Representative Davis."

Davis, M.: "Representative, has the Secretary of State removed it's opposition from this Bill?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, it's my understanding from just talking to staff that they have backed off somewhat from this Bill."

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They're not the strong opposition that they were yesterday."

Speaker Churchill: "Representative Davis."

Davis, M.: "As stated in committee, Representative, some of us still have concern in reference to the number of young people who will be transported in this van. As well as the fact that, the reason you want to do this is a bit weird because you state that you can't get bus drivers in your community. Now I think the legislative Body should listen to this, that because they can not get bus drivers in his district, we now want to say, 'Well, you won't take a school bus, you'll take a van'. Maybe that's a solution for Chicago also, because we have put rather stringent requirements on bus drivers and perhaps rightly so. We require that a school bus driver not have any drug offenses against him or her. We require that a school bus driver pass a finger print test. We make a lot of requirements of school bus drivers, but it appears with this legislation, we'll be able to get around that by simply hiring van drivers instead of bus drivers. Representative, do you see this a new way for school districts to get around our state laws, to get around those stringent requirements for bus drivers, just have them go travel in a van?"

Speaker Churchill: "Representative Persico."

Persico: "Representative, as you are well aware, we recently passed a Bill that would test bus drivers for drug and alcohol and screen them. Now, what you have to understand, first of all, and we're not just talking about a cost savings to the district. Every school district, including the City of Chicago, will benefit in terms of cost savings if this Bill becomes law. But we're also talking about that many school districts in the state, especially in

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southern Illinois, own their own school buses. The areas that I represent, we rely very heavily on a private transportation company. And also, you have to remember that certified, authorized staff are going to be driving these students to these extracurricular activities. We're not having students drive themselves, which in many cases, what they are doing now, by piling into their cars, especially if they're juniors and seniors, and transporting themselves to a particular chess meet or tennis match."

Speaker Churchill: "Representative Davis."

Davis, M.: "Thank you, Representative, I think perhaps you may have hit upon a cost saving measure and perhaps it is the new way and we will support your legislation."

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

Zabrocki: "Thank you, Mr. Speaker. I rise in support of this Bill. I've had the opportunity and a pleasure to be a teacher for the past 30 years. And many times during those 30 years, I myself, drove one of those vans to take kids back and forth to different clubs and organizations. It is also an opportunity for the various school districts within the State of Illinois to save a few dollars, and I would urge my colleagues to support this Bill. Thank you."

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

Bugielski: "Thank you, Mr. Speaker, Members of the House. I urge my colleagues to vote 'yes' for this Bill. I think it is a very good Bill because many of the schools right now, in the City of Chicago, both city and private...both public schools and private schools, use the means of vans right now at the present time. We're looking at fiscal responsibility. We're looking to save money in our schools

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and most schools will have three or four activities going on after school. Some schools only have one school bus that is available and for them to go out and charter three other buses, it's very costly. Many of the schools have vans right now. They are very safe. We have nothing to worry about. There are the vans...these vans are equipped with seat belts. They all have individual seat belts. They are used constantly all the time, and if we could have our schools save some money in our districts...save some money, this is a perfect solution to this. So I urge all my colleagues to vote 'yes' on this Bill."

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

Pedersen: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I move the previous question."

Speaker Churchill: "The question is, 'Shall the previous question be moved?' All those in favor 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 Persico to close."

Persico: "Thank you, Mr. Speaker and Members of the House. As you can see, this Bill has been thoroughly debated. It is a good Bill. I think we've answered the safety concerns. It will be a major cost savings to the school district. It provides them flexibility and allows them to use this particular Bill if it becomes law and I urge an 'aye' vote."

Speaker Churchill: "The question is, 'Shall Senate Bill 52 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

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question, there are 100 voting 'aye', 11 voting 'no' and five voting 'present', and this Bill having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, please join with Representative Andrea Moore and Representative Tom Lachner in welcoming the eighth grade class from Oak Grove School in Green Oaks, Illinois. Welcome to the eighth grade class from Oak Grove School. Mr. Clerk, please read Senate Bill 80."

Clerk McLennand: "Senate Bill 80, a Bill for an Act that amends the..."

Speaker Churchill: "Out... out of the record. Mr. Clerk, please read Senate Bill 122."

Clerk McLennand: "Senate Bill 122, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this Senate Bill."

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

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 122 amends the Illinois Vehicle Code. Provides that the Secretary of State shall only release the name and address of alleged parking violators after the Secretary has verified certain vehicle information. Applies only to municipalities of 1,000,000 or more inhabitants, provides that it shall be grounds for dismissal of a parking violation if the state registration number, vehicle make or other information on the parking violation notice is incorrect,

and I would move for its passage."

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

Dart: "Will the Sponsor yield?"

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

Dart: "Representative, just to clarify a couple of things. This is for Chicago only, correct?"

Speaker Churchill: "Representative Balthis."

Balthis: "Yes, Chicago is the only one that submits this information to the Secretary of State."

Speaker Churchill: "Representative Dart."

Dart: "Can you explain to me what is the... what is it that has necessitated this?"

Speaker Churchill: "Representative Balthis."

Balthis: "The problem arises that so many people outside of the City of Chicago are receiving parking violations, when in fact, they were never in the City of Chicago. So, what this simply says, that if the Secretary of State receives a parking violation information and it does not match the information that the city sends down, then they are not going to release the name of the individual, et cetera. So, the city is going to have to do a better job of providing exact information, not just coming up with some...I don't want to call it bogus information, but they're going to have to come up with exact information to have it happen."

Speaker Churchill: "Representative Dart."

Dart: "The City of Chicago is in favor of this, are they not?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, I'm not aware that the city is in favor of this. I don't see them listed as an opponent in our information."

Speaker Churchill: "Representative Dart."

Dart: "Was there any testimony from them or witness slips from them in committee or the like, whether they're for this, against this, neutral, or..."

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Speaker Churchill: "Representative Balthis."

Balthis: "I have no information in the file that reflects that."

Speaker Churchill: "Representative Dart."

Dart: "Is there an estimate on how often this occurs where, or an estimate? Do we have information as to how often it occurs that the City of Chicago issues tickets in which they do not...turns out that they're erroneous?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, I don't have a percentage but I do know that there are several Representatives in this Body that have expressed a concern about this and have supported this legislation because it has impacted their districts all over the state. Downstate as well as surrounding Chicago."

Speaker Churchill: "Representative Dart."

Dart: "The reason that I asked those, I was trying to get a handle on the magnitude of the problem and to see whether or not this is something that has been a persistent problem, and a round about way trying to get at whether or not this is something that's going to have some...I mean, obviously, if there are erroneous tickets there should be no revenue lost period, because the fact of the matter is, and this was someone who would not be fined anyway. But, if, in fact, there is eligible tickets or something along those lines, I would be concerned about whether or not those would be considered numbers that are not matching. Because believe it or not, I've gotten a parking ticket once or twice and the numbers are not always the most legible and what my concern is whether or not that would qualify under this because it being legible won't match and being that... how much of a revenue hit will the City of Chicago experience then if that were the case?"

Speaker Churchill: "Representative Balthis."

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Balthis: "Representative, I don't have an estimate of the numbers. I can tell you that when I was mayor and served on the Illinois Municipal League Board, we had mayors coming in and talking to the board about incidents where their public works equipment which wouldn't even make it to the City of Chicago, they had received parking tickets in that regard. I personally got a parking ticket on a '89 Lincoln with my license number on it, that I never owned. So, I know that this problem is throughout the state and many places they receive these. I would think the city, quiet frankly, would want this cleared up because it's got to cost them money to write these tickets and process them and then find out they are not valid and then have to excuse them anyway. So, I would think that this would be something that would be helpful to the city, not rather than being a negative to the city."

Speaker Churchill: "Representative Dart."

Dart: "Representative, that was...the reason for my question was, is I had some indication they may be for this but I'm not sure though. And I was trying to get whether or not you had that information because... and that's why I was asking about the revenue thing. Because they might actually, in effect, lose more money trying to track these things down and having to go through the process of defending these. There was one other portion of this Bill which I was interested in. It was a portion dealing with the release of names by the Secretary of State, I believe that was via an Amendment that was put on, was that it, or might actually been the original Bill? Can you explain what that is and what they are attempting to do? It deals with requiring that the Secretary of State may only release the name and address of an alleged violator after verifying the

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registration. Why they're releasing this name and how this would be changed?"

Speaker Churchill: "Representative Balthis."

Balthis: "The City of Chicago, as I understand it, does support that portion of it because if their information does not coincide with what the Secretary of State has, then they are not entitled to that name because they don't have valid information on individuals. So, I think again, that's helpful to them because they were processing and spending money processing when, in fact, there was not a valid fine out there. So, I think that portion they do support."

Speaker Churchill: "Before we go on to further discussion, will you please join Representative Mary Flowers in welcoming the 8th graders from Scott Joplin School with Mrs. Johnson, Mrs. Smoskum, and Mrs. Turner. Representative Flowers. Further discussion? The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Speaker. I must say in the onset that this is my second most favorite Bill, after Representative Mulligan's limo and taxi cab Bill that we had in the Transportation Committee this year. I rise in opposition to Senate Bill 122, you know, I think we're getting pretty silly down here. We're starting to now micro-manage local governments and in most particularly Chicago at a level that is truly in the ridiculous realm. I mean the notion that we're going to pass a state law because a police officer may have written down a three instead of an eight on a license plate. No, mistakes happen whether you get a parking ticket in Springfield or Schramburg or wherever. It just seems to me to be passing state laws over the writing of parking tickets is a ridiculous thing, in that as I mentioned in committee Representative Balthis, I

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really think that if there is... if there is difficulty with this, the Secretary of State's Office can pick up the phone and call the City of Chicago Department of Revenue and the parking ticket administration program and saying, you know what, there appears to be a percentage of these that are really bad. The cops are not paying attention or the parking...the meter writers and we need to do something about this. But to be micro-managing the largest city in this state at this level is preposterous. You know, and I would suggest to you that we don't in Chicago when we get a bad ear of corn, come down here, buy a bad ear of corn in our grocery store, come down and want to put every corn farmer out of business for one bad ear of corn or a chicken that might give somebody salmonella. The fact of the matter is, you're micro-managing things at a level that is in the preposterous range. I just... I think you all ought to be ashamed of yourselves over there and I urge an 'aye' ...a 'no' vote."

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

Wennlund: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In response to the previous speaker. For the last ten years, I get at least 100 complaints a year from constituents who received letters from the City of Chicago Bureau of Traffic Control that they were in Chicago on such and such a day and got a parking ticket and didn't pay it. And then the letters start coming. They owe a \$100. Next month it's a \$125. The next month it's \$150. On and on and on, they write letters they get no answer. They call, they get no response from a traffic department that is out of control! And I used to think that was all a bunch of malarkey or maybe someone wasn't telling me the truth,

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until my daughter got married three years ago. Went on her honeymoon. Went to Jamaica for a week. Took a limo to Midway, parked her car in my driveway. I had the keys. It was there a week. Two months after she returned from her honeymoon she gets a letter from the City of Chicago that her car on Wednesday of the week she was in Jamaica was in the City of Chicago and received a parking ticket. When I know it's in my driveway and I had the key. Then the letters started coming, first she owes a \$100. Then it was \$150, then it was \$200. I wrote letter after letter after letter, with no response. That causes somebody to hire a lawyer in downtown Chicago, try to unwind a traffic ticket for over-parking. It's ridiculous. The City of Chicago parking department, traffic control is out of control and that's why this Bill is necessary. And you all should vote for it."

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

Ronen: "Thank you, Speaker. I rise in strong opposition to this Bill. Regardless of what the Sponsor said, I think he is misinformed about the City of Chicago's position. They are very, very strongly opposed to this Bill, and I ask... will the Sponsor yield?"

Speaker Churchill: "He indicates that he will. Please proceed. Yes, Representative Ronen, please proceed."

Ronen: "Representative, are you aware that the City of Chicago is opposed to this Bill?"

Speaker Churchill: "Representative Balthis."

Balthis: "Representative, it was my understanding that the Amendment that was put on this Bill was worked out between the city and the Secretary of State's Office, and that they are in support of the Amendment. So, that is my

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understanding."

Speaker Churchill: "Representative Ronen."

Ronen: "Let me just very clearly make the record clear. The city is opposed to this still and you might be misinformed and I appreciate that you're not trying to misinform anybody here. But, for my colleagues benefit, the city is opposed to this. Let me ask you another question. Why... why cannot the normal procedure that if somebody is being given a ticket inappropriately, why cannot the normal channels be used. Why do we have to subvert the whole legal system because a few people might...might be getting tickets when they're not warranted?"

Speaker Ryder: "Representative Balthis. Representative Ryder in the Chair."

Balthis: "Representative Ronen, I have the copy of the only...the only slip filed in opposition to this Bill. The only slip that was filed in opposition to this Bill. It was not an opposition, it was...it was a proponent and the proponent slip was filed by the Attorney General's Office, or the Assistant General Council from the Secretary of State filing as a proponent. That was the only witness slip that was filed."

Speaker Ryder: "Representative Ronen."

Ronen: "I appreciate that you're not saying anything out of trying to deceive anybody. But, that's why I just wanted to make clear for my colleagues and to you that the city does stand opposed to this. It seems to me, if we start micro-managing issues that we're not supposed to be involved in, we're setting a really bad precedent and it really concerns me that we only set that precedent when it comes to the City of Chicago. So, I would urge my colleagues to think very carefully about this. This Bill

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does not make any sense at all. There is a process in place if people are receiving tickets when they shouldn't that that should be followed. Let's follow the law and procedures. If there is some problem, I think the city is willing to sit down and talk to anybody that's concerned and work out these...any procedures that are necessary. But, it's not for us in this General Assembly to be sitting here and doing that kind of management. So, I would urge all my colleagues to vote against this in principle and in fact, this is a very, very bad Bill."

Speaker Ryder: "Representative Balthis. Oh, I'm sorry. I thought that was a question. You're finished? Fine. The Chair recognizes the Lady from Cook, Representative Davis."

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

Speaker Ryder: "The Sponsor indicates that he will."

Davis, M.: "All right. Mr. Balthis, this is a piece of legislation that affects Chicago. What we're doing here in the State Legislature, is we're going to decide how and when Chicago people will have tickets written. Is that correct, Mr. Balthis?"

Speaker Ryder: "Representative Balthis."

Balthis: "Representative Davis, this affects every resident of the State of Illinois that either may or may not visit the City of Chicago. So, this does not restrict the city from writing tickets on anyone. It simply says, if you're going to write a ticket, get the correct information, submit that to the Secretary of State's Office as they are already doing. And if you don't submit the correct information, the Secretary of State's not going to release the information. Does not prohibit them from doing anything. They must do it right."

Speaker Ryder: "Representative Davis."

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Davis, M.: "Excuse me. In the balcony we have 8th grade students from Chicago along with their teachers, Mrs. Johnson, Mrs. Samosa, and Mrs. Turner. Now that group upstairs is from Chicago and their parents pay taxes and I don't think they want the State of Illinois to micro-manage their city. We have home rule, right guys? We have local government."

Speaker Ryder: "Representative, you know that the rules prohibit demonstrations in the gallery and while we recognize the students...while we recognize the students and their teachers and we're glad to have them here. I do have to suggest Representative, that you not encourage the students to break the rules of the House. Representative, you may proceed."

Davis, M.: "Well, thank you, Representative, Mr. Speaker. You see the person at the podium is the Speaker, that's Mr. Ryder, and Mr. Ryder is in charge until the real Speaker comes out. He's not here. But in the meantime, Mr. Balthis, I have to honestly suggest to you...I must literally suggest to you that the City of Chicago having home rule, we as taxpayers there, object to the State of Illinois attempting to micro-manage our city. You have DuPage County with home rule. Now, in 1996 when the Democrats are back in control, do you want us to micro-manage DuPage County? Do you? Well, we'll be prepared to do that. But I think that we have hearings in Chicago in reference to improperly issued tickets. You have a opportunity to go before a judge and we should not be sitting in this Body determining how Chicago should handle the issuance of its tickets. Mistakes are made. Mistakes are corrected. Mr. Balthis, would you consider withdrawing your Bill from the table. Would you withdraw this, please?"

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Speaker Ryder: "Representative Balthis."

Balthis: "No."

Speaker Ryder: "Representative Davis."

Davis, M.: "Well, since you won't withdraw it Mr. Balthis, because I represent a large group of people from Chicago who support the Constitution of 1970, giving us home rule power over certain issues and this is one of those issues. And because of that, I must urge each and every Member in this Body who is thinking, who is intelligent and who can read and who knows the constitution to vote 'no' on this legislation and put Mr. Balthis out of his misery. He's obviously standing there in misery being concerned with what's going on in Chicago with our policemen and our cars and our tickets. And if you're fearful, if you're fearful about getting a ticket, stay home. Stay home. Stop coming to the park. Stop coming to the zoo. Stop coming out to our Grant Park free. Stop coming to our zoo, almost free. Stop coming to the museums free. So, I will close Mr. Speaker, and I'm grateful for the opportunity, but I will close by saying, this is an issue that affects home rule and because we come from a home rule city we have to vote 'no' on this legislation. I urge you to consider the fact that you would not want us running DuPage County from Springfield. You would like to maintain the authority that home rule gives you. Mr..."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Kotlarz."

Kotlarz: "Mr. Speaker, Members of the General Assembly, to the Bill. This procedure in the City of Chicago to collect parking ticket violations is a result of a year or two study. It is the best system the City of Chicago has ever had in place. This Bill will do nothing to forward the

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cities efforts in collecting parking ticket violations. And I urge a 'no' vote. Take a real close look at this Bill and please, vote 'no'."

Speaker Ryder: "The Chair recognizes the Lady from Kane, Representative Deuchler."

Deuchler: "Mr. Speaker and Ladies and Gentlemen of the House. The reason that I signed on as a cosponsor of this legislation is because my district has been flooded with Chicago parking tickets. Now, I have to tell you, little old ladies are coming into my office. They take their car out to go to the grocery store, they are not in Chicago. I have had individuals who have been lying in bed with strokes, with their car locked up for several years who have never been to Chicago. People in the suburbs and in Kane County are very traumatized about the tickets. They don't know how to handle this because when they call in on the hotline number, they don't get any satisfaction. But another ticket comes out to them, it's usually orange bordered...these are usually senior citizens. We've had about a 1,000 of these tickets. But, I have to tell you that it isn't only seniors that have been so upset about this, who have not been to Chicago, but the police department from time to time stops by my office, they as well, individuals have not been to the city but are getting these tickets. And you know, that this has been a very lucrative mechanism for the city where as about three years ago \$20 million was raised from these parking tickets, now \$60 million are received. I believe that part of the process is privatized out of state. So, it really is very, very difficult to get any kind of help. People are driven absolutely mad by this and I really think the legislation is very badly needed from my own personal experience."

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Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Wojcik."

Wojcik: "Mr. Speaker, and Members of this august Body. I rise in full support of this legislation. When you talk about a victim, I've been a victim. Not only did I talk to the City of Chicago, I had some of my friends on the other side of the aisle try to help me with this ticket that I had. And day by day, the money was just ticking up and ticking up and the arrogance of those people was absolutely appalling. Absolutely. It was shocking, shocking. It was not my car and I knew whose car it was and yet they still would not honor my investigation. This is a fine Bill and I think it should pass."

Speaker Ryder: "Thank you. The Chair recognizes the Gentleman from Effingham, Representative Hartke. Your light is on, Sir."

Hartke: "Thank you, Mr. Speaker, Members of the House. I stand in full support of this legislation. It not...it effects every district downstate and I don't think it's a...a piece of legislation to punish the City of Chicago. I think it is a piece of legislation to act for fairness in the system and accuracy of their officers so that they're doing a good job. No one downstate wants to park illegally on the city streets of Chicago but, when those citations keep coming and coming downstate and we have our constituents coming into our office complaining that they've never been there and so forth, I think it's only fair that we ask for some reconciliation of the numbers and the license plates before those parking tickets are sent out. I would appreciate a 'yes' vote on this piece of legislation."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pedersen."

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Pedersen: "Ladies and Gentlemen of the House, I move the previous question."

Speaker Ryder: "The Gentleman has moved the previous question. All those in favor of putting the previous question, please say 'aye'; those opposed 'nay'. The 'ayes' have it, the previous question is put. Representative Balthis to close."

Balthis: "Thank you, Mr. Speaker. I would just ask everyone to...have listened to the Members who expressed their concerns about this legislation and ask for an 'aye' vote."

Speaker Ryder: "You've heard the Gentleman. The question is, 'Shall Senate Bill 122 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open, and this is final action. Have all voted who wish? Have all voted who wish? Have all voted wish? Mr. Clerk, take the record. On this question, there are 81 voting 'yes', 31 voting 'no', 1 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 160."

Clerk Rossi: "Senate Bill 160, a Bill for an Act amending the Public Utilities Act. Third Reading of this Senate Bill."

Speaker Ryder: "Representative Tenhouse, before you start I was wondering if Representative Feigenholtz had a sports report for us?"

Feigenholtz: "Thank you."

Speaker Ryder: "Representative Feigenholtz."

Feigenholtz: "Representative Ryder, I had a broom prepared to give you today."

Speaker Ryder: "We were looking for it."

Feigenholtz: "Hoping that the Chicago Cubs would have swept the Cardinals/Cubs series but unfortunately, the Cardinals were able to rotate their pitching lineup and they won last

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night and I'd like to congratulate you on that. Eleven to one was the score. We...humiliation. Thank you."

Speaker Ryder: "Representative Lang. The Chair recognizes Representative Tenhouse on the Bill. Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 160, is a Bill that is really directed at trying to take some of the government regulation off the back of the small rural telephone companies. And this Bill, by the way, passed the Senate unanimously and also passed unanimously out of the Public Utilities Committee. But to give you an idea of what we're talking about here, we're talking about 44 small independent telephone companies as well as seven cooperative telephone companies in downstate Illinois. Taking in total these companies only have 1% of the total service that's provided in the State of Illinois and all this does is try to help them get away from some of the burdens, the regulatory burdens that they're facing. And I would certainly urge the support of all Members of the General Assembly."

Speaker Ryder: "Thank you. You've heard the Gentleman. Is there any discussion? The Chair recognizes the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of Senate Bill 160 and as Representative Tenhouse mentioned this will ease some of the regulatory burden on the small companies, and by small companies. To give you an idea of what we're actually dealing with, we have the major companies like the AT&Ts with six million lines, the GTEs with 900,000 lines. This will effect those under 35,000 lines. Now, in particular, I have a few of these in a district. McNabb, which I'll

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point to, has 451 lines and a lot of the changes which are going on this piece of legislation will codify existing practice. The...it increases the petition process to 10% of affected customers and there's going to be codification of the...of what normally happens at the ICC. And I'm proud to stand in support and if there are any questions, be happy to help out with those."

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

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

Speaker Ryder: "Sponsor indicates he'll yield."

Schakowsky: "Well, let...I can certainly understand why some of the regulatory requirements that are in these large companies might not be really applicable to some of these smaller companies. But I wanted to talk about those that directly affect consumers, I'm aware of one in particular that would have a direct impact. And that is, the percentage of customers required to have complaints that are investigated or to file petitions. My understanding is, that currently, if 5% of the customers of the utility register a complaint, that that complaint will be investigated by the ICC. If...and that this would raise the threshold to 10% and I can't really see the reason for doing that. Could you explain?"

Speaker Ryder: "Representative Tenhouse."

Tenhouse: "Certainly, Representative Schakowsky, be glad to. One of the problems we're talking about here is that we have such itsy bitsy teeny weeny little companies, give you an idea here. CR Telephone Company, 875 lines. The Crossville Telephone Company, 644. We've got some on this list that have...well I think there's one here that has 300 and some odd...480 lines for one here. But it is...I'm in

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trouble here with Representative...but one of the problems that we're talking about here is that reasonably when you start talking about the 5% rule, you're talking about 15 people sending into a petition. I think the thing we have to understand and one of the things that is hard for us to understand that are served by large utility companies is the fact that we're talking about such a few...such a small number of lines. But one of the things, the rule the way it is right now, it's 75 or 5%. It would still keep the 75 number but 10% would be the minimum threshold on the total amount required for petition."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "I'm looking at the list, as you are, and actually many...we go up to companies that have as many customers as 15,662 and so that the 10% there ends up being a fairly large number of customers. And actually there's a minority of those that are under 1,000 and it would seem to me that 10%...that 5% is not an unreasonable burden. I'm wondering why you think that it would be?"

Speaker Ryder: "Representative Tenhouse."

Tenhouse: "Again, Representative, the problem is with the 15,000. I can understand where you're coming from, but it's still on 15,000 customers. And I think the other thing we have to realize is, that when we start talking about these independent telephone companies, the president and the owner, owners in most cases, are individuals who live in that community themselves. It's really not...it's a different situation dealing with a monolithic corporate structure. And I think, you know, realistically I can see your point on the 15,000 but I think when we start getting down with the vast majority of these have less than 1,000 customers clearly it becomes a real...it becomes a real

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nightmare burdensome wise as far as the ICC."

Speaker Ryder: "Representative Schakowsky, you have 20 seconds."

Schakowsky: "The commission then does not have to investigate proposed increases in the rates and doesn't have to follow up on complaints, is what you're saying? If an insufficient number file a petition?"

Speaker Ryder: "Representative Tenhouse."

Tenhouse: "Any rate increases...or it was explained to me here by the ICC gentleman. Any rate increase or any type of a increase of any kind is filed with the Illinois Commerce Commission, that would continue to take place."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. I have a parliamentary inquiry. On my LIS print out it says that the Bill got 3 'yes' and 6 'no' votes in committee. So my inquiry is, whether LIS is wrong or whether this Bill, in fact, is still in the Public Utilities Committee."

Speaker Ryder: "Mr. Clerk, do your records indicate the committee vote? The Clerk is checking. Representative Currie."

Currie: "I would just recommend that since the LIS still shows 3 'yes' votes and 6 'no' votes as it did when my print out was published, it may well be that it did come out of committee with the right number of votes but wouldn't you think you'd want the record from the Committee Clerk? I would think you might take the Bill out of the record until we can get that documentation."

Speaker Ryder: "The Clerk is searching for that documentation. The Bill is in the record at the request of the Sponsor and it is properly on Third Reading. Representative Currie, for what purpose do you rise? Representative Currie."

Currie: "Thank you. I would say it's not properly on Third

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Reading. If, in fact, it only had 3 'yes' votes in committee. And as far as I can tell from my information and from your information this Bill did not get a favorable vote in the Public Utilities Committee."

Speaker Ryder: "Representative, I believe..."

Currie: "And I think it would be just clearer for our records if, in fact, the print out, the LIS information is wrong, to fix it and have it documented that it is fixed and deal with the Bill after that happens."

Speaker Ryder: "Representative Currie, I've been informed by the Clerk that an Amendment lost 3 to 6, Amendment #1. But the records of the Clerk indicate that the Motion...that leave for the Attendance Roll Call was granted on the underlying Bill and that's how it's reported out. I will certainly notify LIS of their error and present the Committee Action Report, which I have in my hands, as the official record. We'll proceed. The Chair recognizes the Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker. To the Bill. I stand in full support of this legislation. Many of these small phone companies throughout the State of Illinois, I don't feel that it's absolutely necessary that they be forced to go to the Commerce Commission and I think it's a fantastic idea and I think we ought to move on and support the Bill."

Speaker Ryder: "Thank you. The Chair recognizes the Gentleman from Tazewell, Representative Ackerman. Representative Ackerman."

Ackerman: "Thank you, Mr. Speaker. I just wanted to verify that the Roll Call was an Attendance Roll Call on this Bill and the Minority Spokesman will also verify that if you would like to recognize her."

Speaker Ryder: "The Chair takes your word in this matter

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Representative. I would ask the Clerk's Office to notify the LIS so that the records can be corrected on that reference and recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. I'll yield to Representative Schakowsky."

Speaker Ryder: "Your time has been yielded to Representative Schakowsky. Representative."

Schakowsky: "Thank you, Mr. Speaker. I see that while there is wide support on both sides, that it would be worth at least understanding more clearly what regulations these utility companies are exempted from. Are there others aside from the threshold for petitions that directly affect consumers? And if not, can you give me some examples of the regulations from which they are excused?"

Speaker Ryder: "Representative Tenhouse."

Tenhouse: "Certainly, I would be glad to, Representative. First of all, one of the issues, in fact, just talking with the ICC individual, basically was an oversight as far the rewrite, I think everyone agrees with that. But one of the problems is, that there was...there is not an exemption under the current law as far as incremental cost studies to present...to present exemption of imputation cost studies. So, what that amounts to is, those are very costly studies, the same type of studies that would be undergone by large companies like Ameritech or GTE, and would really be very, very cost prohibitive for very, very small utility companies, like to cite this one area. Now it's not to say they don't do a cost analysis, but the cost studies would be done on...incremental study requirement. So that's the difference there. The other point, and another one that should be brought up Representative, and that is the point

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that there would no longer be required approval of ICC before you had stock transactions between utility companies. And this comes back to the same problem we have here when you start talking about companies that are very, very small and have very few lines. By the time that they go through the process of ICC approval, in some cases, by the time the legal counsel is hired, they go through the studies that may be required those costs would be very, very cost prohibitive for small utility companies. That would also affect the...that section of the law would also affect...change would also affect the telephone cooperatives."

Speaker Ryder: "Representative Schakowsky."

Schakowsky: "Do these small utility companies still have to justify their rate increases before the Illinois Commerce Commission?"

Speaker Ryder: "Representative Tenhouse."

Tenhouse: "They do not at present Representative. The...they do have to file the rates with the ICC but they do not have to be approved by the ICC and that's true under the present law."

Speaker Ryder: "I'm sorry, Representative Tenhouse. Representative Schakowsky."

Schakowsky: "Well, I certainly don't want to second guess the Representatives from the areas of these small companies, nonetheless, it sounds to me like the kinds of protections that are offered to the consumers of the larger utilities are not there for these several thousand, tens of thousands of people who have these small utility companies and now we're exempting them further. So there's no rate regulation at all for these customers?"

Speaker Ryder: "Representative Tenhouse."

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Tenhouse: "Representative, that's interesting and I understand your concern and frankly I asked the same question in discussions here with the ICC. And it's interesting that since this period of regulation has taken place there has been only one case where the ICC has actually had an appeal filed where its gone in and done the rate study analysis. So it has not been a significant problem. The other question that I opposed is that, as far as the rate comparison between these small independent companies and the large utilities and they say that the costs are very, very close. Of course one of the problems is, that their costs are somewhat higher simply because the economy's a scale. When you start talking about a small independent company..."

Speaker Ryder: "Representative Tenhouse, please complete your answer."

Tenhouse: "Thank you, Mr. Speaker. When you talk about small independent telephone companies that have less than 1,000 customers, clearly they are not going to be as cost effective as some of the others. That's clear and I can understand from where we're coming on this."

Speaker Ryder: "The Chair recognizes the Gentleman from Jo Davies County, Representative Lawfer."

Lawfer: "Thank you, Mr. Chairman, Ladies and Gentlemen of the House. I rise in support of this. I have a company in my district that's very small, about 500 lines. These are people that know their customers, live with them, live right down the street and I would like to see that these companies be able to remain. We're talking about 500 lines, that's probably less than one floor of the Stratton Building. So we're talking relatively small numbers compared to large municipalities. But they want to stay

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small and they want to compete and this is an unnecessary regulation. I urge support of this Bill."

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

Black: "Thank you very much, Mr. Speaker. If it's in order I'd like to move the previous question."

Speaker Ryder: "The Gentleman has 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. The Chair recognizes the Gentleman to close, Representative Tenhouse."

Tenhouse: "Thank you, Mr. Speaker. Again, as we've had a good opportunity to discuss this issue at length. We're talking about a group of companies taken in total. We're talking about 44 utility...small independent telephone companies and seven co-ops that in total only encompass 1% of our state's lines. This is a good example of how we can get some government off the backs of these little companies because frankly, this is the case where government regulation can become a large part of their operating budgets. It's interesting because this Bill, supported by the National Federation of Independence, the Association of Electric Co-op's of Illinois and is also looked upon favorably by Ameritech and AT&T. I would certainly ask for a favorable Roll Call on this vote, and ask for the help of my fellow Members of the General Assembly."

Speaker Ryder: "You heard the Gentleman. The question is, 'Shall Senate Bill 160 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 voting 'yes', 1

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voting 'nay' and 3 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 225."

Clerk Rossi: "Senate Bill 225, a Bill for an Act in relation to professional regulation. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the General Assembly. Senate Bill 225 is the same Bill which we passed out of the House earlier this year which took care of some cleanup language regarding the Naprapaths and also the practice...the Environmental Health Practitioners Registration Act. We... Committee Amendment #1 and #2 made this consistent with House Bill 632 which was passed out, and I would ask for your favorable vote."

Speaker Ryder: "You heard the Gentleman. Is there any discussion? The Chair recognizes the Gentleman from Cook, Representative Burke."

Burke: "Thank you, Mr. Speaker. I rise in strong support...I believe the Bill is on Short Debate at this time."

Speaker Ryder: "Let the Chair check. Mr. Clerk, is this Bill on Short Debate?"

Clerk Rossi: "Senate Bill 225 is on Short Debate."

Speaker Ryder: "Representative Burke, the Bill is on Short Debate."

Burke: "Mr. Speaker, for the convenience and the edification of some of the Members on this side, I would ask that the matter be taken off Short Debate and I believe I am joined by the requisite number of Members to do so."

Speaker Ryder: "Sir, I recognize the sufficient number of hands. It would be for the edification, I don't think it would be

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for the convenience, but we will acknowledge it anyway.
Remove the Bill from Short Debate. Thank you."

Burke: "Pressure."

Speaker Ryder: "You may proceed, Sir."

Burke: "Thank you, Mr. Speaker. Again, I rise in strong support of this Senate Bill 225. It is a matter that I, in fact, brought to this Body about approximately four years ago. It would provide for the licensure of Naprapaths in the State of Illinois. It is a profession that has been engaged in the treatment of ills of society for a number of years. We ask that they finally be given their proper place in the medical community and be licensed to indeed assist our society and I would ask for your favorable vote. Thank you."

Speaker Ryder: "Any further discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Ryder.."

Speaker Ryder: "You are welcome, Sir."

Granberg: "Will the Gentleman yield? My pleasure."

Speaker Ryder: "Mine, too."

Granberg: "Will the Gentleman yield?"

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

Burke: "Representative Saviano, I believe Representative Burke addressed the issue, but this merely clarifies and makes corrections...excuse me, in the legislation we had passed I think a year or two ago. Is that correct?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yes, it is."

Speaker Ryder: "Representative Granberg."

Granberg: "Thank you, Speaker Ryder. And are there any fees in this legislation, Representative?"

Speaker Ryder: "Representative Saviano."

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Saviano: "There are no new fees."

Speaker Ryder: "Representative Granberg."

Granberg: "Would this continue the existing fee structure that was put in place by Representative Burke's legislation?"

Speaker Ryder: "Representative Saviano."

Saviano: "That is correct."

Speaker Ryder: "Representative Granberg."

Granberg: "And what are those fees, Sir?"

Speaker Ryder: "Representative Saviano."

Saviano: "Currently, two hundred dollars for the application."

Speaker Ryder: "Representative Granberg."

Granberg: "And are there any changes in the fee structure for renewals if a license would expire?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yeah, for license that was expired, it must be restored after five or more years. Yes, it is increased to five hundred."

Speaker Ryder: "Representative Granberg."

Granberg: "Is there a separate fee structure in place for those who would be outside of the jurisdiction or outside of the state?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yeah, a license for a Naprapath...a license in another state is five hundred dollars."

Speaker Ryder: "Representative Granberg."

Granberg: "And I assume the reason for that would be the...just the out of state jurisdictional costs. They don't have legal residents in Illinois?"

Speaker Ryder: "Representative Saviano."

Saviano: "That is true."

Speaker Ryder: "Representative Granberg."

Granberg: "Does your legislation change the components of the

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Naprapathic Board or the unit that might be in charge of the oversight of the licensure in this group?"

Speaker Ryder: "Representative Saviano."

Saviano: "Initially appointed advisory board members...requires that Naprapath...requires initially appointed advisory board members that have practiced Naprapath for at least five years to be eligible for licensure under the Act. It is the same."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Lang."

Lang: "Thank you. I yield my time to Representative Granberg."

Speaker Ryder: "Your timing was good."

Granberg: "So if I understand you correctly, the Naprapathic Examining Committee or the Board in charge does not change whatsoever by your legislation?"

Speaker Ryder: "Representative Saviano."

Saviano: "The only change is is that now they have to be a licensed Naprapath. The makeup of the Board remains the same."

Speaker Ryder: "Representative Granberg."

Granberg: "So previously, they did not have to be a licensed practitioner with this type of therapy?"

Speaker Ryder: "Representative Saviano."

Saviano: "Representative, I remind you that the gist of this legislation licensed Naprapaths...they were never licensed previously."

Speaker Ryder: "Representative Granberg."

Granberg: "I was talking about the member of the Board. So, when the legislation took effect, when Representative Burke passed this, at that time there was no requirement that when that person would be licensed that they would be required to serve on the Board or that person who served

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had to be licensed. So... But that is now the change in your legislation. Have the responsibilities changed with the Naprapathic Examining Committee with your Bill?"

Speaker Ryder: "Representative Saviano."

Saviano: "No."

Speaker Ryder: "Representative Granberg."

Granberg: "So there has only been the one change with the Naprapathic Examining Committee and that is..."

Speaker Ryder: "Representative Saviano. Representative Saviano, did you finish with the answer?"

Saviano: "There is no change."

Speaker Ryder: "There is no change, Representative Granberg. Representative Granberg."

Granberg: "Well, Representative, I know you have a great deal of expertise in this area and I am sure that you are familiar with these licensed practitioners. So, with the enactment... Are they currently required to undergo any type of study or curriculum before they are allowed...they will be licensed under your Act?"

Speaker Ryder: "Representative Saviano."

Saviano: "Well, the legislation says that the department...provides that the department consider curriculum approved by the American Naprapathic Association."

Speaker Ryder: "Representative Granberg."

Saviano: "Whichever is required under their association."

Speaker Ryder: "Representative Saviano, the Chair apologizes for interrupting your response. I am sorry that I did that, Sir. I will try not to do it again and now the Chair recognizes Representative Granberg for further questions. Sir, do you have further questions?"

Granberg: "Just briefly, briefly. Thank you, Mr. Speaker."

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Speaker Ryder: "That would be novel."

Granberg: "In this Body, that certainly could be the case."

Speaker Ryder: "Please, proceed, Sir."

Granberg: "Thank you."

Speaker Ryder: "You are welcome."

Granberg: "My pleasure."

Speaker Ryder: "Mine, too."

Granberg: "So, the Board would adopt or could adopt the curriculum approved by the American Naprapathic Association. They would adopt their recommendations, apply that to Illinois. Is that my understanding?"

Speaker Ryder: "Were you finished, Representative Granberg? I didn't want to cut you off. Representative Saviano, that was the question, Sir."

Saviano: "They are not required, but they have the option to adopt that curriculum."

Speaker Ryder: "Representative Granberg, Sir."

Granberg: "Thank you, Mr. Speaker."

Speaker Ryder: "You are welcome."

Granberg: "My pleasure. So, for the new Members on this side of the aisle, there are no additional fees in your legislation. Previously, when we passed Representative Burke's Bill which was a good piece of legislation, there were fees involved and that was fine. But just for the new members, there would be no additional fees or any change in the fee structure or change in the penalty provision. Is that correct?"

Speaker Ryder: "Is that a question, Sir?"

Granberg: "I asked if that was correct, so I assumed it would be a question."

Speaker Ryder: "I just wanted to clarify. Thank you, Representative Saviano."

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Saviano: "That is correct."

Speaker Ryder: "Representative Granberg to close."

Granberg: "Thank you, Mr. Speaker. Again, I want to thank the Representative for his time and Representative Burke. There was some questions by our Members as to what was entailed in the legislation. I would rise in support of Senate Bill 225 because I believe it is a fine addition to what Representative Burke has attempted to do for the past few years. So, thank you very much."

Speaker Ryder: "Thank you, Representative Granberg. None further seeking recognition, Representative Saviano to close. The Representative asked for the passage. The question is, 'Shall Senate Bill 225 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', 0 voting 'nay', 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 226."

Clerk Rossi: "Senate Bill 226, a Bill for an Act to repeal the Capital City Railroad Relocation Authority Act. Third Reading of this Senate Bill."

Speaker Ryder: "And on this Bill, the Chair recognizes the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you, Mr. Speaker. Senate Bill 226 is extremely simple. All that it does is to abolish the Capital City Railroad Relocation Authority. This authority had been established in order to purchase property and make plans for relocation of the railroad that went through some residential areas in Springfield and also which created some traffic hazards. The relocation work is complete.

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The new railroad tracks are in and functioning and there is no reason to keep this authority on the books. I simply ask that you vote 'aye' so that it can be repealed."

Speaker Ryder: "The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Could we remove this Bill from Short Debate? I am joined by the proper number of Representatives. Would the Lady yield?"

Speaker Ryder: "The Bill is removed from Short Debate and the Lady indicates she will yield for your questions."

Brunsvold: "Representative, who instituted this Bill or what is the genesis of this legislation?"

Speaker Ryder: "I'm sorry, Representative, did you conclude your question, Sir? Representative Brunsvold."

Brunsvold: "I asked the Lady what the genesis of the Bill was. Who instigated, I guess, and where did it come from?"

Speaker Ryder: "Please give the Representatives your attention. The Chair recognizes Representative Klingler."

Klingler: "Thank you, Representative. This Bill was initiated in the Senate by Senator Karen Hasara. The reason this was initiated is this capital authority simply is no longer needed. There is no reason to have this in the statute books and it is best to clean up the statutes and eliminate it."

Speaker Ryder: "Representative Brunsvold, the Chair would ask a favor of you. Could you request Representative Hartke to return to his seat before we lose all of our cookies. Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. Get me a cookie, would you, Chuck? Representative, Mayor Hasara's Bill from the Senate, the three railroads involved are... I didn't quite hear the answer. Three railroads are supportive of this

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Bill?"

Speaker Ryder: "Representative Klingler."

Klingler: "Yes."

Speaker Ryder: "Representative Brunsvold, before you finish the cookie, Sir."

Brunsvold: "Thank you. Very good."

Speaker Ryder: "Your welcome, Sir."

Brunsvold: "What date is involved here that the authority is going to be dissolved?"

Speaker Ryder: "Representative Klingler."

Klingler: "It would be dissolved on...effective the date of the signing of the Bill."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "Is...was it '97, January of '97, that this commission is going to be dissolved?"

Speaker Ryder: "Representative Klingler."

Klingler: "The language is no later than 1997."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "How many properties do they have to dispose of before they can finish their business?"

Speaker Ryder: "Representative Klingler."

Klingler: "The business is finished."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "How many properties do they have right now that they have to dispose of?"

Speaker Ryder: "Representative Klingler."

Klingler: "Representative, apparently there are still a few contractual agreements which need to be cleared up, but other than that, the work of the authority is done. The authority was done to initiate the design of the railroad relocation acquire properties, and basically the work is completed."

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Speaker Ryder: "Representative Brunsvold."

Brunsvold: "Did the City of Springfield want some of these right
aways for road construction?"

Speaker Ryder: "Representative Klingler."

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

Speaker Ryder: "Representative Brunsvold. Please give the
Representatives your attention"

Brunsvold: "Did the City of Springfield want some of these right
aways for road construction?"

Speaker Ryder: "Representative Klingler."

Klingler: "I believe that some of the abandoned right aways will
be used for roads and it is possible that some may be used
on bike paths, but there is no need for this Capital City
Railroad Relocation Authority to be involved in that."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "Is the city going to own this property then? Is the
authority going to turn this land over to the city and they
are in turn going to own the property?"

Speaker Ryder: "Representative Klingler."

Klingler: "All the final transfers will be completed by 1997."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "Do the descendants of this property have the right to
this property?"

Speaker Ryder: "Representative Klingler."

Klingler: "I don't think that question is germane to this Bill.
This Bill is simply to dissolve the Capital City Relocation
Railroad Authority which has completed its business."

Speaker Ryder: "Representative Brunsvold, before you finish, how
was the cookie, Sir? Thank you. The Chair recognizes the
Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. I haven't had one of your

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cookies yet and I really don't need one, but I would like to yield my time to Representative Brunsvold so he can continue his line of questioning."

Speaker Ryder: "I would have preferred you yielded him a cookie, but we recognize you for that, Sir. Representative Brunsvold, you are on deck."

Brunsvold: "I believe present law says that abandoned right away should go back to the original owners if they should ever decide not to use that property. That is current law. Is this a problem with the authority now, with these properties remaining?"

Speaker Ryder: "Representative Klingler."

Klingler: "Representative, that is not an issue for which the Capital City Railroad Relocation Authority was established. It was established to relocate the rail facilities for the central area of Springfield and that objective has been completed."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "That is not...you are saying then this is not an ownership situation with the railroad property and that is not going to be involved?"

Speaker Ryder: "Representative Klingler."

Klingler: "The...any contracts that are still pending, their complete negotiations would be done no later than 1997."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "I don't know if I got the answers. You are saying that this property and the original ownership is not involved in this situation?"

Speaker Ryder: "Representative Klingler."

Klingler: "I am indicating that the existence of the Capital City Railroad Relocation Authority is not essential after 1997."

Speaker Ryder: "Representative Brunsvold."

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Brunsvold: "Well, I don't think that is the answer because maybe some place down the road, this railroad, the former owners, whoever they might be, might come into play here and I am just curious as to whether that is going to be a factor or not. What if they don't get done? Let us go on to another situation. What if they don't get done by 1997?"

Speaker Ryder: "Representative Klingler."

Klingler: "In the extremely unlikely event that there was anything still pending, then they would have to come back to the Legislature to reform it, but I think that extremely unlikely. You have to realize the route has already been planned, it has already been built. The bridges have been built. The overpasses have been built and the only thing it is doing right now is they are tearing out the old track."

Speaker Ryder: "Representative Brunsvold."

Brunsvold: "Thank you."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move the previous question."

Speaker Ryder: "The Gentleman has moved the previous question. All in favor of putting the previous question, please say 'aye'; those opposed 'nay'. The 'ayes' have it and the previous question is put. Representative Klingler to close."

Klingler: "Mr. Speaker, I urge the passage of this Amendment which simply abolishes an authority which is no longer needed."

Speaker Ryder: "You have heard the Lady's Motion. The question is, 'Shall Senate Bill 226 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open."

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This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? And this train is leaving the track. Mr. Clerk, take the record. On this question, there are 111 'ayes', 0 voting 'nay' and five voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair recognizes Representative Turner. Representative Turner, the Chair is recognizing you for the purpose...we previously asked Representative Feigenholtz for a sports report and she was rather guiltily indicated a baseball score. Perhaps you might share with us the real news in Chicagoland last night in the basketball area. Basketball area."

Turner, A.: "Yeah, Representative, I would be honored. I don't think the Blackhawks played last night and I am...I had the opportunity this morning while sitting in my office, someone informed me that there was a replay of last night's performance for those who didn't see it. I think the Chicago Bulls, they found some guy with this number 23. Somebody climbed up in the rafters and pulled number 23 back out. So, right now, they are at 1-1 and from what all indications I have been told and I would refer to my colleague and sports announcer and Jimmy the Greek, Calvin Giles, but from what I have been told, Miami has played their best ball. I should say Orlando has played their best ball and I think that if... You asked for a report..."

Speaker Ryder: "I'm sorry to cut you off, Sir. I..."

Turner, A.: "Thank you, and I also want to refer to my, as I say Jimmy the Greek Calvin Giles, to give us a little better report. But from all indications, it looks like Chicago is going to go a few places and I know you have got your

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tickets for the next playoff game and hopefully, we will be out of here early tomorrow so that we can all get there in time. But I would refer any further comments to Representative Giles."

Speaker Ryder: "Thank you, Representative. Unfortunately, neither Senate Bill 23 or Senate Bill 45 is up. Instead, we have Senate Bill 282. Thank you Mr. Clerk. Please read Senate Bill 282."

Clerk Rossi: "Senate Bill 282, a Bill for an Act amending the Liquor Control Act of 1934. Third Reading of this Senate Bill."

Speaker Ryder: "Representative Saviano. Representative Saviano on Senate Bill 282."

Saviano: "Thank you, Mr. Speaker, Members of the General Assembly. Senate Bill 282, is a Bill which will allow the Port Authority to serve liquor on their golf course. This is a very important piece of legislation to add to the... it amends the Liquor Control Act to provide that liquor may be delivered to and sold at any land use for a golf course or for recreational purposes that is owned by the Illinois International Port District, if approved by the district's governing board. So, it is permissive, and I would ask for a favorable vote."

Speaker Ryder: "You have heard the Gentleman. Is there any discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg. Thank you and you are welcome."

Granberg: "Thank you. I am joined by the requisite number of colleagues to remove this Bill from Short Debate."

Speaker Ryder: "You are recognized for that purpose. The Bill is removed from Short Debate."

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

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Speaker Ryder: "The Gentleman indicates he will yield for your questions, Representative Granberg."

Granberg: "Thank you. My pleasure. Representative, I know you would not deal with special legislation, so, how many areas do you think this area will impact if this legislation becomes law?"

Speaker Ryder: "Representative Saviano."

Saviano: "I have been informed that the Illinois International Port District is building two golf courses on its property and would like to be able to sell liquor on the premises of these golf courses."

Speaker Ryder: "Representative Granberg."

Granberg: "And where is this located, Representative?"

Speaker Ryder: "Representative Saviano."

Saviano: "One is located at 115th Street and the 'Callium' Expressway in Chicago."

Speaker Ryder: "Representative."

Saviano: "And... They are both at that location."

Speaker Ryder: "Representative Saviano, were you concluded in the answer to Representative Granberg's question?"

Saviano: "I'll give a little more description of what we are doing here."

Speaker Ryder: "Representative Saviano."

Saviano: "A club course and restaurant will be added to the grounds on the site. The courses and facilities are being developed on a 425 acre site which had been in the past a garbage dump, a sludge disposal site and a slag heap. The property which was unsuitable... How did I get this Bill? The property which was unsuitable for any other use or for residential, commercial or industrial development has been reclaimed as a golf facility."

Speaker Ryder: "The Chair would ask that you please reduce the

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noise level and give the Representatives your attention. Thank you. Representative Granberg, any further questions?"

Granberg: "I think you interrupted Mr. Saviano, Mr. Speaker. He was continuing with his discussion."

Speaker Ryder: "Representative Granberg, do you have any further questions?"

Granberg: "I don't believe the Representative had finished his answer, Mr. Speaker."

Speaker Ryder: "The Gentleman was finished. Representative Granberg, do you have any further questions?"

Granberg: "Certainly."

Speaker Ryder: "Please, proceed."

Granberg: "Representative Saviano, this golf course is being built... I'm sorry. This is permissive. This isn't mandatory, but they are planning to build it on a slag heap?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yes, and don't ask me what that is, please."

Speaker Ryder: "Representative Granberg, please don't ask your next question."

Granberg: "What is a slag heap, Representative?"

Speaker Ryder: "Representative Granberg. Representative Granberg, the Gentleman will answer that question. Representative Saviano."

Saviano: "It is just a garbage dump that has been somewhat cleaned up and now it is covered with grass and trees and so we call it a slag heap now."

Speaker Ryder: "Representative Granberg."

Granberg: "Now, I am not sure...I don't know, Representative, so why wouldn't they just call it a garbage dump if it was a kind of a cleaned up garbage dump? Is there anything

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else...any other contents in this garbage dump besides garbage? Is there any steel, is there any environmental problems with the area?"

Speaker Ryder: "Representative Saviano."

Saviano: "No."

Speaker Ryder: "Representative Granberg."

Granberg: "And this is at the request of the International Port District? What... How many members are on that board of directors for the Port District?"

Speaker Ryder: "Representative Saviano."

Saviano: "I believe there is nine, but I could be mistaken. I think there is nine members on that..."

Speaker Ryder: "Representative Granberg. Representative Granberg, Sir, were you finished?"

Granberg: "No, Mr. Speaker, I am not. Thank you. So, Representative Saviano, there are nine people on the board who would actually determine the policy for the International Port District and they are the ones who in fact who have made this policy decision to build two golf courses on this slag heap that the Port District owns, is that correct?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yes."

Speaker Ryder: "Representative Granberg."

Granberg: "Do we know the names of these members on the Port District Board of Directors?"

Speaker Ryder: "Representative Saviano."

Saviano: "I don't know the names of the members, but I know they are appointed by the Governor and the Mayor of the City of Chicago."

Speaker Ryder: "The Chair recognizes...excuse me. The Lady from Cook, Representative Howard."

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Howard: "Thank you, Mr. Speaker. Representative, that particular golf course is in my district and there have been some questions that I have been trying to raise with someone and I am glad that you are now pursuing this so I can raise them with you. I am always concerned about the smell, the odor that has been existent there when I pass by. What have they done to make certain that that odor is not there?"

Speaker Ryder: "Representative Saviano on odor."

Saviano: "I think, I am just assuming, but I would imagine that this project is a cleanup maneuver to make the site...environmental friendly to the area and I am sure when the project is done, with the amount of black dirt and trees and grass and everything is completed, that will be an enhancement for the area. I am not familiar with the exact plans of the golf course. I am trying to just pertain to the actual issue of the Bill which is allowing the board to determine whether or not they want to sell alcohol on this property, but I would imagine it would be an improvement of what has ever been there in the past."

Speaker Ryder: "Representative Howard."

Howard: "Thank you, Representative. I understand that it is going to be opening, in fact, in June. Do you know anything about that?"

Speaker Ryder: "Representative Saviano."

Saviano: "Scheduled open on July 1."

Speaker Ryder: "Representative Howard."

Howard: "July 1, not June. Okay. Who will have access to go there and play golf?"

Speaker Ryder: "Representative Saviano."

Saviano: "It is a public golf course. Everybody will be able to play there."

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Speaker Ryder: "Representative Howard."

Howard: "Obviously not children since you are going to be trying to sell alcohol there or serve alcohol there."

Speaker Ryder: "Representative Saviano."

Saviano: "Presently, every golf course in the state probably sells alcohol and children are allowed to play on the courses public or private."

Speaker Ryder: "Representative Howard."

Howard: "Children are allowed to play golf where they are selling alcohol? What kind of measures are there in place to make certain that those young people do not have access to this alcohol?"

Speaker Ryder: "Representative Saviano."

Saviano: "Well, alcohol is usually sold in a bar and that is usually off limits to any minors. So, I would imagine that the same restrictions involved in other establishments would apply to a golf course."

Speaker Ryder: "Representative Howard."

Howard: "Glad to hear that. But it is a public facility. Does that mean that the State of Illinois is going to be receiving some kind of benefit from that?"

Speaker Ryder: "Representative Saviano."

Saviano: "I am not clear. What sort of benefit? Monetarily?"

Speaker Ryder: "Representative Howard."

Howard: "You must forgive me. I don't play golf and I have not been to a golf course. As I understand, you must pay to go there to play golf. So what kind of fee is there and who receives the fee and if...and I wondered if the State of Illinois is going to be benefiting from such fees and to what extent?"

Speaker Ryder: "Representative Saviano."

Saviano: "Well, usually when you play golf, there is green fees

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and I am sure those fees would be paid to the Illinois International Port District probably to offset the costs of cleaning up this hazardous site."

Speaker Ryder: "Representative Howard."

Howard: "So the State of Illinois does not extend to gain money for the General Revenue Fund from this?"

Speaker Ryder: "Representative Saviano."

Saviano: "I believe it is income. It would go to the Illinois International Port District which probably receives some state money. And down the road, if this is a money making venture for the Port District, it would take the burden off of our state GRF if we are contributing that money...any of that money to the Port Authority."

Speaker Ryder: "Representative Howard."

Howard: "Thank you very much, Representative. To the Bill."

Speaker Ryder: "Representative Howard, please proceed."

Howard: "I am personally very happy to hear that I was in fact...personally very happy to hear some time ago that this was going to be developed because we have had many, many problems in that area with waste and odors and all kinds of problems. So, I would hope that those persons who do plan to come there and recreate are able to purchase alcohol if they so desire or be served alcohol and I congratulate you for sponsoring this Bill and encourage all of my colleagues to support it as well. Thank you."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I move the previous question."

Speaker Ryder: "You have heard the Gentleman move the previous question. All those in favor of moving the previous question say 'aye'; those opposed 'nay'. The 'ayes' have

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it and the previous question is put. Representative Saviano to close. The question is, 'Shall Senate Bill 282 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 113 voting 'aye', 0 voting 'no' and two voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 299."

Clerk Rossi: "Senate Bill 299, a Bill for an Act amending the Fish and Aquatic Life Code. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Jefferson, Representative Jones, on Senate Bill 299."

Jones, A.: "Thank you, Mr. Speaker. Senate Bill 299 is strictly a cleanup Bill for the Department of Conservation. It amends the Fish Aqua Life Code and makes various changes concerning the following: Administrative rules, protected aqua life, method of taking, ice fishing, sword fishing, release of aqua life, dip nets, license exemptions, fish dealers, frogs as bait, taxidermists, fee fishing, scientific collectors permits and shipping aqua life. It changes hook and line license to sport fishing license and hook and line devices to sport fishing devices."

Speaker Ryder: "You have heard the Gentleman on this Bill. Is there any further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. Will the Gentleman yield? Representative, a concern I had yesterday in Committee, and I still have a concern is we are going to allow the Department of Conservation to charge fees for hunting and

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then sports education programs. Is that correct?"

Speaker Ryder: "Representative Jones."

Jones, J.: "No, Representative Deering, this has nothing to do with that in this Bill."

Speaker Ryder: "Representative Deering."

Deering: "When we adopted the Amendment yesterday in Committee, I believe, there was an Amendment that allowed the Department of Conservation to charge fees to cover costs for educational programs for, I believe it was for hunting use or the...sporting guns or those types of programs. But my concern is, there is not a ceiling...there is not a set amount that the department can charge, you know, we are limiting it to those individuals. Why do we not have any protections on the cost that they can't exceed a certain amount?"

Speaker Ryder: "Representative Jones."

Jones, J.: "I think, Representative, you have got this Bill confused with another. There is no Amendment been adopted to this."

Speaker Ryder: "Again, I would ask the Representatives to lower the volume. Representative Deering, did you hear that response? Representative Deering."

Deering: "I stand corrected, Mr. Jones. You are correct. I am sorry."

Speaker Ryder: "Anything further, Representative Deering? Seeing nothing, the Chair recognizes the Lady from Cook, Representative Jones."

Jones: "Yes, Representative Jones, can you tell me is any senior citizen fees in here?"

Speaker Ryder: "The Gentleman indicates he will yield to your questions, Representative. Representative Jones."

Jones, J.: "No, Representative Jones, there is no fees in here

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for senior citizens."

Speaker Ryder: "Representative Jones."

Jones: "Could you tell me if the fishing fee will stay the same for senior citizens?"

Speaker Ryder: "Representative Jones, would you be willing to answer Representative Jones' question?"

Jones, J. "It's the Jones and Jones debate, I guess, but no, Representative Jones, there is no fee changes whatsoever in this Bill."

Speaker Ryder: "Representative Jones."

Jones: "Thank you."

Speaker Ryder: "The Chair recognizes the Gentleman from St. Claire, Representative Hoffman. Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Ryder: "He indicates that he will yield."

Hoffman: "Yes, Representative, I am not exactly sure what invertebrates are. It says that this would include invertebrates as aquatic life. I can't remember my biology too well. What is an invertebrate and why do we want them to be aquatic life?"

Speaker Ryder: "Representative Jones on freshman biology. Representative Jones."

Jones, J.: "We are conferring with staff on that."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Yes, if we can...if it will take...I would ask that the clock please be stopped if we have to call back to my biology teacher, I will certainly do that."

Speaker Ryder: "Representative, I will be glad to give you an appropriate amount of time at the conclusion of your time in the event that you run out of time this time."

Hoffman: "Very good. Very good. Well, I will go on and we will come back to the invertebrate question. I apologize, but I

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don't think you restarted my time from Representative Jones."

Speaker Ryder: "I will give you some time in the end, Sir."

Hoffman: "Great, great. Thank you."

Speaker Ryder: "My apologies to you."

Hoffman: "Thank you, Mr. Speaker."

Speaker Ryder: "I am sorry."

Hoffman: "I want to ask you about this frog thing here. Why no...it is my understanding that this would not allow frogs to be used as bait. My goodness."

Speaker Ryder: "Representative Hoffman, were you concluded with your question?"

Hoffman: "No. I asked him a question. How could he ever...this...why would we want to protect Kermit from being used as bait?"

Speaker Ryder: "Representative Jones."

Jones: "Representative Hoffman, it deletes the provision stating that the interstate wholesale or retail mental dealer may sell for bait any species of frog and that these frogs may be only be detained from the holder of an aqua culture permit from states where it is legal to obtain frogs for shipment to Illinois or from any frogs taken legally during the open season provided in Illinois."

Speaker Ryder: "Representative Hoffman, the Chair apologizes and I will be happy to give you some extra time, Sir."

Hoffman: "Why, thank you. So, does this mean that we can use frogs as bait or we can't use frogs as bait?"

Speaker Ryder: "Representative Jones."

Jones, J.: "No, we cannot use frogs for bait."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Now, there are people from my area, Representative, who thinks frogs are the best bait that you can find. I don't

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have any idea why you would want to keep frogs from being used as bait. I mean, we allow people here in Springfield and many times you are taken out and you can eat frog legs. So, humans can consume frogs, but you are saying that aquatic life can't consume frogs? Don't you think that is a little bit discriminatory to our friends in the ponds and in the lakes here in Illinois?"

Speaker Ryder: "Representative Jones."

Hoffman: "One more minute."

Speaker Ryder: "Representative Jones."

Jones, J.: "Representative Hoffman, these provisions contain language that originally was intended to be included in the reclassification of Chapter 56 by the Legislative Reference Bureau, which was signed into law January 17, 1992. LRB, however, did not include these changes in the recodification Bill because the changes were not substitutive. This Bill was drafted by LRB to include those items admitted from the recodification."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Just to conclude, I think everybody needs to know there is another provision in here that says that now that wood can be used for ice fishing shelters. So, here is what we could be doing under this Bill. Now, the one time a year when our lakes freeze over in Southern Illinois and somebody were to build a wood ice fishing shelter on Carlyle Lake in Representative Granberg's District, and then the ice were to melt, the wood would then go into the Carlyle Lake. The fish who were in the Carlyle Lake, who can now not eat frogs because of this Bill, could eat the wood, could potentially choke to death and all the fishermen who used to use frogs as bait will not be able to catch anything. I don't know if we can support this Bill

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or not. I think we ought to be awful careful about this type of legislation."

Speaker Ryder: "You have heard the Gentleman. Seeing no further discussion, Representative Jones to close. The Representative moves for the adoption of Senate Bill 299. The question is, 'Shall Senate Bill 299 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 fished who wish to vote? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 364."

Clerk Rossi: "Senate Bill 364, a Bill for an Act amending the Employee Commute Options Act. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Lady from Dupage, Representative Pankau."

Pankau: "Thank you, Mr. Speaker and fellow Members of the General Assembly. This Bill amends the Employee Commute Option and requires that the State of Illinois not enforce this Act until the United States Environmental Protection Agency publishes a notice of proposed sanctions against the state for failure to implement. The Employee Trip Commute Act came as a part of the Federal Clean Air Act of 1970 and basically, it was a portion of the Act which said that in order to clean up our air in Illinois, we had to reduce the number of cars on the streets and one of the methods that was put in the Act was that if you had...for instance, if you had a parking lot with 100 vehicles in it, at a certain point in time, you would only be able to have 75 of those

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spaces filled. This has been a mandate that has been put on the state and it was earlier put on the state of...I'm sorry, it was put on the non-attainment portion of the State of Illinois. It has been tested in California and it has been a dismal failure. So, our federal delegation, our congressional delegation along with many others are asking the Feds to revisit this whole issue of the Employee Trip Commute Option. So, by this legislation, we are saying we in Illinois are not going to enforce this until such times as the federal government not just threatens, but actually publishes a notice of proposed sanctions. This is the exact same language as House Bill 929 which I believe in my memory only had 5 negative votes from this House except that this legislation started in the Senate first and now is before us here. I ask for your favorable approval and I stand to answer any questions."

Speaker Ryder: "You have heard the Lady's Motion. Is there any discussion? The Chair recognizes the Gentleman from Kankakee, Representative Novak."

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

Speaker Ryder: "The Lady indicates that she will yield for your questions, Representative."

Novak: "Thank you. Representative Pankau, can you tell us when the General Assembly passed the Employee Commute Options Act?"

Speaker Ryder: "Representative Pankau."

Novak: "What year was that?"

Speaker Ryder: "Representative Pankau."

Pankau: "I don't know the exact date, but I want to say 2...3...4 years ago. I'm sorry, '91, I am told."

Speaker Ryder: "Representative Novak."

Novak: "Thank you, Mr. Speaker, for your generosity."

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Speaker Ryder: "You are welcome, Sir."

Novak: "I believe you are correct, Representative. I think 1991.

I believe we, and my recollection serves me correct, we passed it in the Veto Session in '91. Could you give us the... I know you weren't here. Could you give us the...a synopsis of the provisions of that Act and why this has all come about? What were some of the major provisions in that Act that the business community specifically could not live with?"

Speaker Ryder: "Representative Pankau."

Pankau: "Well, two that come to mind immediately, Representative, and I am not aware of all of them, but two that come to mind first off, it would mandate... first of all, the corporation itself would have to put together a plan where by they would reduce the number of vehicles on the streets of their own employees. And this would not only affect private corporations, but it would also affect governments, hospitals, schools, government buildings. So basically, if you looked out your window and you had a parking lot for 100 vehicles and you had 100 people driving, at a certain period of time in this law, you would only be able to have 75 vehicles out there. It mandated a 25% reduction in the number of vehicles being driven to that particular job place. This would, in the opinion of many employers, possibly mean that employees would have to share rides. They would have to alternate days. Some might have to work from home and not be able to come to the job site itself on certain days. It would make a lot of adjustments that corporations...for the amount of actual cleanup of the air was not going to be required. Also, plain out, it didn't work. It was tried in California for three years. It was suppose to produce a 15% reduction in the pollution in

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just the non-attainment areas and it didn't work. It didn't produce anything. So, for the amount of...for a lack of a better term, I'll call it 'hassle', that you went through to implement this thing and then to have no results from it whatsoever, it was felt that basically, the program was a failure and we should leave it at that."

Speaker Ryder: "Representative Novak."

Novak: "Gosh, Mr. Speaker. Representative, that is a great answer, I mean, for a legislator that was not here then when we passed that commute Bill. No, the reason why I am asking you these questions, I guess for the record, because this General Assembly has turned over about 50% in membership since about 1991 and I think a lot of Members are not fully aware of what the Employee Commute Options Act was and what the mandate was that was required by the federal government for us to implement and the problems that arose. So, to get back to the Act, so I suppose under that Act that we passed...corporations then had a...require employees to get involved in car pooling. Is that correct?"

Speaker Ryder: "Representative Pankau."

Pankau: "As part of the Act, and I don't know the exact date, but I think it was later on this year, maybe December of this year of '95, corporations were going to start to have to have their plans submitted to the state and then submit it to the Feds. There is a lot of planning time involved in a corporation or business or whatever having to put together number 1, such a plan and then having to try and get your employees to go along with it. So, it was all of those factors combined."

Speaker Ryder: "Representative Novak."

Novak: "Thank you, Mr. Speaker. When we talked about these car

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pooling plans, I suppose corporations then were upset about looking at the demographics of their work force, whether people lived in the intercity or the suburbs and how they were going to put...categorize various groups of people and neighborhoods and maybe some certain people lived in a certain side of the city and other people that worked at that company worked at another...lived in another side of the city. So, would you say that is one of the reasons why the business community was so upset about this mandate from the federal government?"

Speaker Ryder: "Representative Pankau."

Pankau: "Yes, Representative, but it was also governmental bodies, schools, et cetera that were going to be affected, also. It wasn't just the business community, it was basically the whole region."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Davis. The Lady does not wish to seek recognition. The Chair would recognize the Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker. I would like to yield my time to the Gentleman from Kankakee, Representative Novak."

Speaker Ryder: "The Chair would recognize you for that purpose. Representative Novak. Representative Novak, please proceed."

Novak: "Yes. Thank you, Mr. Speaker. I appreciate the extra time allotted to me by Representative Mautino. I mean, this is a pretty simple Bill, but this is a very, very fundamental piece of legislation because what is going on in Washington and the so-called revolution that occurred across the land in 1994 and about regulation and getting government off of our backs. This is a very, very prime example of some of the outrages that have been coming from

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the grass roots level that go through the Legislature and on to the federal government. So, I think we just need to discuss this issue a little bit further. Representative Pankau, was there any federal money involved where... were there any...was there a carrot and stick approach or like a threat from the USEPA or the United States Department of Transportation that says if we did not implement this Act, we would lose hundreds of millions of dollars in road funds? Was there anything to that?"

Speaker Ryder: "Representative Pankau."

Pankau: "The proposed sanctions that are referred to in the legislation itself where it talks about a notice of proposed sanctions, that was basically the same seven hundred million of road funds that they threatened us with, also in the expansion of the Vehicle Testing Act and...it is not a new seven hundred million, it is the same seven hundred million of road funds that whenever we don't need any, there is mandates. They pull it out of the hat and say, 'This is what we are going to threaten you with'. So, that is the sanction that this legislation refers to."

Speaker Ryder: "Representative Novak."

Novak: "Representative, thank you. That is a very, very, very important point. You are correct because I recall, I think it was last year or the year before, we had to expand the vehicle emissions testing to more non-attainment areas because of pollution standards and the...some of the standards in the Clean Air Act. So, it is important. So, under this legislation, we will not... Since we are saying that we will not enforce this as long as the USEPA does not require us to enforce this and that seems to be the message that we are getting now from the federal agency. So, we are not threatened with any sanctions? I

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mean, this...okay, we are not."

Speaker Ryder: "Was that a question, Representative Novak?"

Novak: "Yes. Yes. Yes, Sir."

Speaker Ryder: "Then we will treat it as such. Representative Pankau."

Pankau: "We are not threatened with any sanctions right now. In communication between Illinois EPA and Federal EPA, from time to time, there will be an officer who will mention possible sanctions to the State of Illinois if you don't go through with this. However, also earlier this year, I believe in January, the head of the Federal EPA and I don't have the name of the person, but admitted that the California experiment had been a mistake, said at that time they would not impose any sanctions on any non-attainment areas, then later took that back saying, 'Well, they really can't say that they are not going to enforce a federal law when the federal law is there', but sort of insinuated that they were going to turn the other...they were just going to kind of look the other way and not enforce it right now. The reason for putting...necessary to put this into legislation is for basically the State of Illinois to take a stand and say, 'Well, just in conversation, we are not going to mobilize to do this thing until there is actually something there'. Now, that doesn't mean that the companies, the businesses, the governmental bodies in the non-attainment area, are not willing to clean up the air. They just want to do it in a manner that actually works and if this doesn't work, let us just say so, not do it and get on with another program that does work."

Speaker Ryder: "Representative Novak, fifty seconds."

Novak: "Thank you, Mr. Speaker. Thank you, Representative. Two

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more questions on the time parameters involved here. What is the...is there an immediate effective date on this Bill or is it effected January 1, or can you tell me please?"

Speaker Ryder: "Representative Pankau."

Pankau: "It would be effective January 1."

Speaker Ryder: "Representative Novak."

Novak: "So, it will...you are shaking your head...so, it will be effective January 1, assuming the Governor signs the Bill, which I think he will. Okay. What if the USEPA comes June of 1996 and say, 'We are going to revise this Act that we passed'. They ram it through Congress and they come around and say, 'Now we have a more workable, efficient, effective employee commute Bill to reduce air pollution in the non-attainment areas'. How is that...then again, it is probably some type of..."

Speaker Ryder: "Representative Novak, please bring your question to a close, Sir."

Novak: "Thank you, Mr. Speaker, very much. How is that going to affect the Bill since now we have a law that is already in effect in January?"

Speaker Ryder: "Representative Pankau."

Pankau: "If the Feds come through with another way of achieving the results, but with a different program, then that will be something we will have to...we as a General Assembly will have to look at and implement legislation just like we implemented this. If in '96, they come through with actual sanctions, actual notice of sanctions which is what is referenced in the legislation here, then of course we will have to fight the whole Employee Trip Commute Program again. We will have to do that fight again."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pedersen."

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Pedersen: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I move the previous question."

Speaker Ryder: "You have heard the Gentleman's Motion. All those in favor of putting the previous question say 'aye'; those opposed 'nay'. The 'ayes' have it and the previous question is put. Representative Pankau to close."

Pankau: "I ask for your favorable approval of this legislation."

Speaker Ryder: "You have heard the Lady. The question is, 'Shall Senate Bill 364 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', 5 voting 'no' and 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. The Chair would like to recognize, near the center aisle, the Senate Sponsor of this Bill, former Representative Doris Karpel. Mr. Clerk, Senate Bill 395."

Clerk Rossi: "Senate Bill 395, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Lady from Dupage, Representative Pankau, on Senate Bill 395. Representative."

Pankau: "Thank you, Mr. Speaker, and fellow Members of the General Assembly. Senate Bill 395 is a combination of two Bills: Senate Bill 395 and Senate Bill 1026. Both Senate Sponsors were Senator Fawell and both deal with the Vehicle Code. The first one, 395, replaces the word 'cards, fingerprint cards' with the word 'submission'. This deals with the Secretary of State's Office when school bus drivers must submit their fingerprints to the Secretary of State's Office. Right now, according to our legislation,

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they have to submit actual cards with the fingerprints on it, the black marks. There is now new technology available which would allow you to scan the fingerprints, and since from time to time, the bus drivers change companies but stay in the same profession, this would allow their fingerprints...they wouldn't have to take the fingerprints all over again. It could just be scanned. Also in this legislation, it allows for the fees to be sent to the State Police Service Fund because that is the fund that actually pays for these fingerprints to be processed. Amendment 1 to this piece of legislation makes some technical changes in some of the words and some drafting changes originally. Then Amendment 2 to this Bill, is Senate Bill 1026 which again, amends the Vehicle Code and inserts in the words 'requires the Secretary of State to prohibit renewal issuants and reinstate a person's driving privileges for failure to pay certain penalties'. In some of our Bills, particularly dealing with driving under the influence, instead of using the term 'fees' or 'fines', they have begun to use the word 'penalty'. This would allow...this inserts the word 'penalty' in all of the areas of the statute in the Vehicle Code that basically say 'fines, penalties and court costs'."

Speaker Ryder: "Thank you, Representative. You have heard the Lady. Is there any further discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

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

Speaker Ryder: "Yes, she indicates that she will yield to your questions, Representative Dart."

Dart: "Thank you. Representative, the Bill...the original Bill, as it came over, dealt with setting up primarily a new scheme for the fees dealing with fingerprinting. Why is it

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that it was necessary for us to change the present scheme? Was there a problem with that or what is it that required that we set up the separate fund?"

Speaker Ryder: "Representative Pankau."

Pankau: "I don't know that there was necessarily a problem with it. It was just that the technology has become available to scan the cards rather than actually having to submit the cards and if you have the actual physical cards, it takes up space, you know, paper takes up space, whereas if you can scan them, that helps."

Speaker Ryder: "Representative Dart."

Dart: "Thank you. But as far as the fund itself that we are setting up, was there a reason why having this money in the road fund was a problem and why are we taking it out of the road fund and putting it into the other one?"

Speaker Ryder: "Representative Pankau."

Pankau: "Because the fund that actually administers and processes the fingerprints is this...the police services fund rather than the road fund. It was put in the wrong fund originally and this is straightening it out. In other words, if you are going to collect fees, you might as well put it in the fund that then has to pay out the fees to get it done."

Speaker Ryder: "Representative Dart."

Dart: "I am not sure...under the previous scheme, if there was money that was needed for the fingerprinting and they did not have enough money in the fund, was that ever a problem? Would they ever go into the road fund to get money if they did not have enough money for the fingerprinting or did they always have sufficient amount of money for the fingerprinting?"

Speaker Ryder: "Representative Pankau."

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Pankau: "It goes into effect July 1, so it hasn't officially taken effect yet."

Speaker Ryder: "Representative Dart."

Dart: "I guess what I was wondering was whether or not this would diminish in any way money in the road fund or whether or not this...the fingerprinting itself will, by its very nature, necessitate that they will always have enough money. They will not dip into the road fund to take money?"

Speaker Ryder: "Representative Pankau."

Pankau: "Yes, that is correct, Representative."

Speaker Ryder: "Representative Dart."

Dart: "The provisions that we have in there now require...how much money do you see from this change leaving in the road fund? It is being split so that part of it is going into the new fund, the rest of it is going into the road fund for the Secretary of State. How much money do you anticipate is going to be left in the road fund, and the money that is...that you do anticipate being left in there, is that solely for the use of the Secretary of State for the administration of this program or can that just go into the road fund to be distributed in the normal way?"

Speaker Ryder: "Representative Pankau."

Pankau: "There is no money in the road fund right now for this program and since it takes effect July 1, and we pass this, it won't matter. There is no money to be changed either way."

Speaker Ryder: "Representative Dart."

Dart: "The money though, that after this does go into effect, it will be split up. I see where it says that the remainder of the money would be left in the road fund for the Secretary of State, I believe. Would that money... Do you

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know how much money that would be that would be left for the Secretary of State and is that just for his administration of this or is that just money that goes into the General Road Fund?"

Speaker Ryder: "I'm sorry, Representative Dart. Were you finished, Sir?"

Dart: "Well, yeah. The question..."

Speaker Ryder: "The Representative is finished. Representative Pankau to answer his question."

Pankau: "All the money will go into the State Police Service Fund, will be paid out of the State Police Service Fund. So there will be no affect on the road fund whatsoever, zero. The road fund started with zero, will end with zero, and it will all be in the State Police Service Fund."

Speaker Ryder: "Representative Dart, further questions?"

Dart: "Yeah. I was just looking at the change though. It is underneath the Section dealing with the school bus driver permit and the change where it says, 'All other fees paid under this Section shall be deposited in the road fund for purposes of defraying the cost to the Secretary of State administering this Section. That was the Section that I was interested in. What other fees are we talking about there and is that purely for the Secretary of State for administering this program or can it go into the General Road Fund?"

Speaker Ryder: "Representative Pankau."

Pankau: "All fees paid for this service of processing will go into the State Police Fund. All other fees under this general Section, because it is a large Section, would be paid into the State Police Road Fund. You have to read it in its entirety of the Section where it would go."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook,

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Representative Lang."

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

Speaker Ryder: "Representative, the Sponsor indicates that she will yield to your question, Sir."

Lang: "In the drafting of this, you have added the word 'penalty', but you don't seem to define it. Where is it defined and how does 'penalty' differ from 'fine'?"

Speaker Ryder: "Representative Pankau."

Pankau: "Representative Lang, I don't know where to cite for you exactly the definition of 'penalty'. I am led to believe by those legal types that are much smarter than I am, that within some of the more recent legislation that we pass, particularly dealing with driving under the influence, that offenses for which you have to pay money if you get caught are now referred to as penalties. They are not referred to as fines or as court costs or some other word. They are referred to as the word...with the word 'penalty'. So this cleans up the Vehicle Code part of our legislation by inserting the word 'penalty' wherever it is necessary."

Speaker Ryder: "Representative Lang, did you have any further questions, Sir?"

Lang: "Yeah. I can come up with a couple. Representative..."

Speaker Ryder: "Keep trying, Sir. Representative Lang."

Lang: "Representative, you have said that penalties are what fines used to be if I am understanding you right, but yet...and you call it cleanup language and yet, on line 7, you say 'fines and penalties' and on line 10, you say 'fines and penalties' and on line 15, you say 'fines and penalties' and on and on and on. We keep talking about 'fines, penalties'. If penalties are a payment of money that is ordered by somebody, then what are fines? Why don't we delete that word?"

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Speaker Ryder: "I am sorry, Representative Lang. Were you finished?"

Lang: "Yeah, sort of."

Speaker Ryder: "Didn't wish to interrupt. Representative Pankau."

Pankau: "I think probably, Representative Lang, the problem with the wording probably lies with the General Assembly itself in that many things that we would refer to as the same in various parts of our language...in parts of our laws are actually referred to as fees and sometimes they are referred to as fines and sometimes they are referred to as penalties. I guess maybe down the road we need a super cleanup Bill to make sure everything is the same. But right now, we are dealing with cleaning up this part of it."

Speaker Ryder: "Representative Lang."

Lang: "Well, Representative, if you are going to take the time to write the Bill and you are going to take the time to scratch out some words in the existing law and add new ones and underline them, you know, which is what LRB does for us, why don't we take the trouble either to define the difference between the two words or to delete the word 'fines'? Do you want to take this back to Second Reading and do that?"

Speaker Ryder: "Representative Pankau."

Pankau: "I think, Representative Lang, that you would want somebody much more knowledgeable than myself to go through all of our statutes and clean that all up. It is a very good idea and why don't we work on it together for next year? I think it would be a pretty huge Bill."

Speaker Ryder: "Representative Lang."

Lang: "Well, as people on your side of the aisle continue to tell

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me over and over again, we are on this Bill. And so my concern is this Bill. We have got inconsistent language because we don't know the difference between a fine and a penalty. I gather from your comments that they are the same thing. If they are the same thing, it would be really simple to put an Amendment on this to delete the word 'fine' and then define the word 'penalty' or to take out the word 'penalty' and re-define the word 'fine', but why do we need both words?"

Speaker Ryder: "Fine, Representative. Representative Pankau."

Pankau: "I believe, Representative Lang, that there is a concern right now from the Clerks of the Circuit Court from the Secretary of State that we at least clean up this part of it. You know, being the knowledgeable person that you are, I would suspect that probably over this summer, you could sit down and probably help LRB just put this all together and make it right."

Speaker Ryder: "Were you done, Representative Pankau? Sorry. Representative Lang."

Lang: "So, that would be a 'no'. You don't want to take this Bill back to Second Reading and make these changes that both you and I think ought to be made, right?"

Speaker Ryder: "Representative Pankau."

Pankau: "That is correct. Not at this time."

Speaker Ryder: "Representative Lang, you have thirty seconds, Sir."

Lang: "Well, I don't need thirty seconds. You know, when a Sponsor...and you folks on this side of the aisle should listen to this. Listen up. When a Sponsor stands up on the Floor of the House and tells me the absolute truth, there is not much else I can say after I have heard that. Thank you, Representative."

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Speaker Ryder: "There is a revelation. Thank you. The Chair recognizes the Lady from Cook, Representative Davis."

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

Speaker Ryder: "She indicates that she will, Representative."

Davis, M.: "Thank you. Representative, based upon...based upon some problems that were presented in this Body earlier in reference to people being given tickets that they did not actually deserve, your Bill here is saying even though they may not have deserved those tickets and maybe in the process of questioning them, you are saying that if they don't pay those fines, the traffic fines or any penalties, that the Secretary of State can pull their license. Is that correct?"

Speaker Ryder: "Representative Davis."

Davis, M.: "Yes?"

Speaker Ryder: "Were you addressing that to Representative Pankau? She is over here."

Davis, M.: "I don't care where she is. She can hear me."

Speaker Ryder: "Excuse me. Representative Pankau."

Pankau: "The Bill that I am presenting at this time, Representative Davis, does not discuss tickets nor..."

Speaker Ryder: "Representative Deering, apparently you are blocking...excuse me, Representative Pankau. Representative Deering, I realize that you would find this hard to believe, but you were blocking the lady's view inadvertently, yes indeed inadvertently. As were you, Representative Kubik, but not by much. I am sorry, Representative Pankau. I interrupted your answer. Representative Pankau."

Pankau: "Representative Davis, to my knowledge, the Bills that are being combined here and presented do not discuss tickets and what the Secretary of State's Office could do

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about tickets."

Speaker Ryder: "Representative Davis."

Davis: "Ladies and Gentlemen, the Bill says that whenever any resident of this state fails to pay any traffic fine or penalty or costs imposed for a violation of this traffic code or similar local ordinance, the Clerk may notify the Secretary of State and prescribe that the Secretary of State shall prohibit the renewal or reissuance of the resident's driving privileges. So, it does have something to do with tickets, right?"

Speaker Ryder: "Representative Pankau."

Pankau: "Representative Davis, you are quoting the existing legislation as it exists right now. The only difference in this Bill is add after the word 'fines', adding a comma and the word 'penalties' and another comma."

Speaker Ryder: "Representative Davis."

Davis, M.: "Excuse me. What is the purpose of your Bill? What is the purpose?"

Speaker Ryder: "Representative Pankau."

Pankau: "To clean up the language in this particular Section to add the word 'penalty' where it pertains so that other legislation that we have enacted, where what used to be called a fee or a fine, is now referred to as a penalty, will also be included to make it more uniform."

Speaker Ryder: "Representative Davis."

Davis, M.: "To remove the word...should we remove the word 'fine'? I mean, should 'fine' be removed?"

Speaker Ryder: "Representative Pankau."

Pankau: "No, Representative Davis, because in some portions of our statutes, these fines are referred to with the word 'fine' and in others they are referred to with the word 'penalty'. I don't know why the inconsistency. All I know

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is to properly enforce this particular Section, we need to add the word 'penalty'."

Speaker Ryder: "Representative Davis."

Davis, M.: "To the Bill..."

Speaker Ryder: "You have fifty seconds. Yes, Ma'am."

Davis, M.: "Alright, I am going to hurry if I can. To the Bill..."

Speaker Ryder: "Certainly."

Davis, M.: "Do you think this is more important than lead poisoning, than children being tested to see if they have lead poisoning so that we can do some remedy...take care of remedy measures? Do you think this Bill is more important than funding of schools first? It just amazes me, Mr. Speaker, that you don't call any black..."

Speaker Ryder: "To the Bill."

Davis, M.: "...caucus Members' Bills, not one black caucus Member here has had a Bill called and we resent that. Now, some of my group decided to vote 'present' on everything you guys are putting on the table. I don't want to do that, but it is not fair to black caucus Members from Chicago, from East St. Louis, from Maywood, not to have their Bills called. We are legislators just like you are. So, we want our Bills called, too. We want our Bills..."

Speaker Ryder: "Representative Davis, the Chair is calling the Bills in numerical order, in numerical order, numerical order, by number. Pardon me? No, we are not doing it alphabetically, we are doing it in numerical order. The Chair recognizes the Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House. I move the previous question."

Speaker Ryder: "The Gentleman has moved the previous question."

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All those in favor vote 'aye'; all those opposed... You wish a Roll Call? We will do it for a change. All those in favor of putting the previous question shall vote 'yes'; 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, take the record. The Motion having received 63 affirmative, 52 in the negative, and 0 voting 'present' has passed. The previous question has been put. The Chair recognizes the Lady to close. Representative Pankau moves for adoption of Senate Bill 395. The question is, 'Shall Senate Bill 395 pass?' All those in favor vote 'aye'; all those opposed vote 'nay'. The voting is open and this is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'aye', 1 voting 'nay' and 8 voting 'present'. And this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 398."

Clerk McLennand: "Senate Bill 398, a Bill for an Act concerning Regulation of Sales of Hearing Instruments by the Department of Public Health. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Bill 398 is the renewal of the sunset of the Hearing Aid Consumer Protection Act. This Bill represents an agreement between the audiologist, the hearing aid sales persons and the mail order hearing aid sales persons. There is no increased fees...fees in this Bill and this is an Agreed Bill..."

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Speaker Ryder: "You've heard the Gentleman on..."

Saviano: "I ask for a favorable vote?"

Speaker Ryder: "You've heard the Gentleman on this Bill. Is there any further discussion? The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker."

Speaker Ryder: "Your welcome, Sir."

Granberg: "My pleasure. Will the Gentleman yield?"

Speaker Ryder: "The Gentleman indicates that he will yield for your questions, Representative. Would you care to proceed with your questions now?"

Granberg: "Yes, I would Mr. Speaker, after I make a request of the Chair. I'm joined by requisite number of my colleagues to remove...to remove this Bill from Short Debate, please?"

Speaker Ryder: "Your request is acknowledged."

Granberg: "Thank you, Sir."

Speaker Ryder: "Your welcome."

Granberg: "My pleasure."

Speaker Ryder: "And mine."

Granberg: "Thank you. Representative Saviano, when was this Act supposed to sunset and what was the purpose of the sunset limit on the Bill?"

Speaker Ryder: "Representative Saviano."

Saviano: "I can't...to review the necessity of the regulation."

Speaker Ryder: "Representative Granberg."

Granberg: "When was the...when was this actual legislation enacted Representative? Did it allow for a six..."

Speaker Ryder: "Representative..."

Granberg: "Did it allow for a six year period before it sunsetted, or ten year, or eight year...?"

Speaker Ryder: "Are you finished, Representative Granberg? I apologize that I tried to interrupt your question,

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previously. I'm sorry. Representative Saviano to answer the question of Representative Granberg."

Saviano: "Ten years."

Speaker Ryder: "Representative Granberg."

Granberg: "And your legislation would extend the sunset provision for another ten years?"

Speaker Ryder: "Representative...were you finished?"

Granberg: "Yes."

Speaker Ryder: "Representative Saviano."

Saviano: "January 1, 2006."

Speaker Ryder: "Representative Granberg."

Granberg: "Does your Bill, Representative, extend the sunset? Is it identical to the existing...existing Act?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yes, with the necessary cleanup language in it."

Speaker Ryder: "Were you finished, Representative Saviano, with your answer? Yes. He indicates that he is. Representative Granberg for further questions."

Granberg: "Yes, I'm sorry, I couldn't hear the...the end of his answer. He said yes with certain exceptions. Is that correct?"

Speaker Ryder: "Ladies and Gentlemen of the House, I will ask that you please lower the volume. The Gentleman has indicated that he was having difficulty hearing answers to his questions. They are entitled to your attention. I would ask the conservations please lower in volume. Representative Saviano."

Saviano: "Yes, it extends it with certain clarifications primarily with the...with the new procedures under mail order sales."

Speaker Ryder: "Representative Granberg."

Granberg: "And, could you explain what the new procedures for

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mail order sales are, Sir?"

Speaker Ryder: "Representative Saviano."

Saviano: "Yes, it requires mail order firms to inform clients before selling a hearing instrument that they may need the results of a recent audiogram and an ear mold impression taken by a license hearing instrument dispenser for best fit; requires the buyer to return the instrument to the seller upon cancellation; provides the seller cannot hold the buyer liable or obligated if the consumer claims not to have received the merchandise unless the merchandise was sent by certified mail. This is all consumer protection language that was negotiated in the Bill."

Speaker Ryder: "Further questions, Representative Granberg?"

Granberg: "Well, thank you. I know you're very concerned with consumer protection, Representative, you always have been. So, the current law would then provide that...would not provide that you would have to have a person, a license audiologist do an ear molding of the person requesting a hearing aid, is that correct?"

Speaker Ryder: "Representative Saviano."

Saviano: "They must tell them that they might need one. They may need the results of a recent audiogram and ear mold impression."

Speaker Ryder: "Representative Granberg."

Granberg: "So, if I understand you correctly, then the mail order, the one who solicits by mail order, would have to put that in the statement that they have the option of doing that, which they no longer have...they don't have under existing law, is that correct?"

Speaker Ryder: "Representative Saviano."

Saviano: "There are no provisions in the existing law addressing this mail order situation, and you are correct in your...in

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your statement."

Speaker Ryder: "Representative Granberg, 25 seconds."

Granberg: "So, this provision is as, I assume that there is a problem in the public, given mail order sales, that certain people are being taken advantage of. You're attempting to address that? So, could you explain how you're attempting to do that. Would anybody be left out of the market under your legislation? How would one become a registered audiologist? Would this prohibit other people from getting in that field and how would it impact those people..."

Speaker Ryder: "Representative Saviano, we're out of time. Please answer the question as best you can in the shortest period of time."

Saviano: "Yes, under this legislation, you have 30 days in which to refund it if the hearing aid doesn't work correctly."

Speaker Ryder: "Thank you. The Chair recognizes the Gentleman from Grundy, Representative Spangler."

Spangler: "Thank you, Mr. Speaker. To the Bill. I think it's important that everyone realizes that this is a very much needed consumer protection. Obviously, the people that generally need hearing aids are the ones that are elderly and it's very difficult for them in the first place to go ahead and submit to wearing a device to have them increase their hearing as a result of age, and the admission that they, in fact, are getting older. I have seen many situations where the elderly have been victimized and taken advantage of by unscrupulous fly-by-night hearing aid distributors. These are exactly the types of situations that this Bill is trying to address. For example, if a given unit hearing aid was listed at say \$600 there have been cases out there, and I'm aware of a couple of them where those people, in fact, were made to pay twice that

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amount, \$1,200. Now certainly with everything going against the elderly today, the last thing that we need is when they're actually trying to increase their communications abilities by accepting the fact that they're losing their hearing and going to a device like this. The last thing that we need is that they should be one of the victims of...of that transaction. I rise in full support of this Bill and would hope that all my colleagues would join in with me. Thank you."

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

Kubik: "Thank you, Mr. Speaker. Would the Gentleman yield?"

Speaker Ryder: "The Gentleman indicates he'll yield for your question."

Kubik: "Representative, I'm...I'm most concerned about the...the issue of mails, mail order hearing aids. Personally, I think it's ridiculous that anybody would buy a hearing aid through the mail. That would be like trying to buy eye glasses through the mail, it just doesn't make any sense. But, as I understand it, there are those firms out there and so we're forced to deal with them. I guess this Bill is not everything I would like, but it's a step in the right direction and I know Representative Granberg touched on it, but I want it clarified. As I understand it, we did not have any provisions for mail order hearing aid sales in the old law, is that correct? We did not have provisions for mail order in the old law, is that correct?"

Speaker Ryder: "Representative Saviano."

Saviano: "That...that is correct and I think probably in defense of someone who buys a hearing aid by mail order, that is pretty much in areas where maybe is in a more rural community where...those sort of instruments are not readily

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available and that's why it's more predominant in those areas. So that's...that's why we had to put in these provisions, for those people who may be outside of the city who don't have access to those sort of services."

Speaker Ryder: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker. And I think Representative Granberg has raised some very legitimate points. What we're trying to do here, however, is to regulate an industry, a mail order industry that is out there. It's unfortunately out there and frankly again, I wouldn't know being a consumer of hearing aids, I cannot imagine that somebody would actually buy one through the mail. They may not have a choice I suppose, but...but it just doesn't make a whole lot of sense. But we don't have that choice, we've got to regulate these people who exist. So, I think this Bill is a good effort to regulate an industry that in my opinion shouldn't even exist that the mail order hearing aid industry, but we're faced with dealing with that industry and I think this is a good attempt at doing that and I would suggest that we all support the Bill."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Wojcik."

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

Speaker Ryder: "The Lady has 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. The Gentleman moves for the adoption of Senate Bill 398. The question is 'Shall Senate Bill 398 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

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are 116 voting 'yes', 0 voting 'nay', and 0 voting 'present', and this Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 442."

Clerk Rossi: "Senate Bill 442, a Bill for an Act amending the Civil Administrative Code of Illinois. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair Recognizes the Gentleman from Vermillion, Representative Black."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 442, amends the Civil Administrative Code of Illinois. It allows the suspension or revocation of any license or the denial of an application for a license at the Director of Professional Regulation and also includes the Director of Nuclear Safety, finds that the licensee or applicant has failed to make satisfactory repayment to the Illinois Student Assistance Commission for Delinquent Loan. Now, under current law, the Department of Professional Regulation can deny licensure or renewal if a licensee is in default. All this Bill does is to allow the Department of Professional Regulation to lift the license of a currently listed...or a currently licensed professional without having to wait for that renewal time. There was an Amendment added in the Senate that clarifies the licenses under IDNS so that DPR and IDNS do not co-mingle or duplicate their effort on the revocation of these licenses. Be glad to answer any questions you have."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pugh."

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

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Speaker Ryder: "Representative Pugh."

Pugh: "Yes. Yes. First, I would like to take this off Short Debate, and I am joined by the requisite number of my colleagues."

Speaker Ryder: "Representative Pugh, the Chair...I apologize. Representative Pugh, the Chair will acknowledge that request. The Bill is taken off of Short Debate. Representative Pugh, proceed, Sir."

Pugh: "Thank you, Representative Ryder. Representative Black, can you tell me about the Amendment to this legislation, Amendment #1? Can you explain what the Amendment does?"

Speaker Ryder: "Representative Black."

Black: "I would be very glad to. The Committee Amendment #1 clarifies that the licensee shall have an opportunity for a hearing; establishes that the satisfactory repayment record, that is standard, shall be established by rule. In other words, it is a due process Amendment."

Speaker Ryder: "Representative Pugh."

Pugh: "So, does it say that a student who is in default of a loan that works for a company that provides nuclear safety would be...the license of the nuclear safety company would be suspended as a result of the student being negligent on a student loan?"

Speaker Ryder: "Representative Black."

Black: "No, absolutely not. The company would have no liability. If that individual had a license issued through the Illinois Department of Nuclear Safety, that individual's license to do his or her job could be revoked. And quite frankly, and I think this is why the Bill passed the Senate unanimously, I don't want a deadbeat working in the...in any nuclear power plant in the State of Illinois."

Speaker Ryder: "Representative Pugh."

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Pugh: "So, the company itself would not be in jeopardy, only the student that works there if he is found to be in default of a student loan. Is that correct?"

Speaker Ryder: "Representative Black."

Black: "Absolutely. The company has no indebtedness to the Student Assistance Commission. The individual holding the professional license may be in default, not the company."

Speaker Ryder: "Representative Pugh."

Pugh: "Can you tell me if the Department of Professional Regulation is in favor of this Bill and what did they say the cost would be to fair it out?"

Speaker Ryder: "Please give the Gentlemen your attention."

Pugh: "What would be the cost in ferreting out these deadbeat students?"

Speaker Ryder: "Representative Black."

Black: "Well, a better question might be, what would it cost if you don't ferret them out. But to answer your question, the department isn't going to ferret them out at all. The Illinois Student Assistance Commission will give a list of those people who are in default on their student loans to the department for action. The Department of Professional Regulation talked to me within the last ten minutes. Their liaison says they have no problem with the Bill. Well, let me rephrase that. They have no opposition to the Bill and I don't see any cost factor to the department other than perhaps a cost factor on a number of increased hearings that might result from such action."

Speaker Ryder: "Representative Pugh."

Pugh: "And before...before the problem and the Professional Regulations intervenes, the Illinois Student Assistance Commission is the one that is going to give the information to the department so that the department can make the

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necessary adjudication, am I correct?"

Speaker Ryder: "Representative Black."

Black: "Yes. The Illinois Student Assistance Commission already has, as part of their ongoing software program, they can tell you who is in default. They try their very best to collect the money. This is just a hammer on the...over the head of some people who have professional licenses. Generally, we assume those people make a fairly decent wage or salary. The Student Assistance Commission would then turn over the list of deadbeats to the Department of Professional Regulation. And if you are...let us say for example, you are a medical doctor practicing in the State of Illinois, and if you are...in default on your student loan and depending on where you practice or what your specialty is, you may be making a gross income of a quarter million dollars a year. I think you will pay up that student loan rather quickly if DPR says that you either pay it up or we are going to revoke your license to practice medicine."

Speaker Ryder: "Representative Pugh."

Pugh: "So, a student who is fresh out of college and is barely paying his rent would be fired from a job that he has been...that we have trained him with our tax dollars to do and if he is fired from his job..."

Speaker Ryder: "Representative Pugh, you are out of time. Please bring your question to a close, Sir."

Pugh: "Thank you. Thank you, Mr. Speaker. If he is terminated from his employment, how will he subsequently pay back the student loan that we are hammering him over the head about paying?"

Speaker Ryder: "Representative Black."

Black: "Well, Representative Pugh, let's not...let's not distort

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what the Bill does. We are not after a student. These are people who are fully licensed, working professionals. Alright? Now, in your case, if he is just out of school and just hired, he isn't going to be in default. He hasn't had time to be in default. What we are after are doctors, dentists, lawyers, architects, nuclear safety engineers who have been on the job five, ten, fifteen years and thumb their nose at the taxpayers of Illinois saying, 'I am not going to repay my student loan and what are you going to do about it?' Well, I'll tell you what we are going to do about it. We are going to revoke your license to practice your profession and believe me, 99% of them are going to pay up in a matter of hours."

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

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

Speaker Ryder: "The Gentleman indicates he will yield to your questions."

Davis, M.: "Mr. Black, do we have a number of licensed professional workers in the State of Illinois who are not paying their student loans?"

Speaker Ryder: "Representative Black."

Black: "Representative, I am going to assume that you know the answer to that question. You are a very intelligent woman. We have hundreds of licensed professionals in the State of Illinois who are deadbeats on their student loans."

Speaker Ryder: "Representative Davis."

Davis: "The federal government, and I think the state government, notify you if you owe money. And isn't it true that the federal government can withhold a portion of your tax...income tax return if you owe a student loan?"

Speaker Ryder: "Representative Black."

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Black: "Representative, let's make sure we are on the same Bill now. This Bill deals with student loans guaranteed by the State of Illinois. It has nothing to do with Pell Grants, has nothing to do with Stafford Loans, has nothing to do with federal loans. Whatever the federal government wants to do on federal student loans, they already do. This is dealing with people who have outstanding defaults on loans guaranteed by the taxpayers of the State of Illinois. That is the only people we are going to go after."

Speaker Ryder: "Representative Davis."

Davis: "Can you give me an idea, Representative Black, what professions we are really talking about? I heard Representative Pugh talk about some nuclear safety engineers and...are we talking about medical profession? Are we talking about dentistry or dentists? What professions are we actually talking about? Are we talking about school teachers?"

Speaker Ryder: "Representative Black."

Black: "School teachers are not licensed by the Department of Professional Regulation. What we are talking about are doctors, pharmacists, osteopathic positions, cosmetologists, podiatrists, veterinarians, lawyers, funeral directors, real estate appraisers, physicians, medical doctors and surgeons, registered nurses, certified public accountants, architects, stock brokers, psychologists, dentists, engineers, insurance agents and so forth and let me just tell you, the last year, the department has refused to renew or put a hold on the renewal of 925 professional licenses at the request of ISAC because these professionally licensed people were in default of their student loans."

Speaker Ryder: "Representative Davis."

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Davis, M.: "You know, I am just concerned that we...if we pull their license, they won't be able to earn any money. They won't have an income. And my question is, how will they pay you if they are not working? If they don't have a job, Representative, if their license is pulled and if they can no longer practice their profession, how can they repay you?"

Speaker Ryder: "Representative Black."

Black: "Representative, they already have the authority to fail to renew their license and that was done 925 times last year. We are finding that if you threaten to lift...you don't want to sit there and tell me that a medical doctor facing revocation of his license or her license because of a failure to pay an outstanding student loan isn't going to rustle up the money and pay it. They are going to pay it. What we are trying to do here is just put some teeth in the repayment provisions."

Speaker Ryder: "Representative Davis."

Davis: "Do they get an opportunity for a hearing? Is there due process?"

Speaker Ryder: "I'm sorry. Representative..."

Davis, M.: "Because you could have a person who really has been out of school for awhile, but they are really not earning as much as you think they might or as quickly as you might think they should, and perhaps they are doing the very best they can and they don't intend not to pay the loan, but at that particular moment...now, how many years of school are we talking about? I have two questions. What is the arbitration process or due process that's given these people or how many years after they have been working in a profession does this revoking their license take place?"

Speaker Ryder: "Representative Black."

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Black: "Representative, the very first question I answered, the very first question I answered, Committee Amendment #1 clarifies that the licensee shall have an opportunity for a hearing, establishes that the satisfactory repayment record standard shall be established by rule."

Speaker Ryder: "Representative Black, please bring your answer to a close."

Black: "There is no standard that I am aware of that you could use as to how long there is after school. They sign an agreement when they initiate the loan. That sets the repayment schedule. If you don't want to hold to that, don't sign the agreement. There isn't any standard. You don't give them two years after graduation or five years or ten years. There is a repayment schedule and as long as you attempt to make a reasonable repayment schedule, I have never known the Department of Professional Regulation to hassle anyone unduly. I have had people in my district have their licenses failed to be renewed because they haven't even made a good faith effort to establish a repayment schedule. That is wrong, Representative. No matter how you slice, it is wrong."

Speaker Ryder: "The Chair recognizes the Lady from...Representative, you did use all of your time. The Chair will recognize...the Chair will recognize you to finish your statement, Ma'am."

Davis, M.: "Thank you very much. I would just say that I would urge professionals not to flee Illinois and that this mean spirited streak will end and you know that is why you want to build at Peotone, because you want to give them an opportunity and a place to leave from. But we urge the professionals to stay here and we are going to continue to protect and provide positions for them to serve the public."

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Now, this is why you have that reputation of being mean-spirited. It is not a good Bill. It is a very unfair Bill. Vote 'no'."

Speaker Ryder: "The Chair recognizes the Lady from Cook, Representative Howard."

Howard: "Thank you, Mr. Speaker. I would like to yield my time to Representative Lang."

Speaker Ryder: "The Chair recognizes Representative Lang."

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

Speaker Ryder: "The Sponsor indicates that he will yield."

Lang: "Representative, as I understand this Bill...you can have a professional license revoked if you have owe a student loan. Is that what the Bill does, basically?"

Speaker Ryder: "Representative Black."

Black: "That is the only change in current law. What it does now is, they can just simply refuse to reissue the license. This will allow...and I would think that they would have enough common sense, the only people they are going to go after are those who owe thousands of dollars and who have thrown the collection letters away for years. It would allow the Department of Professional Regulation with due process rights, to tell the individual, either establish a repayment record or we are going to revoke your license instead of waiting for the next renewal."

Speaker Ryder: "Representative Lang."

Lang: "Thank you. As you may be aware, Representative, I had House Bill 1138 on Third Reading which never got called. It dealt with revoking professional licenses for failure to pay child support. You probably recall that Bill because it passed out of the House previously. Would you be interested in moving this Bill back to Second Reading so

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you can add this as an Amendment and take credit for it?"

Speaker Ryder: "Representative Black."

Black: "Representative, this isn't my Bill. It is a Senate Bill and I don't believe the Senate Sponsor would be interested in moving it back at this point. I think Senator Woodyard and your feelings would probably be in sync. But since he isn't here and I can't ask him, I can't speak for the Senate Sponsor."

Speaker Ryder: "Representative Lang."

Lang: "Well, it's all right. I see your name on the board, not his. So, just to make sure I understand, because obviously there is some confusion on our side of the aisle, this Bill would say that if you owe money to these colleges, you can't get a license. Is that what it says?"

Speaker Ryder: "Representative Black."

Black: "No, not at all. You can get the license and you would be licensed, because if you are getting licensed, I assume that there is no repayment schedule to be in default of. What they are doing is going after the people that just simply ignore the repeated attempts to get them to pay or establish a repayment schedule. I think it is appalling when 925 professional license holders in this state are in...you know, have their licenses not renewed because of their debt. It certainly wouldn't prevent you from getting a license to begin with. It might prevent you from renewing it."

Speaker Ryder: "Representative Lang."

Lang: "Thank you. Representative, we share on this side of the aisle your view that people that owe the State of Illinois money or people that owe any arm of the State of Illinois money and they are in default on that debt such as you have said, regarding the universities of the State of Illinois,

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we share your desire to have that repaid. So, let me ask you, Representative, do you have any idea why your side of the aisle has seven times in the last three days, rejected an Amendment that would keep state debt from being forgiven by the State Treasurer or other constitutional officers in this state to people who have state contracts? Why should people who owe the State of Illinois \$40,000,000 and are in default on those loans get state contracts and make money off of the taxpayers of the State of Illinois?"

Speaker Ryder: "Representative Black."

Black: "I would refer your question to the Attorney General of the State of Illinois."

Speaker Ryder: "Representative Lang."

Lang: "Well, Sir, the Attorney General is not a Member of this Body. Members of this Body, however, seven times in the last three days, have said 'We don't care about giving up \$30,000,000 of the taxpayers money. We don't care that we don't have \$30,000,000 to pay for public education. We don't care that we don't have that \$30,000,000 to pay back the Medicaid debt..."

Speaker Ryder: "Representative Lang."

Lang: "...or almost \$2,000,000,000..."

Speaker Ryder: "Please confine yourself to the Bill..."

Lang: "Why don't we deal with that in this Bill?"

Speaker Ryder: "...on the record."

Lang: "If we are concerned about state debt, why don't we deal with the problem of state debt? Why don't we deal with the problem of child support debt? Why don't we deal with the problem of forgiving state debt? Why don't we deal with the problem of taking care of putting all of the money that belongs to the taxpayers of this state in the General Revenue Fund so we can spend it for their benefit?"

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Speaker Ryder: "Representative Black."

Black: "Representative Lang, nobody on this Floor on either side of the aisle, in my memory, has ever said we don't care about state debt, we don't care about this. Nobody has said that and you know that. Alright? You don't need to exaggerate. You don't need to go off on tangents because you think you have got an issue that might play in the press or that you can demagogue. Nobody on either side of this aisle since I have been here, in Committee or on this Floor, has ever stood up and said what you said some people..."

Speaker Ryder: "Representative Black, please bring your response to a close."

Black: "Alright. The issue that you are trying to talk about is not before this Body. If it is and I don't vote the way you think I should, then criticize me justly. The Attorney General has stepped into the process. The process will be handled. Alright? Now, you know, we can get into these yelling contests and pointing finger contests all night long. It isn't going to do any good. You know, I served here nine years while your party was under control and we are doing the best we can to shovel out of the debt that your party put us in."

Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative...Representative Lang, for what purpose do you rise?"

Lang: "I rise on a point of personal privilege, Sir."

Speaker Ryder: "You may state your point, Sir."

Lang: "Mr. Black clearly called me a demagogue in front of my colleagues and I would like to respond to that comment."

Speaker Ryder: "Sir. Representative Lang."

Lang: "Thank you. Mr. Black should be reminded that it is not

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demagoguery to save the taxpayers of Illinois the money that is due in owing to them. Mr. Black should be reminded that the taxpayers..."

Speaker Ryder: "Representative Lang, you were recognized on a point of personal privilege to respond. If you wish to argue the issue before us, you are not recognized for that purpose, Sir..."

Lang: "I thought I was recognized to respond on a point of personal privilege."

Speaker Ryder: "And we are extending that courtesy to you, Sir. Representative Lang."

Lang: "Thank you. I am indicating to the Chair and to the Members why Mr. Black is wrong when he characterizes me as such and I would like to continue my remarks and get my minute back, Sir, now that you interrupted me."

Speaker Ryder: "Sir, please proceed."

Lang: "Well, I will wait until you give me my minute back. You used it up telling me what my rights were, Sir."

Speaker Ryder: "Then you will wait in vain. The Chair recognizes the Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I move the previous question."

Speaker Ryder: "The previous question has been moved. All in favor of the previous question say 'aye'; those opposed 'nay'. The 'ayes' have it. The previous question is put. The question is, 'Shall House Bill...Senate Bill 442 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 voting 'yes', 0 voting 'nay', and 4 voting 'present', and this Bill, having received a

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Constitutional Majority, is hereby declared passed. Mr. Lang, for what purpose do you rise?"

Lang: "Well, I will rise on a second point of personal privilege. Mr. Speaker, never in the history of this House since I have been here, has a Member been refused the right to stand up on a point of personal privilege."

Speaker Ryder: "You are recognized for that purpose, Sir. Please, proceed."

Lang: "And you took my time up explaining to me what my rights were during that minute. So, let me proceed with the forty-five seconds I have left. It is not demagoguery to discuss on the floor of this House the rights of the taxpayers to have their money protected by the constitutional officers of this state. It is not demagoguery to say that seven times in Committees of this House this week, the Majority party has brushed aside summarily on effort not to deal with the mistakes that have been made previously, but simply to close a loophole in the law so they can't be made again. That is not demagoguery, Sir. When \$40,000,000 of the taxpayers' money is reduced to 10 and there is no explanation, that is not demagoguery, that is an embarrassment to the government and to the people of the State of Illinois."

Speaker Ryder: "Mr. Clerk, Senate Bill 440."

Clerk Rossi: "Senate Bill 440, a Bill for an Act amending the Illinois Credit Union Act. Third Reading of this Senate Bill."

Speaker Ryder: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 440 has two components. The underlying Bill is supported by the Illinois Credit Union. It passed out of the Senate 55 to 0. It provides for staggered terms for

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elections of the directors of the credit unions. Senate Bill 304 was the Amendment that was placed on 440. It has several components that I would briefly like to describe to you. It amends the Illinois Savings and Loan Act of 1985, the Savings Bank Act and the Residential Mortgage License Act of 1987. It makes cleanup changes to these Acts and increases from 15% to 20% the percentage of the Savings Bank Loan Capital which may be lent to any person or entity. Under the Illinois Savings and Loan Act of 1985, it provides that a savings and loan may pledge its assets to do the following: enable it to act as an agent for the sale of US federal debt, to secure deposits, to secure inclose of money under circumstances required by the National Bankruptcy Act, and to qualify under that Section of the Corporate Fiduciary Act which requires a deposit of securities with the commissioner of banks and trust companies and the final provision of the Illinois Savings and Loan Act is to secure trust funds co-mingled with the capital of the Savings and Loan, as does the Savings Bank Act which I will discuss briefly. There is periodic branch services to residents of a nursing home, long-term care facility or senior citizens' retirement home. Under those parts of Senate Bill 304 that amends the Savings Bank Act, we find a so-called modified wild card clause to the Act making explicit that a savings bank shall have any power conferred upon a corporation by the Business Corporation Act of 1983 and reasonably incident to the accomplishment of the expressed powers conferred upon the savings bank to the Savings Bank Act. That is the essential part of that. Under the Residential Mortgage License Act of 1987, it allows each residential mortgage licensee, which is a first tier subsidiary, to submit annual audited, consolidated,

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financial statements of its corporate parent in lieu of the mandated annual audit conducted by a CPA."

Speaker Ryder: "You have heard the Lady's Motion. Is there any discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Ryder: "The Sponsor indicates she will yield for your questions, Sir."

Hoffman: "Representative, the first part of this, you indicated it had to do with the Credit Union Act and the second part of it had to do with the Savings and Loan Act. The Credit Union Act portion has to do with directors and indicates that they will be able to be elected annually in staggered terms. That only has to do with credit unions, is that right?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "That is correct."

Speaker Ryder: "Representative Hoffman."

Hoffman: "Now, presently, I would assume that they all are elected at the same time. Will this allow them to finish out their entire term or how will they make a determination as to who gets the staggered terms?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "There is a provision for the transition period. Directors in the first class shall serve one year terms. The directors in the second class shall serve two year terms, and directors in the third class, if any, shall serve three year terms. I believe a credit union is directed by a board of directors consisting of no less than seven members, now elected annually from the membership, but in the future, to be elected in staggered terms."

Speaker Ryder: "Representative Hoffman."

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Hoffman: "So, the individuals will be allowed to serve out their complete term. Is that correct?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Yes, they will. I believe, however, that moving toward staggered terms is voluntary and the credit union may choose to retain annual elections for its entire board of directors."

Speaker Ryder: "I'm sorry, Representative Deuchler. Representative Hoffman for further questions."

Hoffman: "Well, I find it interesting that we are going to allow credit union directors to serve out their entire term that they were elected to, but not the U of I trustees. In any event, let's move onto House Amendment #1 which was adopted to the Bill and regards the Savings and Loan Act. Now, you indicated that this does several things. Whose...who put this provision forward?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "This was suggested to us by the commissioner of Savings and Residential Finance."

Speaker Ryder: "Representative Hoffman, further questions?"

Hoffman: "The provisions that are put forward are, I believe, provisions that could have possibly been on a different House Bill and we have added them as Amendments, is that right?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Well, there has been related legislation. Are you referring to House Bill 1882?"

Speaker Ryder: "Representative Hoffman."

Hoffman: "I believe I am. What happened to House Bill 1882?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "I believe that it passed the House."

Speaker Ryder: "Representative Hoffman."

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Hoffman: "Well, I guess my concern is, why do we have to have provisions that have already passed the House once and now we are going to pass similar provisions again? With regard to this Bill, as you know, it wasn't so long ago that everybody was extremely concerned with the savings and loan...the problems with savings and loans throughout the United States, not only in Illinois, but everywhere else. And I believe that we pass the laws in Illinois in order to insure that the types of failures that went on were not going to happen again. It is my understanding that one of the things that this would do, would remove the restrictions that a savings bank may only pledge assets to secure deposits...public funds...savings bank...the pledges...six months. And this would allow savings banks to pledge assets to secure deposits of any type. Wouldn't this potentially allow savings banks to make...to pledge its assets and make business decisions that could eventually turn sour and force the closure of these savings banks?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "No...in answer to your question, but you did ask about House Bill 1882, and unlike Senate Bill 304 which is the Amendment that we are discussing, we have increased...increases the percentage of dividends that can be paid out from 50% of profits to 100% of profits. I believe that is under 1882."

Speaker Ryder: "Representative Hoffman, you have eighteen seconds, Sir."

Hoffman: "Well, I guess...you know, I don't see any...I know of no opposition to the Bill and I think a lot of it is technical changes. I just only wish that we could have, at some point, had a thorough discussion...I mean, this is a

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very thick Bill. It is very voluminous in what it does. I guess we'll vote 'aye'..."

Speaker Ryder: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Will the Lady yield?"

Speaker Ryder: "The Lady indicates she will yield for your questions, Sir."

Granberg: "Representative, I thought I heard you indicate that this would apply only to credit unions. Does this provision already apply to other types of financial institutions?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Yes, it does, Representative Granberg."

Speaker Ryder: "Representative Granberg."

Granberg: "So, all Illinois banks and financial institutions have staggered terms for their boards of directors?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "All except credit unions."

Speaker Ryder: "Representative Granberg."

Granberg: "And would it be the intent then to just bring credit unions into conformity with those financial institutions?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Well, yes it would, Representative Granberg. They are not forced to do so. They have the option of doing so."

Speaker Ryder: "Representative Granberg."

Granberg: "What was the reason for the distinction in existing law between other financial institutions and credit unions having this disparity in policy?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "We believe that the answer is that the banks asked for it first. Credit unions are now asking for this same option and we are giving them the option."

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Speaker Ryder: "Representative Granberg."

Granberg: "So, the reason for the existing law is that banks asked for this ability first? That is the only reason?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Yes."

Speaker Ryder: "I'm sorry. Representative Granberg."

Granberg: "Does this issue have anything to do with the increasing demand in takeovers of credit unions, that credit unions have been aggressively sought in takeover activities?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "I have no knowledge that that is the case. I do point out to you that Senate Bill 304 did carry the Senate on a 53 to 0 to 1 voting 'present' vote."

Speaker Ryder: "Representative Granberg."

Granberg: "So, this would not make it more difficult for a savings institution to be taken over in an aggressive play by a larger financial institution?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Representative Granberg, this legislation has nothing to do with takeovers of savings institutions. It is a cleanup Bill suggested by the Commissioner of Savings and Residential Finance. I do not believe that it is controversial."

Speaker Ryder: "Representative Granberg."

Granberg: "So, if they...these institutions, I think, are required to hold annual meetings, is that correct?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Yes it is."

Speaker Ryder: "Representative Granberg."

Granberg: "If there was a hostile takeover of a credit union, wouldn't it be expeditious for the person seeking that

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takeover to have the ability to change the whole board of directors at that annual meeting?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Well, I must say I am a little confused. You were talking about savings and loans credit takeovers and then you are talking about credit union takeovers. I am not sure which your question pertains to."

Speaker Ryder: "Representative Granberg."

Granberg: "Well, my question was, Representative, that this legislation would make it more difficult to have a credit union being taken over by a hostile party. You indicated that they have to have an annual meeting. At that annual meeting, you could, I think, have a hostile takeover by the person seeking that takeover by soliciting proxies. I would think it would be easier for that takeover to take place because you would have the whole board up for election at that annual meeting as opposed to staggered terms. So, wouldn't this make it easier for a hostile takeover to take place?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "I don't think so."

Speaker Ryder: "Representative Granberg."

Granberg: "Well, Representative, if all of the board was up for reelection at one time, wouldn't that make it easier for a hostile takeover to take place as opposed to only two out of the seven members..."

Speaker Ryder: "Representative Deuchler..."

Granberg: "...the staggered terms."

Speaker Ryder: "Sorry, Sir. Representative Deuchler."

Deuchler: "Well, after all, Representative Granberg, we are putting the permission into the statute for staggered terms. So, clearly, if anyone in a credit union was

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concerned, they would go to that form of governance in election."

Speaker Ryder: "Representative Granberg, twenty-seven seconds, Sir."

Granberg: "Thank you. Well, Representative, I... We worked the...takeover legislation a few years ago. This would make it harder for credit union to be taken over by giving it a staggered term. If you give the boards of directors staggered terms, then it makes it much more difficult for someone to acquire that credit union because that way, they could not change the whole board of directors at the annual meeting. If that is the case Ma'am..."

Speaker Ryder: "Please bring your remarks to a close, Representative..."

Granberg: "If that is the case, that hostile party seeking the takeover would have a much more difficult time if the board of directors are elected by a staggered term. If they are elected to staggered terms, they could only have one or two of the board up for election at that annual meeting. If that is the case, then it makes it more difficult for that hostile takeover. That increases the price for the green mail or whatever in the acquisition costs...conversely if you have had the whole board of directors up at the same time, it makes it easier for the hostile takeover to take place. That saves the shareholders money because they don't have to pay the higher stock value. So, I would simply submit to you that this does make it more difficult for a hostile takeover to take place because it makes it more difficult to change the board of directors where proxies could be solicited. So, you indicated it didn't. I think you are wrong on this, so I would just respectfully submit that to you. Thank you, Mr. Speaker."

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

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

Speaker Ryder: "The Lady indicates she will yield for your questions."

Davis, M.: "Thank you. On page 12, Representative Deuchler, you talk about a limit in reference to how much a borrower can borrow. Can you explain that to me, Section C?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Well, could you give us a little more direction? I mean, this is about a 10 page...or 10 line subsection..."

Speaker Ryder: "Representative...?"

Deuchler: "...to be a little more explicit about your question."

Davis, M.: "Question is, are you limiting the amount of money that a bank can lend a borrower?"

Speaker Ryder: "Were you concluded with your question, Representative Davis, is that it?"

Davis: "Representative Deuchler."

Deuchler: "You are really increasing the amount that the bank can loan to a borrower. You are increasing it."

Speaker Ryder: "Representative Davis."

Davis, M.: "Okay. According to this, it says that if the borrower owes what, less than \$500,000 and meets some minimum capital requirements, that there can be an extension of a loan. Is that correct, Sue? Am I right or wrong?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Well, the limit is either 20% or \$500,000, whichever is higher."

Speaker Ryder: "Representative Davis."

Davis: "What is the current limit, Representative Deuchler?"

Speaker Ryder: "Representative Deuchler."

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Deuchler: "Fifteen percent."

Speaker Ryder: "Representative Deuchler, please repeat the answer to Representative Davis."

Deuchler: "Fifteen percent."

Speaker Ryder: "Did you hear the answer, Representative Davis?"

Davis, M.: "Fifteen percent of what?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Fifteen percent of the savings bank total capital plus a general loan loss reserve."

Speaker Ryder: "Representative Davis."

Davis: "Representative Sue Deuchler, if I borrow money from a bank and I have one loan that is \$250,000 and I have another loan that is \$250,000, that is \$500,000, right? Suppose I want another loan. Can I get another loan or is your Bill saying I cannot get another loan?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Well, I would assume that would relate to a lot of things such as your track record, credit account, as well..."

Speaker Ryder: "Representative Davis."

Davis, M.: "Well, my question is, would I need written approval from a commissioner to get the third loan, because currently, I don't need that."

Speaker Ryder: "Representative Deuchler. Yes, Representative Davis?"

Davis, M.: "It's their time, not my time."

Speaker Ryder: "Representative Davis..."

Davis, M.: "Yes."

Speaker Ryder: "Representative Deuchler."

Deuchler: "Hopefully, you would have to be approved by the loan committee, a number of internal procedures as well as the written approval of the commissioner."

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Speaker Ryder: "Representative Davis."

Deuchler: "If you are between..."

Davis, M.: "Let me ask..."

Speaker Ryder: "Representative Davis."

Davis, M.: "Why would a bank support this legislation? Why would a bank support this? When you go to...for a loan in a bank and you make application and you show your credit worthiness, the determination is made about how much money you can borrow. You can, at this time, be responsible for up to four mortgages. I mean, it just appears to me that we are limiting the banks doing business with people who want to build houses for people. Sue, do you want to do that, Representative Deuchler?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "I believe that we are increasing the flexibility rather than decreasing it."

Speaker Ryder: "Representative Davis, you have thirty-eight seconds."

Davis, M.: "Alright. You are saying, currently, they cannot loan that much money, but you are giving them the power to loan more than they normally could. is that correct?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Well, we certainly are increasing the amount to more than they can now, yes."

Speaker Ryder: "Representative Davis."

Davis: "Why are we capping it, Sue? Why are we capping it?"

Speaker Ryder: "Representative Deuchler."

Deuchler: "Certainly prudent money management would indicate that limits must be placed."

Speaker Ryder: "Representative Davis."

Davis, M.: "Manage the money for the banks? Do you think that Topinka would approve of that?"

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Speaker Ryder: "The Chair recognizes the Gentleman from Cook, Representative Pugh. Representative Black in the Chair."

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

Black: "She indicates she will."

Pugh: "Representative Deuchler, can you tell me the genesis of this Bill? Why did you see the need for this piece of legislation?"

Speaker Black: "Representative Deuchler."

Deuchler: "Well, we have worked with the Credit Union League as well as the Commissioner of Savings and Residential Finance. As you know, conditions change in all of the entities regulated by the state and business conditions are different today, perhaps when they were ten years ago and that is why these individuals have come forward and asked for these changes in the statute."

Speaker Black: "Representative Pugh."

Pugh: "Can you tell me the...whether or not the bankers...the local bankers are in support of this legislation?"

Speaker Black: "Representative Deuchler."

Deuchler: "The League of Financial Institutions representing savings banks supports this legislation."

Speaker Black: "Representative Pugh."

Pugh: "Representative, I was referring to the Illinois Bankers Association."

Speaker Black: "Representative Deuchler."

Deuchler: "This Bill does not directly effect the Illinois Bankers Association, Representative Pugh."

Speaker Black: "Representative Pugh."

Pugh: "But my question was, do you know whether or not they are in support of this particular piece of legislation?"

Speaker Black: "Representative Deuchler."

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Deuchler: "They have no position on this Bill."

Speaker Black: "Representative Pugh."

Pugh: "Who decided on the \$500,000 cap?"

Speaker Black: "Representative Deuchler."

Deuchler: "Well, the Commissioner of Savings and Residential Finance suggested these limits and they were in consultation by the...with the League of Financial Institutions, Representative Pugh."

Speaker Black: "Representative Pugh."

Pugh: "For my personal enlightenment and for the edification of the Body, can you tell me, are the credit unions regulated by the FDIC or are they...are they..."

Speaker Black: "Representative Deuchler."

Deuchler: "Mr. Speaker, it is getting rather noisy in here and it is a little hard...could we have the question repeated?"

Speaker Black: "The food fight on the other side of the aisle, please break up. Thank you very much. Representative Pugh, Representative Deuchler had a hard time hearing your question. Will you repeat your question?"

Pugh: "Can you tell me who regulates the credit unions?"

Speaker Black: "Representative Deuchler."

Deuchler: "The Department of Financial Institutions."

Speaker Black: "Representative Pugh."

Pugh: "So, in Section 4 of page 4 of your Amendment, the fiduciary responsibility will be...of all of the nursing homes, the senior citizens retirement and long-term care facilities will be falling under this piece of legislation?"

Speaker Black: "Representative Deuchler."

Deuchler: "Well, I am not sure I heard your question totally, but this does pertain to the Savings and Loan Act rather than the credit unions. You see, the Amendment was added in

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Committee. The credit union Bill was the underlying Bill. So, several of these Sections pertaining to both the Illinois Savings and Loan Act and the Savings Bank Act did have provisions for services to persons living in a nursing home, a senior citizens' retirement home or long-term care facility."

Speaker Black: "Representative Pugh."

Pugh: "So, what responsibility does the Savings and Loan have to do for senior citizens? What are their responsibilities to the senior citizens?"

Speaker Black: "Representative Deuchler."

Deuchler: "Well, I would certainly assume that persons, for example, living in a nursing home...would want to use the services of the savings and loan institution, perhaps not for loan purposes, but perhaps to deposit some of their savings."

Speaker Black: "Representative Pugh."

Pugh: "So, how will they go about securing the funds or the deposits under the Bankruptcy Act, under the National Bankruptcy Act?"

Speaker Black: "Representative Deuchler."

Deuchler: "Well, if they were bankrupt, this could be used as...this deposit could be used as collateral even though they were bankrupt."

Speaker Black: "Thank you. Representative Pugh, your time is expired. No one seeking recognition, the Lady from Kane, Representative Deuchler, to close."

Deuchler: "Just to ask for your affirmative vote. Both of these Bills passed with overwhelming majorities and I ask for your affirmative vote."

Speaker Black: "The question is, 'Shall Senate Bill 440 pass?' All those in favor vote 'aye'; opposed vote 'nay'. The

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voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 0 voting 'no', one voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On the order of Senate Bills, Second Reading, page 5, appears Senate Bill 28. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #28. The Bill has been read a second time previously. No Committee Amendments, no Floor Amendments, no Note requests."

Speaker Black: "Third Reading. Page 5 of the Calendar, Senate Bills. Second Reading, appears Senate Bill 64. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #64. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker Black: "Third Reading. The Gentleman from Effingham, Representative Hartke, are you seeking recognition? An inadvertent light. Page 5 of the Calendar, Senate Bills, Second Reading, appears Senate Bill 157. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #157, a Bill for an Act that amends the Illinois Vehicle Code. Second Reading of this Senate Bill. Amendment #1 was adopted in Committee. No Floor Amendments. A Judicial Note has been requested on the Bill, as amended by Amendment #1, has not been filed."

Speaker Black: "The Bill will stay on Second Reading. Senate Bill 158. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill #158. The Bill has been read a second time previously. Amendment #1 was adopted in Committee. Floor Amendment #2 has been referred to Rules.

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No Note requests."

Speaker Black: "Third Reading. Page 5 of the Calendar, Senate Bills, Second Reading, appears Senate Bill 164. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #164. The Bill has been read a second time previously. Amendment...Committee Amendments #1 and 2 referred to subcommittee. Committee Amendment #3 was adopted. Floor Amendments 4 and 5 sent to Rules. A Fiscal Note has been requested on the Bill and has been filed."

Speaker Black: "Third Reading. Senate Bill 232. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #232. The Bill has been read a second time previously. Committee Amendment #1 failed. Floor Amendment #2 referred to Rules. No Note requests."

Speaker Black: "Third Reading. On page 5 of the Calendar, Senate Bills - Second Reading, appears Senate Bill 260. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #260. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note has been requested and has been filed."

Speaker Black: "Third Reading. Senate Bill 324. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #324, a Bill for an Act that amends the Illinois Horse Racing Act of 1975. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. Floor Amendment #2 has been referred to Rules. A Fiscal Note has been requested and has been filed on the Bill."

Speaker Black: "Mr. Clerk, it is the Sponsor's intention to leave this Bill on Second Reading. On page 5 of the Calendar, Senate Bills - Second Reading, appears Senate Bill 331.

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Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #331. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker Black: "Third Reading. Page 6 of the Calendar, Senate Bills - Second Reading, appears Senate Bill 358. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #358. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Floor Amendment #2 has been referred to Rules. A Correctional Budget and Impact Note has been requested on the Bill as amended, has not been filed."

Speaker Black: "Hold the Bill on Second Reading. Mr. Clerk, Supplemental Calendar Announcements."

Clerk McLennand: "Supplemental Calendar #2 is being distributed."

Speaker Black: "Mr. Clerk, on House Calendar Supplemental Calendar #1, appears Senate Bill 63. Order of Second Reading. Please read the Bill."

Clerk McLennand: "Senate Bill #63, a Bill for an Act that amends the Local Government and Governmental Employees Tort Immunity Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. Floor Amendments #2 and 3 have been referred to Rules. No Note requests."

Speaker Black: "Third Reading. On Supplemental Calendar #1, appears Senate Bill 77. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #77, a Bill for an Act to...authorizing the Lake County Forest Preserve District to Exchange Lands in Vernon Township with the Brentwood North Nursing Center. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. Fiscal Note has been requested and has been filed."

Speaker Black: "Third Reading. On Supplemental Calendar #1,

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appears Senate Bill 207. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #207, a Bill for an Act that amends the Higher Education Student Assistance Act. Second Reading of this Senate Bill. Committee Amendment #1 has been referred to Rules. Floor Amendment #2 has been referred to Rules. A Fiscal Note has been requested and has been filed."

Speaker Black: "Third Reading. Supplemental Calendar, appears Senate Bill 210. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #210, a Bill for an Act to amend the Public Community College Act. Second Reading of this Senate Bill. Committee Amendments #1 and 2 were adopted. No Floor Amendments."

Speaker Black: "Third Reading..."

Clerk McLennand: "A Fiscal Note and State Mandates Note have been requested and they have been filed."

Speaker Black: "Third Reading. On Supplemental Calendar #1, appears Senate Bill 214. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill #214, a Bill for an Act amending the Environmental Protection Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note and Judicial Note had been requested on the Bill. Fiscal Note has been filed. Judicial Note has not been filed."

Speaker Black: "Please hold the Bill on Second Reading. On Supplemental Calendar #1, appears Senate Bill 216. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #216, a Bill for an Act to amend the Community Integrated Living Arrangements Licensure and Certification Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note has been requested and has been filed."

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Speaker Black: "Third Reading. Supplemental Calendar #1, appears Senate Bill 284. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #284, a Bill for an Act to amend the Metropolitan Water Reclamation District Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker Black: "Third Reading. Senate Bill #426. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #426, a Bill for an Act to amend the Election Code. Second Reading of this Senate Bill. Committee Amendment #1 is referred to Rules. Floor Amendments #2 and 3 have been referred to Rules. A Fiscal Note has been requested and has been filed."

Speaker Black: "Third Reading. Senate Bill 457. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #457, a Bill for an Act to amend the Personnel Code. Second Reading of this Senate Bill. Committee Amendment #1 has been referred to Rules. Floor Amendment #2 has been referred to Rules. A Fiscal Note and States Mandate Note have been requested and both have been filed."

Speaker Black: "Third Reading. Senate Bill 460. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #460, a Bill for an Act amending the Environmental Protection Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note has been requested on the Bill and has been filed."

Speaker Black: "Third Reading. Senate Bill 461. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #461, a Bill for an Act amending the Environmental Protection Act. Second Reading of this

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Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. A Fiscal Note has been requested and has been filed."

Speaker Black: "Third Reading. Senate Bill 549. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #549, a Bill for an Act relating to the public community college system. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker Black: "Third Reading. Senate Bill 695. Mr. Clerk."

Clerk McLennand: "Senate Bill #695, a Bill for an Act to amend the Beer Industry Fair Dealing Act. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note has been requested and has been filed."

Speaker Black: "Third Reading. Mr. Clerk, on Supplemental Calendar #1, appears Senate Bill 789. Please read the Bill."

Clerk McLennand: "Senate Bill #789, a Bill for an Act amending the Environmental Protection Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. No Note Requests."

Speaker Black: "On Supplemental Calendar #1, appears Senate Bill 925. I'm sorry. Third Reading, Mr. Clerk. I'm sorry. On Supplemental House Calendar #1, appears Senate Bill 925. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #925, a Bill for an Act making appropriations for the ordinary and contingent expenses of the Office of the Governor. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. No Note requests."

Speaker Black: "Third Reading. Senate Bill 948. Mr. Clerk, read

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the Bill."

Clerk McLennand: "Senate Bill #948, a Bill for an Act to amend the Intergovernmental Cooperation Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. Fiscal Note and Home Rule Note have been requested. Fiscal Note has been requested and has been filed. Home Rule Note has been requested and the request has been withdrawn."

Speaker Black: "Third Reading. Senate Bill 1067. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #1067, a Bill for an Act to amend the Counties Code. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker Black: "Third Reading. Senate Bill 1111. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill #1111, a Bill for an Act to amend the River Conservancy Districts Act. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. No Floor Amendments. Fiscal Note requested and has been filed."

Speaker Black: "Third Reading. Mr. Clerk, on Supplemental House Calendar #1, what is the status of Senate Bill 549?"

Clerk McLennand: "Senate Bill #549 has been moved to the order of Third Reading."

Speaker Black: "Mr. Clerk, it is the desire of the Sponsor to return that Bill to Second Reading, please. Mr. Clerk, has House Calendar Supplemental #2 been distributed?"

Clerk McLennand: "Supplemental Calendar #2 has been distributed."

Speaker Black: "On Supplemental Calendar #2, appears Senate Bill 95. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 95, a Bill for an Act that amends

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the Illinois Pension Code and State Mandates Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. Pension Impact Note has been requested and has been filed."

Speaker Black: "Third Reading. On Supplemental 2 appears Senate Bill 103. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 103, a Bill for an Act to amend the Illinois Pension Code. Second Reading of this Senate Bill. Committee Amendment 1 was referred to Rules. Floor Amendment 2 has been referred to Rules. Pension Impact Note, State Mandates Note requested and they have been filed."

Speaker Black: "Third Reading. Senate Bill 146, Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 146, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of this Senate Bill. Committee Amendment 1 has been referred to Rules. Committee Amendment 2 referred to subcommittee. Floor Amendments 3 and 4 have been referred to Rules. A Fiscal Note, Correctional Budget and Impact Note, and a Judicial Note have been requested on the Bill and they have not been filed."

Speaker Black: "The Bill will remain on Second Reading. On House Supplemental Calendar 2, appears Senate Bill 215. Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 215, a Bill for an Act that amends a Retailers Occupation Tax Act. Second Reading of this Senate Bill. A Fiscal Note has been requested on the Bill and it has been filed."

Speaker Black: "Third Reading. House Calendar Supplemental 2, appears Senate Bill 244. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 244, Bill for an Act that amends

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the Property Tax Code. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments, no note requests."

Speaker Black: "Third Reading. Senate Bill 249, Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 249, a Bill for an Act that amends Long Time Owner/Occupant Property Tax Relief Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. A State Mandates Note has been requested on the Bill and has not been filed."

Speaker Black: "The Bill will stay on Second Reading. On Supplemental 2, there appears Senate Bill 312. Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 312, Bill for an Act that amends the Cemetery Protection Act. Second Reading of the Senate Bill. Committee Amendment 1 is referred to Rules; Committee Amendment 2 is referred to subcommittee; Committee Amendment 3 failed. A Fiscal Note and a Correctional Budget and Impact Note have been requested on the Bill and they have been filed."

Speaker Black: "Third Reading. Senate Bill 370, Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 370, a Bill for an Act to amend the Property Tax Code. Second Reading of this Senate Bill. Committee Amendment 1 was adopted. No Floor Amendments. Fiscal Note, State Mandates Note have been requested and have been filed."

Speaker Black: "Third Reading. Senate Bill 423, Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 423, a Bill for an Act that amends the Illinois Pension Code. Second Reading of this Senate Bill. Committee Amendment 1 has been referred to Rules.

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Floor Amendment 2 has been referred to Rules. Pension Impact Note has been requested and has been filed."

Speaker Black: "Third Reading. Senate Bill 587, Mr. Clerk, read the Bill."

Clerk McLennand: "Senate Bill 587, a Bill for an Act in relation to the use of electronic vouchers. Second Reading of this Senate Bill. Committee Amendment 1 was adopted. Committee Amendment 2 has been referred to Rules. Floor Amendment 3 has been referred to Rules. A Fiscal Note has been requested on the Bill as amended and has been filed."

Speaker Black: "Third Reading. Senate Bill 615, Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 615, a Bill for an Act that amends the Comptroller Merit Employment Code. Second Reading of this Senate Bill. Committee Amendment 1 was adopted. Committee Amendment 2 has been referred to Rules. Floor Amendment 3 has been referred to Rules. Fiscal Note requested as amended and has been filed."

Speaker Black: "Third Reading. On Supplemental Calendar 2, appears Senate Bill 741. Mr Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 741, a Bill for an Act that amends the Unified Code of Corrections. Second Reading of this Senate Bill. Committee Amendments 1 was referred to Rules. Committee Amendment 2 was referred to subcommittee. Committee Amendment 3 was adopted. Committee Amendment 4 was referred to Rules. Floor Amendments 5, 6, and 7 have been referred to Rules."

Speaker Black: "Third Reading. Senate Bill 774, Mr. Clerk, please read the Bill. Excuse me, I'm sorry, Mr. Clerk. On Senate Bill 741, I'm sorry."

Clerk McLennand: "The Correctional Budget and Impact Note, Fiscal Note and State Mandates Note have been requested on the

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Bill as amended, and have not been filed."

Speaker Black: "I'm sorry, then, hold the Bill on Second Reading. Senate Bill 774, Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 774, a Bill for an Act to create the Fort Sheridan Redevelopment Commission Act. Second Reading of this Senate Bill. Committee Amendment 1 was adopted. No Floor Amendments. State Mandates Note, Fiscal Note requested as amended, and have been filed."

Speaker Black: "Third Reading. Senate Bill 1149, Mr. Clerk, please read the Bill."

Clerk McLennand: "Senate Bill 1149, a Bill for an Act to amend the State Officers and Employees Money Disposition Act. Second Reading of this Senate Bill. Committee Amendment 1 was adopted. Committee Amendment 2 referred to Rules. Floor Amendment 3 has been referred to Rules. Fiscal Note, Correctional Budget and Impact Note, State Impact Note have been requested on the Bill as amended, and have been filed."

Speaker Black: "Third Reading. Mr. Clerk, on Supplemental House Calendar 2, there appears Senate Bill 428. What is the status of that Bill?"

Clerk McLennand: "Senate Bill 428, a Bill for an Act that amends the Criminal Code of 1961. Second Reading of this Senate Bill. Committee Amendments 1 and 2 were referred to Rules. Committee Amendment 3 was adopted. Floor Amendments 4, 5, and 6 have been referred to Rules. Fiscal Note has been requested on the Bill as amended, and has been filed."

Speaker Black: "Third Reading. Mr. Clerk, on House Supplemental Calendar 2, appears Senate Bill 249. What is the status of that Bill?"

Clerk McLennand: "Senate Bill 249 had been held on the Order of Second Reading, pending a request for a State Mandates

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Note."

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

Bost: "Yes, Mr. Speaker, I ruled that that note... move that the note..."

Speaker Black: "The Gentleman moves that the Mandates Note requested is inapplicable. And on that question, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. Inquiry of the Clerk, before I proceed. What note are we talking about here, Sir?"

Clerk McLennand: "On Senate Bill 249, is the State Mandates Note that has been requested."

Speaker Black: "Representative Lang."

Lang: "Thank you. I'll wait until you swallow, Sir. Would it be permissible for me to ask the Chair to ask the mover, why he thinks the Note Act is inapplicable? We filed the note. The Sponsor has the right to ask that it be held inapplicable but we certainly are entitled to a reason."

Speaker Black: "I believe your question is in order. Representative Bost, would you like to respond to the Gentleman from Cook?"

Bost: "Yes, Representative Lang, the...it has no impact on the state revenues. It deals with municipalities, counties and townships."

Speaker Black: "Yes, Representative Lang."

Lang: "Well, I'll tell you why I'm a little confused. If...if this is property tax relief for certain counties, then those certain counties might have difficulty funding things, such as hospitals. If they have fund...if they have difficulty funding hospitals, they'll need more money from the State of Illinois. That Medicaid debt will go up. Sounds like a mandate to me."

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Speaker Black: "Yes, Representative Bost, on the question of mandates."

Bost: "Representative Lang, this is not a mandate. It allows them, if they so choose."

Speaker Black: "Representative Lang."

Lang: "On page 1, of the Bill, line 10, I see the word 'shall'. The Bill says, 'the corporate authorities of a county 'shall' have the power to provide'. Where I come from the word 'shall' is a mandate, right? Right? It's a mandate! We all think so on this side. What do you think?"

Speaker Black: "Representative Bost."

Bost: "Representative, it's 'shall', it's not 'must'."

Speaker Black: "Representative...Representative Lang."

Lang: "Now, did I understand the Sponsor... he's getting better...a better instruction now. Just hand the microphone to Jerry. He's getting a better instruction now, but did I understand you to say, Sir, that it says 'shall' not 'must' and only 'must' is a mandate but 'shall' is not? So does 'shall' give me the power to say 'no'?"

Speaker Black: "Representative Bost on the question of 'shall'."

Bost: "They 'shall' have the authority. They 'shall' have the authority."

Speaker Black: "Representative Lang."

Lang: "Well, rather than belabor the point, Mr. Speaker, I would ask for a Roll Call Vote on this Motion and ask for a verification should the Motion receive the applicable number."

Speaker Black: "The Gentleman from Cook, Representative Lang, has requested a Roll Call Vote on the question posed, 'Is the Mandates Note inapplicable?' All those... yes, I heard the verification. All of those wishing to side with the Gentleman from Jackson, Representative Bost, in

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declaring that the note 'shall', 'must' or in other words, be ruled inapplicable will vote 'yes'; those opposed vote 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On the question of ruling the Mandates Note inapplicable, there are 63 voting 'yes', 52 voting 'no', none voting 'present'. The Mandates Note is ruled inapplicable. Now there has been a request for verification. If all of the Representatives would get in their seats, then we could run through this very quickly. The Gentleman from Cook, Representative Lang, has requested a verification and is preparing as we speak to proceed with his request. All those in the sound of my voice, get in your seats, as Representative Lang is now ready. Proceed, Representative Lang. Oh, I forgot that, yes, Mr. Clerk, I'm sorry, read the names of those voting in the affirmative of those voting 'yes'."

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

Speaker Black: "Thank you Mr. Clerk. Now to proceed with the verification, the Gentleman from Cook, Representative Louis

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Lang, distinguished Republican from Skokie. Proceed, Sir."

Lang: "Thank you. I don't mind that except that it's now all over the Capitol and it was our secret, boys and girls. And by the way, nice tie, Mr. Black. Representative Saviano."

Speaker Black: "Proceed."

Lang: "Representative Cowlshaw."

Speaker Black: "Representative Cowlshaw. Is Representative Cowlshaw in the Chamber? Representative Mary Lou Cowlshaw, there... there she is, I'm sorry. That's not her. How's the Lady recorded Mr. Clerk?"

Clerk McLennand: "Representative Cowlshaw is recorded as voting in the affirmative."

Speaker Black: "Remove her from the Role."

Lang: "Representative Wojcik."

Speaker Black: "Representative Wojcik. Representative Kathleen Wojcik. Is the Lady in the Chamber? How is the Lady recorded Mr. Clerk?"

Clerk McLennand: "Representative Wojcik is recorded as voting in the affirmative."

Speaker Black: "Remove her from the Role."

Lang: "Representative Zickus."

Speaker Black: "Yes, Representative Zickus. Representative Zickus. Is Representative Zickus in the Chamber? Oh, she's not voting. She's not voting so what...we can't remove her. How is she recorded Mr. Clerk."

Clerk McLennand: "Representative Zickus is not voting."

Speaker Black: "Representative Zickus is not voting."

Lang: "Apparently not. Representative Cross is hiding some place, where is he?"

Speaker Black: "Representative Cross. Representative Cross."

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Representative Cross in the Chamber? I expect him to pop out at any moment. How is the Gentleman recorded Mr. Clerk? Yes, how was Representative Cross recorded? Yes, Mr. Clerk? Representative Cross has not appeared, remove him from the Roll. No! Here he is over in the corner. Representative Cowlshaw has returned to the Chamber, please add her to the Roll. Anything further, Representative Lang?"

Lang: "Well, there's a number of things, but they have little to do with the verification so...I've had it."

Speaker Black: "For the edification of the Body, the Mandates Note has just been filed on the Bill."

Clerk McLennand: "State Mandates Note has been filed on Senate Bill 249."

Speaker Black: "In that case, advance Senate Bill 249 to Third Reading. Thank you, Mr. Clerk. On the Calendar, Order of Senate Bills, Second Reading, page 5, appears Senate Bill 162. Mr. Clerk, what's the status of that Bill?"

Clerk McLennand: "Senate Bill 162, the Bill has been read a second time, previously. Committee Amendment 1 was adopted. Floor Amendment 2, offered by Representative Clayton, has been approved for consideration."

Speaker Black: "Yes, on Floor Amendment 1, the Lady from Lake, Representative Clayton."

Clayton: "Thank you very much, Mr. Speaker. Floor Amendment 1 would change the wording in the Bill to read how municipalities may enforce any of their zoning ordinances or zoning regulations. The previous wording had been 'however municipalities and other political subdivisions may enforce any of that'. This just changes it to 'municipal zoning ordinances and municipal zoning regulations'. This was at the request of the Farm

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Bureau."

Speaker Black: "Okay, Mr. Clerk, I believe I misspoke. We're acting on Floor Amendment 2, is that correct?"

Clerk McLennand: "Floor Amendment 2."

Speaker Black: "All right. And on the Amendment, the Gentleman from Cook, Representative Dart. Are you seeking recognition?"

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

Speaker Black: "She indicates she will."

Dart: "Representative, this is Amendment 2, you were talking about, is that correct?"

Speaker Black: "Representative Clayton."

Clayton: "Yes, Amendment 2."

Speaker Black: "Representative Dart."

Dart: "And you mentioned that this was at the suggestion of what organization? Who suggested this?"

Speaker Black: "Representative Clayton."

Clayton: "Farm Bureau."

Speaker Black: "Representative Dart."

Dart: "What was the source of their problem with the law as it was...as your Bill...as it existed?"

Speaker Black: "Representative Clayton."

Clayton: "They objected to other political subdivisions that may have zoning ordinances or zoning regulations. They had no problem with municipal zoning ordinances or municipal zoning regulations, but they were concerned with other."

Speaker Black: "Representative Dart."

Dart: "What were the other ones that they were concerned with?"

Speaker Black: "Representative Clayton."

Clayton: "Well, the wording was 'other political subdivisions'."

Speaker Black: "Representative Dart."

Dart: "But what were the other ones that they had their concern

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with?"

Speaker Black: "Representative Clayton."

Clayton: "They were concerned that other political subdivisions meant counties."

Speaker Black: "Representative Dart."

Dart: "...Was there a specific instance that they were envisioning with this thing? Was it just in general that they had problems with this?"

Speaker Black: "Representative Clayton."

Clayton: "General."

Speaker Black: "Representative Dart."

Dart: "Thank you."

Speaker Black: "With no one else seeking recognition, I assume you're ready to vote on the Amendment. All those in favor of the adoption of Floor Amendment 2 signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, the Amendment is adopted to Senate Bill 162. Any further Amendments, Mr. Clerk?"

Clerk McLennand: "No further Amendments. No note requests."

Speaker Black: "Third Reading. On the Order of Children and Family Law, there appears the following Bill. Representative Preston? Representative Preston in the Chamber? We probably will not get back to this Order. Take it out of the record. On the Order of Condominium Law, Representative Levin. Is he in the Chamber? Representative Levin in the Chamber? Don't see him, take it out of the record. Mr. Clerk, are there any announcements?"

Clerk McLennand: "Transportation Committee which had been recessed on Tuesday, has been adjourned and will meet as scheduled on Monday."

Speaker Black: "The Gentleman from Cook, Representative Pedersen,

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now moves that the House stand adjourned until Friday, May 12, 1995, at the hour of 9:00 a.m. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and allowing for Perfunctory time for the Clerk, the House now stands adjourned until Friday, May 12, 1995, at the hour of 9:00 a.m. Yes, the House will convene Friday morning at 9:00 a.m."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction of Resolutions. Senate Joint Resolution 6, offered by Representative Moffitt. Senate Joint Resolution 8, offered by Representative John Jones. Senate Joint Resolution 10, offered by Representative Leitch. Senate Joint Resolution 11, offered by Representative Ryder. Senate Joint Resolution 12, offered by Representative Pankau. Senate Joint Resolution 20, offered by Representative Stephens. Senate Joint Resolution 23, offered by Representative Myers. Senate Joint Resolution 24, offered by Representative Stephens. Senate Joint Resolution 26, offered by Representative Winkel. Senate Joint Resolution 36, offered by Representative Lawfer and Senate Joint Resolution 41, offered by Representative Wyvetter Younger. These Joint Resolutions are referred to the Rules Committee. Being no further business, the House Perfunctory Session stands adjourned. The House will reconvene on Friday, May 12th, at the hour of 9:00 a.m."

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