

STATE OF ILLINOIS
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Speaker Leitch: "The House will be in order. Members in their chairs. Representative Leitch in the Chair. Our Chaplain today is the Reverend David Brobston of the Trinity Lutheran Church of Shumway. Reverend Brobston is the guest of Representative Duane Noland. Guests in the gallery may wish to rise for the invocation. Representative Bromway (sic - Reverend Brobston)."

Reverend Brobston: "Please join me in prayer. Gracious God, Heavenly Father, throughout the ages, You have called leaders to guide Your people from the time of Moses and Solomon and David to the time of today. We ask this day, Lord, that You bless Your called leaders who are gathered here today that they may seek to do Your will, do what is best for the people that they represent and for our state. This day, God, we pray for those citizens of our state who are struggling with acts of nature, for the people who are struggling with flood and recovering for (sic - from) tornado. We ask that Your presence be with them. Show them the hope and peace that only You can give. Gracious God, we pray this day for our Governor, for the elected leaders of our state, for our Speaker and, Lord God, for all of the Representatives here. Heavenly Father, give them peace of heart and peace of mind, knowing that they are doing what You have called them to do, to guide Your people faithfully. And we pray that all of their constituents will be faithful citizens of this state, of this nation, but most importantly, God, of Your Kingdom. Heavenly Father, You have called Your people to unity, and in our diverse state, we pray that You show us a way of unity, from the people of the metro area of Chicago to our farmers, from business, from agriculture, from education, call us together as one to do Your Will and to do our

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purpose. We pray, Lord, for our nation, for our President and for all of our Representatives in Washington, that they may continue to lead us and guide us in the way that You see fit. Heavenly Father, be in all of our communities where our people today struggle with rain. Help our farmers to find a way to get into their fields and, Lord God, help us all to be faithful to You. Lord, this day, we cannot let it pass without lifting up our world and especially the people of Zaire who are struggling with illness. Heavenly Father, there are many things that we do not understand, but we know that even in the midst of those, You are present with us. You have been with all of Your children throughout the age and we ask that blessing upon us today. We pray all of this in the Name of Your Son, our Lord and Saviour, Jesus Christ. Amen."

Speaker Leitch: "We will be led in the Pledge of Allegiance today by Representative Jim Meyer."

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

Speaker Leitch: "Roll Call for Attendance, please. Representative Currie, are there any excused absences on the Democratic side, please?"

Currie: "Thank you, Speaker. Please let the record show that Representatives Monique Davis, Kotlarz and Martinez are all excused today."

Speaker Leitch: "There will be so recorded in our Journal, thank you. Representative Cross. Tom, do we have any excused absences on the Republican side?"

Cross: "No, Mr. Speaker. We're all here today. Thank you."

Speaker Leitch: "Thank you. Mr. Clerk, take the record. There

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are 114 Members answering the Roll and a quorum is present. The House will come to order for...The House will come to order. We have some guests with us today. I'd like to have the fifth graders from Holy Family School and my wife, who is their teacher, stand in the gallery and be recognized. Thank you. As guests of Representative Miguel Santiago, the youngsters from Salem Christian School, would you please stand to be recognized. And would the eighth grade class from Our Lady Queen of Peace Grade School in Bethalto, Illinois, please rise. Guests of Representative Steve Davis, welcome to the chamber. It's a very distinct honor today to have a very special guest. Ladies and Gentlemen. We have with us the Consul-General of China, Consulate Huang. Mr. Huang is the guest of Representative Mike Weaver, along with Dr. Ping Chen of Eastern Illinois University. Mr. Huang was born in Shantou City, Guangdong Province in September of 1939. He graduated from Beijing Foreign Affairs College in 1964. He taught in the college as assistant teacher and lecturer before being transferred to the Department of Education in the Foreign Ministry. In 1978, he served in the Embassy of the Peoples Republic of China in Holland as attache and third secretary until 1982. From 1984 to 1988, he was assigned to the Embassy of the Peoples Republic of China in Jamaica where he served as second...first...second and then first secretary as charge d'affaires ad interim for six months. In 1989, he worked in the Office of Taiwan Affairs in the Foreign Ministry as deputy division chief, division chief and deputy director successively. In October, 1994, he was appointed to Consul-General of the Peoples Republic of China. If we could have your attention, please. Mr. Huang. Ladies and Gentlemen. Representative Hartke. Ladies and Gentlemen,

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Consul Huang would like to address our chamber and speak to us about the relations between China and our state and our country. Would you please help me welcome Representative (sic - Consulate) Huang."

Consulate Huang Dongbi: "Good morning. The Honorable Mr. Speaker, the Honorable Representatives, my name is Huang. I am the new Consul-General of the Peoples Republic of China. And I'd like to thank Senator Woodyard for inviting me to say a few words and because of his kind invitation, I can come today and bring you the greetings of the 1.2 billion Chinese people, who are friendly and continue to be friendly to the peoples of the United States of America. China and United States are both great countries. The Chinese people and the American peoples are both great peoples. We have more common interests than disputes. We have more common languages than differences. So, we can work more closely to strengthen the friendly relations and to expand our business ties within our two countries. This is important, not only for our two peoples, but also important to the peace and stability of Asia and the world. Our conflict histories of the Chinese Consul-General in Chicago cover nine states in the Midwest, which include Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Wisconsin and Colorado. 1990's witnessed rhetoric economic and trade development between China and the United States, among them Illinois, which you represent, is one of the most active states enjoying good cooperations with China. Last month Chicago based England Steel Corporation and Shanghai 'Bowsang' Island Steel Corporation decided to establish a joint venture. Ameritech's and China's military of telecommunications signed two memorandums of understanding, thus becoming the

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first American company having cooperation with China in telecommunications. Among 80 last American companies having investments in China, 20 come from the Midwest United States, such as Amoco, Motorola, Caterpillar, Mansanto, 3-M, Midol and three big auto companies of which Amoco and Motorola are making big successes and become well known throughout China. Maybe I can tell you that Motorola in China is almost as popular as Chicago Bulls in the states. And McDonalds is even more popular than Motorola. Do you know how many McDonalds restaurants in China now? There are already 25 and very soon it will increase to 70. So, suppose one Chinese just try one McDonald, you can imagine what billions mean to them. According to American statistics in 1993, exportation exportorium of the United States to China increased 135% compared to 1992. Among them, Illinois, Michigan, Texas increased over 200%. In 1994, total exportorium exports from Illinois to China reached 1.4 billion U.S. dollars, an increase of 37% as against 1993 and Motorola and England Steel are amongst the most active exporter to China. So, I'm very optimistic about the China - America relations, both politically and economically. Before I continue, I'd like to say that I'm confident both China and United States can reap great profits from mutually beneficial relationship. As we move towards the 21st Century, we must take a long term deal and make joint efforts to turn the vast potential of China - U.S. Corporation into reality. In this respect, every one of you who are present here could have an important role to a plan and if there's anything I can help as a Consul-General, please come to Chicago. I'm ready. Thank you."

Speaker Leitch: "Mr. Clerk, Messages from the Senate."

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Clerk McLennand: "A Message from the Senate by the Secretary of the Senate, Jim Harry. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the following Bills, together with the attached Amendments, and ask the concurrence of the House in Senate Amendments: House Bill #438, Amendment #1; House Bill #549, Amendments #1 and 2; Amendment...House Bill #780, Amendment #1; House Bill #781, Amendment #1; House Bill #901, Amendment #1 and 2; House Bill #991, Amendment #1; House Bill #1045, Amendment #1; House Bill #1200, Amendment #1; House Bill #1489, Amendment #1; House Bill #1854, Amendments #1 and 2; House Bill #2332, Amendment #1; and House Bill #2343, Amendment #1. Passed the Senate, as amended, May 15th, 1995.'"

Speaker Leitch: "Committee Reports."

Clerk McLennand: "Committee Report from Representative Stephens, Chairman from the Committee on the Executive, to which the following Bills were referred, action taken on May 16th, 1995, reported the same back with the following recommendations: 'do pass' Senate Bills #662 and 947; 'do pass as amended' Senate Bills 465, 585, 1066, and 1186; 'do pass Short Debate' Senate Bill 478; 'do pass as amended Short Debate' Senate Bill 690 and 772. Committee Report from Representative Krause, Chairman of Committee on Health Care & Human Services, to which the following Bills were referred, Bills and Resolutions were referred, action taken on May 16th, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill #8; 'do pass as amended' Senate Bill 377; 'do pass Short Debate' Senate Bill 190; 'do pass as amended Short Debate' Senate Bill 203, 176, 1095 and 443; 'do adopt as amended' House

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Joint Resolution #25."

Speaker Leitch: "We'll now proceed to the Order of Third Readings. Mr. Clerk, read Senate Bill 63. Representative Hughes, are you ready? Mr. Clerk."

Clerk McLennand: "Senate Bill #63, a Bill for an Act that amends the Local Government and Governmental Employees Tort Immunity Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Senate Bill 63 as amended has three components. The first, the main Bill, which passed the Senate on a vote of 53 - 0, amends the Local Government and Governmental Employees Tort Immunities Act to provide that a local public entity or a public employee acting in the scope of his or her employment will not be held liable for liable or slander for providing information by computer or any other electronic transmission. The second part of this Bill was Senate Bill 67, which passed 49 to 3. It allows a majority of electors present at an annual or special town meeting to declare township property to be surplus and to donate it to an historical society for not...or not-for-profit corporation; has provisions that the property can revert back to the township if it is no longer used for its original intended use. The third portion was Senate Bill 78, which passed on a vote of 51 to 1, allowing township property to be leased to another governmental body or to a not-for-profit corporation that has contracted to construct or fund the construction of a structure or improvement upon the real estate owned by the township and it has contracted with the township to allow the township to use at least a portion of the structure or improvement to be constructed upon the real estate leased and not otherwise used by the township for any term not

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exceeding 50 years and for any consideration. In the case of a not-for-profit corporation, the township shall hold a public hearing by publication in a newspaper published in the township or in a newspaper published in the county and having general circulation in the township if no newspaper is published in the township and by posting notices in at least five public places at least ten days before the public hearing. All of these are noncontroversial. This Bill is supported by the Township Officials of Illinois, Illinois Municipal League and Metro Counties of Illinois."

Speaker Leitch: "The Gentleman from St. Clair, Representative Hoffman for what purpose do you rise, Sir?"

Hoffman: "To speak on the Bill, Mr. Speaker. Is that okay?"

Speaker Leitch: "That would be wonderful."

Hoffman: "Will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

Hoffman: "Representative, now it's my understanding that what we're doing here is we're greatly changing the liable and slander laws to provide immunity. Is that right?"

Speaker Leitch: "Representative Hughes."

Hughes: "Basically what this does is allow for the law to reflect modern technology by applying the same protections for computer and electronic transmission that currently exist for verbal or printed material."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Are there any safeguards in this regarding the assurance that...that individuals who just happen to be working for local governments that are governmental employees, that they don't simply make outlandish statements about other governmental employees over the computer."

Speaker Leitch: "Representative Hughes."

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Hughes: "This Bill does nothing but insert language to accommodate computer or electronic transmission. It does not change existing statute in other, in any other respect. So, that it would not provide any greater or less protections from that."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, the...the current law, you're saying then allows for the immunity from liable and slander if you're a governmental employee and you do that either through speaking or through the written word, is that correct?"

Speaker Leitch: "Representative Hughes."

Hughes: "That is correct. Now, this would not provide immunity from willful or wanton abuse."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, isn't it true that by the very nature of the liable and slander laws and the case law that you essentially have to prove some type of malice."

Speaker Leitch: "Representative Hughes."

Hughes: "All that I can say is, this provision of the Bill before you changes in no way anything about current legislation except to insert after the words, 'information either orally in writing' to insert 'by computer or other electronic transmission'. It in no way changes the provisions of the Act in...except for modern technology."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Okay. So what we're saying is, and I think you have said it rather eloquently, what we're saying is, is that the current law does not change. It stays the same and all we're doing is expanding this to reflect technology. We're not changing in any way the Governmental Tort Immunity Act in regard to the types of things that are covered, other than adding technology. We're not expanding it to other

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employees or anything like that. Is that right?"

Speaker Leitch: "Representative Hughes."

Hughes: "That is correct. And I think that's the third time we've said it."

Speaker Leitch: "Representative Hoffman."

Hoffman: "We just like the way you say it, Representative. The other portion of the Bill has to do with, I believe, two other Bills that we already passed out the House or that we had some type of hearing on. I don't recall if they passed. But, this would go to the ability of townships to lease property to not-for-profit corporations if the corporation plans to build or improve the property as well as the surplus property provisions. Now, did we previously pass these two pieces of legislation out of the House?"

Speaker Leitch: "Representative Hughes."

Hughes: "I'm sorry, Mr. Speaker. I could not hear the last portion of that."

Speaker Leitch: "Representative Hoffman."

Hoffman: "The...to the Amendment that you added to the Bill. It's my understanding that it is a compilation of two other Bills. You may have said it in your opening statements, but I didn't hear. Are those Bills, or were those individual Bills voted on in the full House? I can't recall. I remember the subject matter."

Speaker Leitch: "Representative Hughes."

Hughes: "The first one regarding surplus property to historical and not-for-profit has been both presented and voted on in the House. The language here is slightly different. The language is slightly different. It was House Bill 211 that you're referencing, which was passed on a vote of 114 to nothing. This Bill strengthens 211 in respect that it provides that a majority of electors present at an annual

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or special town meeting declare the property to be surplus. So, there's a strengthening to protect the public interest in that regard. The other thing that it does is takes out the \$10,000 figure that was in 211. Senate Bill 67, which passed 49 to 3, had a third set of language attempting to accomplish the same thing. Sixty-seven and 211 have..."

Speaker Leitch: "Representative, I'm going to give you another minute. It's very noisy in here. Could we please give the Representatives our attention here because it's very difficult to hear in the chamber. Representative Hughes, proceed with your explanation."

Hughes: "Representative...the language that is now in this Amendment meets the requirements of the township of historical society in not-for-profit. It strengthens the public protection by providing for the electors to prove this."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Yes. I voted for the original Bill and I think we should support this. I don't see any problem with the concept. I just...I was wondering where your loyal staffer, Ed Peck is. He's usually standing right behind you and he's not here today. Oh, there's Ed. Ed...Ed Peck. Ed Peck. Ed Peck, we were wondering why you weren't standing behind the Representative doing this Bill. Even without Ed, even without Ed, I think we should support...we should support this Bill."

Speaker Leitch: "The Lady from Lake, Representative Andrea Moore, for what purpose do you rise? Representative Hughes to close."

Hughes: "I urge an 'aye' vote. Thank you."

Speaker Leitch: "The Lady has moved for passage of Senate Bill 63. All those in favor shall vote 'aye'; all those opposed

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shall 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. And on this question, there are 112 voting 'aye'; none voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 70. Representative Salvi."

Clerk McLennand: "Senate Bill #70, a Bill for an Act that amends the Snowmobile Registration and Safety Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Salvi."

Salvi: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 70 simply creates a DUI law for snowmobilers. The number of deaths in Illinois caused by snowmobiling is on the rise, particularly up in the northeastern part of Illinois. There were ten in the last year and a couple in my district. It provides for implied consent for taking of a blood or alcohol...blood alcohol test and it also provides for a summary suspension in the event that the offender chooses not to take the test. I'd be happy to answer any questions on Senate Bill 70."

Speaker Leitch: "The Gentleman from Rock Island, Representative Brunsvold, for what purpose do you rise, Sir?"

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

Speaker Leitch: "He indicates he will."

Brunsvold: "Representative Salvi, you said a number of deaths have occurred, and my thought was that these are fairly dangerous pieces of equipment anyway. How many of those deaths are related to alcohol?"

Speaker Leitch: "Representative Salvi."

Salvi: "More than half. I know that of the last three, two were related to alcohol."

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Speaker Leitch: "Representative Brunsvold."

Brunsvold: "Two out of how many?"

Speaker Leitch: "Representative Salvi."

Salvi: "Two out of the last three and more than half over the course of the last few years."

Speaker Leitch: "Representative Brunsvold."

Brunsvold: "How does this Bill prescribe that we arrest these people? I don't know that police don't have snowmobiles that I know of. They're going across country. They're running into barbwire fences. All that, you know. Are they going to be able to chase these snowmobiles down? Do we even license snowmobiles as far as license plates?"

Speaker Leitch: "Representative Salvi."

Salvi: "Well, the Department of Conservation does periodically arrest snowmobilers and I know police officers do as well. Often these snowmobiles cross roads, as you know, and there are rules with regard to snowmobiling and there must be rules with regard to snowmobiling. If they violate a rule right now regarding, for example, how close they can be to the road or whatever, they can be punished. And this Bill simply says that the practice of going from bar to bar on your snowmobile is not going to be accepted anymore, because people are dying and this... We're looking at the way we handled driving under the influence on our roads and we're modelling this legislation after that."

Speaker Leitch: "Representative Brunsvold."

Brunsvold: "What probable cause would you have to say stop and arrest someone? You know, I assume in a car, you'd be weaving. Well, these snow machines weave all the time. We even jump things, and are in and out of the ditches and I don't know what...How are you going to justify the probable cause for the arrest for the stop?"

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Speaker Leitch: "Representative Salvi."

Salvi: "The issue of probable cause would not be different for snowmobiles and it would not be any different than with automobiles. I... In my district which is in the very northern part of the state, snowmobiling is a very common thing and it is very popular and the vast majority of people are very careful. But we can... I personally have seen drunk snowmobilers. I saw a drunk snowmobiler...I saw a drunk snowmobiler go through a flock of geese and kill a goose. And I reported it, I reported that to the Department of Conservation. And we are, you know snowmobilers, unfortunately many of them are drunk, are getting more and more bold. They're driving into private lawns and tearing up lawns and so forth. I think it would be easy for a law enforcement officer to establish probable cause to pull a snowmobiler over and ask him to take a test."

Speaker Leitch: "You ever killed a goose, Representative Brunsvold?"

Brunsvold: "Yes, Mr. Speaker, I have and I've driven through a bunch of geese, and I was sober. Are you indicating that if I get out, if I leave a tavern and get on my snowmobile, that's probable cause for being stopped for a DUI?"

Speaker Leitch: "Representative Salvi."

Salvi: "No. If a person is driving out in a car from a tavern, that's not probable cause. There's case law on that issue, and I would imagine that it would be the same for snowmobiles."

Speaker Leitch: "Representative Brunsvold."

Brunsvold: "Representative Salvi, are you going to or is the officer going to have to make the guy walk a straight line in 12 inches of snow with snow shoes on?"

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Speaker Leitch: "Representative Salvi."

Salvi: "I don't know if that would be an appropriate field sobriety test. Maybe they'll have different field sobriety tests, depending on the weather conditions."

Speaker Leitch: "Representative Brunsvold."

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

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

Pugh: "Yes, thank you, Mr. Chairman. Will the Sponsor yield for a question or two?"

Speaker Leitch: "Proceed, Representative. Representative Salvi."

Pugh: "Representative Salvi, can you tell me if that blood alcohol level is .08 or .02? .10?"

Speaker Leitch: "Representative Salvi."

Salvi: "There would be a presumption at .10."

Speaker Leitch: "Representative Wait, have you got new employment or what? Well, you're doing a very good job. Excuse me, Representative Pugh."

Pugh: "Representative Salvi, can you...can you reiterate the incident dealing with the geese. The snowmobiler who ran through the flock of geese and killed the goose. And could you give me an approximate time and place where that took place?"

Speaker Leitch: "Representative Salvi."

Salvi: "Yes. I can give you the exact location. It occurred in rural Mundelein on Lake Fairfield and that occurred this past winter."

Speaker Leitch: "Representative Pugh."

Pugh: "Were you actually...did you actually see this or were you snowmobiling at the time or were you chasing geese?"

Speaker Leitch: "Representative Salvi."

Salvi: "No, I was looking out my back window, Representative. While I was reading stories with my children, drinking

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coffee, I looked outside and I saw what appeared to be a drunk snowmobiler, and this was not the only time I personally had the opportunity to see drunk snowmobilers. I think it's becoming more and more common, particularly on the Chain of Lakes up in Lake County and on the Fox River."

Speaker Leitch: "Representative Pugh."

Pugh: "Representative, can you tell me, is this...Did this precipitate the creation or the genesis of this legislation or were there other factors involved that helped you design this particular piece of legislation?"

Speaker Leitch: "Representative Salvi."

Salvi: "The dramatic rise in the number of deaths, particularly up in Lake County caused by snowmobiling accidents and the high rate of connection with alcohol use is what really precipitated this. Senator Geo-Karis, she represents the very northern part of Lake County and my district is right up against hers. We both share the Chain of Lakes and there were several accidents on the Chain of Lakes, so Senator Geo-Karis and I both felt that something needed to be done to stop the amount of drunk snowmobiling that's going on, particularly in the northern part of the state."

Speaker Leitch: "Representative Pugh."

Pugh: "Do you have any idea how many deaths occurred as a result of drunk snowmobilers? And does...and the second question, is there...is this law being enforced or is there a similar piece of legislation in Wisconsin?"

Speaker Leitch: "Representative Salvi."

Salvi: "Yeah, my understanding is that Wisconsin does have something very similar to this. And in committee, a representative of the Department of Conservation discussed that Wisconsin does have tougher laws for snowmobilers who are drinking than we do."

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Speaker Leitch: "Representative Pugh."

Pugh: "The last question under this, so the OUI is...refers to the operating under the influence as opposed to DUI. Am I correct?"

Speaker Leitch: "Representative Salvi."

Salvi: "Yes, that's correct."

Speaker Leitch: "Representative Pugh."

Pugh: "Thank you. To the Bill, Mr. Speaker. I commend Representative Salvi on having the foresight and courage to develop such a great piece of legislation. Who else would be responsible for protecting the lives of geese all over this State of Illinois? I think that the Republicans need to be commended for passing a piece of legislation based on the merits of protection of geese and maybe this will filter over into the protection of the lives of the citizenry of the State of Illinois at some point."

Speaker Leitch: "The Gentleman from Cook, Representative Dart."

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

Speaker Leitch: "He indicates he will."

Dart: "Representative, I just want to follow up on the issue of probable cause here. Maybe you can refer to how they have dealt with these or treated these in Wisconsin, because the basis of the...the vast majority of the DUI's in Cook County are based on a visual observation of a police officer. A snowmobiler by the very...is necessitated by the very act of it that there would some degree of erratic driving. How will we distinguish from someone...I mean if they pull him over and just find that they are not driving, they're not..."

Speaker Leitch: "Representative. Go ahead, Representative Dart."

Dart: "Thank you. If they pull them over and then let them go, that's fine, but I'm just trying to figure how they're

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going to be able to sustain numerous motions to quash an arrest based on no probable cause because of the very nature of this Act. It was, as I say whereas with a DUI, it's easy to see the whole nine yards. Either in Wisconsin or how do you envision, how are we going to be able to actually enforce this?"

Speaker Leitch: "Representative Salvi."

Salvi: "That's a good question and I'm glad that you raised that. In...I think that we would be able to utilize a lot of the case law with regards to motor vehicles to determine what does constitute probable cause as snowmobiles. But it is different, but in many ways it's easier, Representative. I don't know if there's a lot of snowmobiling near your residence, there's a lot of snowmobiling near mine. They should stay on the trails, often they don't. And with a snowmobiler, you can hear them. With a driver of an automobile, often you can't hear them. We hear these snowmobilers screaming and yelling and you can tell... There are two or three items, for example, with the guy that ran over the goose, went through a flock of geese on Lake Fairfield that I saw, it was very clear to me that he was drunk. He was screaming. He was with a couple of other snowmobilers who were driving up along the banks. They ran into a...they ran into a dock that was still there in the winter, and you could actually hear them. And it was very clear that they were drunk, and I imagine that that would clearly meet probable cause requirements for pulling them over and asking them to take an alcohol test."

Speaker Leitch: "Representative Dart."

Dart: "Would not the vast majority of the cases that we're talking about hear occur on property other than the...say the streets of a municipality. My point being is, will not

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the vast majority of these cases be enforced by the Department of Conservation or some agency such as that?"

Speaker Leitch: "Representative Salvi."

Salvi: "Yes, the Department of Conservation would probably be the law enforcement agency that would be most actively involved in enforcing this legislation because they are the ones that generally deal with snowmobilers and they would have the authority to pull them over and to take these tests."

Speaker Leitch: "Representative Dart."

Dart: "Do the Conservation Police, are they, especially the ones that will be dealing with this, are they trained in how to give field sobriety tests such as walk and turn tests, gaze and stigma tests and in addition to that, do they have the facilities and how many do they have for administering Breathalyzers and are they trained in all that as well? What type of classes?"

Speaker Leitch: "Representative Salvi."

Salvi: "Well, right now it is the Department of Conservation is enforcing this in the sense that it is illegal to drive under the influence of alcohol. It's illegal to drive a snowmobile. But there's really, they don't have the tools that they need to effectively implement the law, and that's what this Bill is about. We're giving them the tools that they need to effectively implement the law. Let me give you an example. The implied consent process is going to help them a lot. In the Department of Corrections...or the Department of Conservation, they're the ones that are asking for this legislation, so I think that they are trained now. I think that if this legislation does pass, then this would become a more important issue for them and that they would study the issue a little bit more closely."

Speaker Leitch: "Representative Dart."

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Dart: "Do these individuals go to the academy right now for training in this issue?"

Speaker Leitch: "Representative Salvi."

Salvi: "Yes, they...the Department of Conservation officers do go to the academy."

Speaker Leitch: "Representative Dart."

Dart: "Do you...once again touching on the probable cause issue here, do you anticipate that there's going to be a problem? And if so, how will it be addressed in regards to... I'm having a hard time visualizing how anybody will be arrested for this, other than somebody who hits somebody or hits something, because obviously you won't have individuals sitting out in the woods waiting for these folks. And even if they do see these folks, it's as they say, just by the very nature of the Act, it's going to be very difficult. Is there something anticipated in this language or in this Bill that will address concerns by the defense would have a rather easy time getting these cases thrown out based on the fact that they will be motions to suppress, lack of probable cause for the arrest?"

Speaker Leitch: "Representative Salvi."

Salvi: "Well, I had a hard time hearing you, but I think, tell me if I'm right. Did you ask whether or not there was concern as to whether the defense would have an easy time taking shots at these cases? I think that's something that we're going to have to find out. I know that with boats, we have the same law in Illinois and that there have been successful convictions of operating a boat under the influence, and I think the conviction rate is the same with automobiles, so I would expect it, the same to be true for snowmobiles."

Speaker Leitch: "Representative Dart."

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Dart: "Just one last question."

Speaker Leitch: "I'll give you another minute and then please bring your remarks to a close, please."

Dart: "Would a violation of this law be treated similar to boating under the influence in that a second or subsequent violation of this would be treated in the same fashion as a DUI that is... Is it meant to mirror exactly what you have on the BUI and DUI in regards to second or subsequent violations and the whole like, and especially in regards to evidence from blood alcohol tests and the like? Is that exactly the same or is there any differences there all?"

Speaker Leitch: "Representative Salvi."

Salvi: "I'm told that it's the same as the Safe Boating Act. I don't know if there are...if it's exactly the same, but it is based upon the Boating Act."

Speaker Leitch: "Representative Dart. The Gentleman from DuPage, Representative Tom Johnson, for what purpose do you rise, Sir?"

Johnson, Tom: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Johnson, Tom: "Representative Salvi, I have a couple questions here. I think the issue of probable cause has been pretty well determined. If you hit a duck, you're probably drunk, right? But let me ask you, what is the penalty here?"

Speaker Leitch: "Representative Salvi."

Salvi: "Persons violating this Act are guilty of a Class A misdemeanor punishable by a fine not more than a \$1,000 and a jail sentence of not more than one year. Persons violating this Section are guilty of a Class IV felony if the person has a previous conviction under this Section or the offense results in personal injury and it's a Class... Class IV felonies are punishable, as you know, by a fine

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not more than \$10,000 and a jail sentence of not more than one to three years. Persons violating this Act are guilty of a Class III felony if the offense results in the death of a person. And as you know, Class III felonies are punishable by a fine not more than \$10,000 and a jail sentence of two to five years."

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "Does this also have provisions dealing with drivers licenses?"

Speaker Leitch: "Representative Salvi."

Salvi: "Not drivers licenses, but it does... There is a summary suspension provisions similar to the summary suspension provision for DUI, but it's a suspension of snowmobiling operating privileges. So you'll get a letter from the Department of Conservation saying you can't drive a snowmobile if you don't take the test, then you get that letter, and you are not allowed by law to drive...to operate a snowmobile."

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "Representative Salvi, does this apply to driving under the influence on your own property? You know, most snowmobilers are on private property. What...Explain to me the provisions of this Bill as to where you are prohibited?"

Speaker Leitch: "Representative Salvi."

Salvi: "Anywhere, Representative. If you're on... If you own 100 acres, and you're riding a snowmobile and you're drunk, you still pose a danger to others, other snowmobilers that might be riding with you, people in the area and so forth. So, this applies anywhere, just as driving under the influence would apply even if it's on private property."

Speaker Leitch: "Representative Johnson."

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Johnson, Tom: "Well, DUI as it relates to drivers licenses and so on is on a public roadway. Now how are we going to enforce this sort of a thing, and are we inviting law enforcement onto the private property to chase snowmobilers or what?"

Speaker Leitch: "Representative Salvi."

Salvi: "Let me give you an example. I live on a lake that's a private lake. Snowmobilers go on that private lake all the time. And I don't want drunk snowmobilers on that lake, so I...this law, this Bill does apply to private property. It says you can't drive a snowmobile drunk, including on private property. And I don't want to change that at all, Representative. I don't think it would be right to say that, you know, we're going to exempt private property because a lot of the most dangerous activity occurs on private property and I want to protect people on private property, including places like my...the lake in front of my home."

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "I just think that it's very important that we know, Representative Salvi, that if I see a snowmobiler driving across the back of my property or something, and I presume because that snowmobile might be doing zigzags, what am I to do? Am I suppose to call law enforcement and say, 'Hey, I think we might have a drunken snowmobiler out here', and then is law enforcement going to chase this person up and down various people's private property? I understand a lake...and public bodies and public ways, but I am interested in your view on what are the enforcement mechanisms for snowmobilers going across farmlands, et cetera here?"

Speaker Leitch: "Representative Salvi."

Salvi: "Well, like any criminal law, I think we have to rely upon

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the good judgement of the law enforcement authorities. I don't anticipate that the Department of Conservation is going to act unreasonably, and I would expect that if there is a call to the Department of Conservation saying there's a drunk snowmobiler out there, that person who makes the call will do so with some basis upon which to believe that the person is drunk. That's going on right now. Most people believe it is illegal now to drive, to ride on a snowmobile...to operate a snowmobile drunk. And so I don't think there will be any changes regarding that, and I have faith in the law enforcement authorities."

Speaker Leitch: "Representative Johnson."

Johnson, Tom: "Thank you, Representative Salvi. To the Bill itself. I understand what the Representative is trying to do here, but I have serious problems with this Bill, especially as it relates to the probable cause, the enforcement on private properties. I have yet to see a snowmobiler who I didn't think was drunk, the way I've seen these things drive. And that doesn't mean that they've been out drinking and think we are broadening the scope here of law enforcement onto territories that I don't think we ought to be that concerned with."

Speaker Leitch: "Representative Salvi to close."

Salvi: "This is a common sense Bill. What we're saying is you should not operate a snowmobile under the influence of alcohol. People are dying because more and more people are driving...operating snowmobiles while they are drunk. It is incredible to me that the law in Illinois is not like the law of the surrounding states, and it's incredible to me that the Department of Conservation's hands are tied with regards to testing the blood alcohol level of people who are driving...operating snowmobiles. The same probable

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cause requirements are going to be placed on snowmobile DUI or operating under the influence. I strongly urge a 'yes' vote."

Speaker Leitch: "The question is, 'Shall Senate Bill 70 pass?'

All those in favor shall vote 'aye'; opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 105 voting 'aye', 6 voting 'nay'. This Bill, having received a Constitutional Majority, is hereby declared passed. I'd like to bring your attention, guests of Representative Hannig. We have with us seventh and eighth graders from Sacred Heart School in Pana. Would you please rise and be recognized. And we have with us today Jan Reid and Marlene Krause who brought kids from Lindbergh School in Peoria down here today. Jan, welcome to the chamber. Mr. Clerk, please read Senate Bill 77. Representative Andrea Moore."

Clerk Rossi: "Senate Bill 77, a Bill for an Act amending an Act authorizing the Lake County Forest Preserve District to exchange lands in Vernon Township with the Brentwood North Nursing Center. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Moore."

Moore, A: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 77, the original Bill, Senate Bill 77 authorizes the Lake County Forest Preserve District to exchange lands in Vernon Township with the Brentwood North Nursing Center. Actually the exchange was accomplished 10 years ago and there was an incorrect legal description and what this Bill does is to correct that incorrect legal description. In committee, the original Bill was amended. It is now the Omnibus Quick Take Bill.

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All staff from both sides of the aisle here in the House and the Senate have been informed of the items included in the Bill. There have been no objections. This Bill passed unanimously from the Elections and State Government Committee, and I will briefly read what is included. It grants the Village of Palatine quick take for a period of one year for the acquisition of property located along the south side of Dundee Road between Rand Road and Hicks Road for redevelopment purposes. It grants the City of Aurora a quick take for a period of one year for the construction of Phase II of the Indian Creek Flood Control Project. Grants the Grand Avenue Railroad Relocation Authority quick take for a period of three years for the Grand Avenue Railroad Grade Separation Project. Grants the Village of Romeoville quick take for a period of three years for the acquisition of rights of way for the 135th Street Bridge Project. Grants the Anna-Jonesboro Water Commission quick take for a period of 18 months for the acquisition of land and easements for improvements to its water treatment facility. Grants White County quick take for a period of three years for the acquisition of a three and a half mile section of Belle Aire Road. Grants the City of Effingham quick take for a period of three years for the acquisition of described parcels of land for the widening of Bankers Street and the construction of a railroad overpass and related facilities. These are all quick take procedures that have been requested by individual areas, and I would respectfully ask for your support and be happy to answer questions."

Speaker Leitch: "The Gentleman from Rock Island, Representative Brunsvold."

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

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Speaker Leitch: "She will."

Brunsvold: "That was a very fine explanation. I just was...just missed a piece of it. Does this have anything to do with leaf burning?"

Speaker Leitch: "Representative Moore."

Moore, A: "Only in one obscure area of this quick take Bill."

Speaker Leitch: "Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker."

Speaker Leitch: "The Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the General Assembly. Included in this Bill is the Grand Avenue Railroad Relocation Authority. If you'll remember last year, we passed out this quick take legislation on two different occasions. It passed out unanimously. This is a project for the Grand Avenue Railroad Underpass, which has been in the works for about 20 years. We finally got agreements together from IDOT, all the railroads, the Village of Franklin Park and I would appreciate a favorable vote on this. It's a long time coming and it's important for my district, as well as all the surrounding districts that access Grand Avenue as a thoroughfare. Thank you."

Speaker Leitch: "Representative Moore to close."

Moore, A: "Thank you, Mr. Speaker. I would just ask for favorable support from the Members. Thank you."

Speaker Leitch: "The question is, 'Shall Senate Bill 77 pass?' All those in favor shall vote 'aye'; those opposed shall 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? On this question, there are 109 voting 'aye', 1 voting 'nay'. Mr. Clerk, did you take the record? There are 110 voting 'aye', 1 voting 'nay'. And this Bill,

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having received a Constitutional Majority, is hereby declared passed. The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. We had some questions regarding this Bill. No one asked any questions or rules and opposition. We had our lights on to ask questions of the Sponsor. Now there are some questions about the Railroad Authority. Who makes the appointments and calls the state government? The parameters of the quick take? And none of us had an opportunity to ask those questions, Mr. Speaker. Our lights were clearly on. There was no discussion on the merits of the Bill. No one had...No one raised these questions. No one had the opportunity to raise those questions. So if we want to make this a deliberative process, we should actually do those things, Mr. Speaker. That would conform to your rules. We need to have the opportunity. These Bills are going directly to the Governor. This is the last chance to make sure those items are in the legislation. And I don't know if it was intentional on the Speaker's part, but I don't think at this stage in the Session, we want to start just passing Bills without any discussion."

Speaker Leitch: "Representative, it was not the Chair's intent to steamroller or to violate your rights. The Bill was on Short Debate and it had 110 votes when it went out of here, and so I will respect your viewpoint in the future and will look for your light. The Gentleman from Cook, Representative Lang."

Lang: "Well, thank you very much, Mr. Speaker. House Rule 5-7 covers the issue of Short Debate and it says that, 'Debate shall be limited to a two minute presentation by the principal Sponsor, a two minute presentation by an

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opponent.' Now until an opponent has spoken, the House Rule relative to Short Debate is not complied with. Even someone that asks questions does not cut off debate until an opponent speaks. So you have no right to cut off debate until an opponent speaks on the Bill by your own Rules. So that Bill is off the board, but as we continue...as we continue to conduct this...the House's business over the next days and maybe months while you work on your budget, I would suggest that we follow the Rules and recognize that Short Debate doesn't mean one person to speak, it means one opponent. And so even if someone does not take the Bill off of Short Debate, until an opponent has spoken, the Rules have not been complied with, Sir."

Speaker Leitch: "Thank you, Representative. Mr. Clerk, where are we? Are there any Committee Reports?"

Clerk McLennand: "Committee Report from Representative Cowlshaw, Chairman of the Committee on Elementary and Secondary Education, to which the following Bills were referred, action taken on May 16th, 1995, reported the same back with the following recommendations: 'do pass' Senate Bill 51, 365 and 1122; 'do pass as amended' Senate Bill 50, 165, 292 and 1007; 'do pass Short Debate' Senate Bill 710 and 1115; 'do pass as amended Short Debate' Senate Bill 1005."

Speaker Leitch: "Mr. Clerk, please read Senate Bill 107. Representative Balthis."

Clerk McLennand: "Senate Bill #107, a Bill for an Act in relation to the Hazardous Waste Fund. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 107 concerns the liability of county government for certain limited pre-existing environmental

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conditions on property acquired by the county through a tax sale. The legislation is a proposal of metro counties, which is the Association of County Board Presidents from DuPage, Lake, Will, Kane, McHenry, Cook, Winnebago, St. Clair and Madison Counties. When property owners fail to pay their property taxes, the property is eventually sold by the county at a tax sale. In the most larger counties, if a property is not purchased by a private buyer at a tax sale, it is the practice of the county government to acquire the property itself. In this circumstance, the county appears to be acting like any other tax buyer, bearing the risk of any unknown or dangerous condition on the property. However, the county is actually acting as a trustee for all the taxing districts since any subsequent proceeds from the sale of the property must be given proportionately to the various taxing bodies. The county government's role is to use its best efforts to get a property which no other tax buyer wanted to purchase back on the tax roles. I'd be happy to answer any questions."

Speaker Leitch: "The Gentleman from Cook, Representative Lang."

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

Speaker Leitch: "He indicates he will."

Lang: "Representative, I've read this Bill carefully, I've listened to your explanation. What does it do?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, it simply allows the county to act as a conduit to get a piece of property that has environmental problems on...back on to the tax roles, without them assuming any responsibility for any pre-existing conditions."

Speaker Leitch: "Representative Lang."

Lang: "Well, Representative, I heard you mention conduit. Does

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this involve electricians?"

Speaker Leitch: "Representative Balthis."

Balthis: "If I heard you correctly, you mentioned electricians. I don't recall anything in the Bill that deals with electricians, unless they are going to be doing part of the clean up on the property."

Speaker Leitch: "Representative Lang."

Lang: "Well, you just confused me when you mentioned conduit. That's all. I hear conduit, I immediately think someone's wiring is having a problem. Who needs this Bill? Can you give me a practical example out in the world, maybe in your district or some place where you can tell me what is happening today and what we'll be able to do if we pass the Bill?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, this is an effort on behalf of the Metro Counties organization which is an Association of County Board Presidents from DuPage County, Lake, Will, Kane, McHenry, Cook, Winnebago, St. Clair and Madison Counties so that they can carry on the process of getting property that is not on...the taxes are not being paid, where there are environmental problems and they can get them back on to the tax rolls without you and I, the taxpayers of those counties, assuming any of the responsibility for pre-existing environmental conditions."

Speaker Leitch: "Representative Lang."

Lang: "So if I understand this correctly... Oh, by the way, Mr. Speaker, I'm joined by the requisite number to remove this from Short Debate. A sea of hands over here, Sir."

Speaker Leitch: "A sea of hands have demanded that the Bill be removed from Short Debate and so it has been."

Lang: "Thank you. Thank you. So if I understand this correctly,

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so when this property is bought by a county at a tax sale, it would not alleviate the responsibility of the prior owner to do the environmental clean up. Is that what the Bill does?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, it would not relieve the prior owner, nor the purchasing owner from any responsibility for that clean up. You're correct."

Speaker Leitch: "Representative Lang."

Lang: "What does the EPA say about this?"

Speaker Leitch: "Representative Balthis."

Balthis: "They are a proponent of this legislation. By the way, Representative, there's one other thing that I didn't add in the last comment. The county would not be responsible for any pre-existing conditions, but should they create a problem, while in ownership they would be responsible, so it does not relieve the responsible person for cleaning up the environmental problems."

Speaker Leitch: "Representative Lang."

Lang: "Well, so that leads to this question. So if the county did something that left some environmental problems and there were pre-existing problems, how would you then apportion the liability between the county that created the new problems and the old problems? How do you determine who's responsible for what?"

Speaker Leitch: "Representative Balthis."

Balthis: "There is a phase I, et cetera, process that the EPA goes through to determine what environmental impact is there. That would be done in that process."

Speaker Leitch: "Representative Lang."

Lang: "So EPA would somehow work out percentages and they would say you're responsible for X% and you're responsible for Y%

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and you're responsible for 2%."

Speaker Leitch: "Representative Balthis."

Balthis: "The county could only be held accountable for the portion that they had done while in ownership, so all that that was pre-existing prior to the county taking the title would be part of the previous owner or the future buyer. The county would only be held responsible for anything it did while in title."

Speaker Leitch: "Representative Lang."

Lang: "That, however, presumes that it's a whole new incident, a whole new situation and that you could easily see that the first person did such and so and the county did this thing. But what if all they did was exacerbate a previous problem? They should be responsible for that and yet how would you determine the percentage of increase of that problem? You understand where I'm going with this."

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, that is something that would have to be done in the phase I process determining who's responsible, what clean up would...mitigation would have to be done, and the county or the EPA at that time would determine and access responsibility to the individuals involved."

Speaker Leitch: "Representative Lang."

Lang: "And so that would be determined by EPA?"

Speaker Leitch: "Representative Balthis."

Balthis: "Yes."

Speaker Leitch: "Representative Lang."

Lang: "And how do they determine that? Is there a hearing process with notice and due process and all the rest?"

Speaker Leitch: "Representative Balthis."

Balthis: "There are three different steps, as I understand it, they go through. One is a phase I, which is determined if

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there are some responsibilities. Then they go further to determine who is responsible. They go further to determine the mitigation process. So there is a three step process that would take place, and that's all under regulation, and certain steps are taken, public hearings, et cetera, that's already in law. This does not affect that."

Speaker Leitch: "Representative, I'll give you another minute."

Lang: "Bless your heart, Mr. Speaker. Bless your heart. So, Representative, you gave us the list of counties who have agreed with this, and I understand it's for some sort of negotiations. Is that correct?"

Speaker Leitch: "Representative Balthis."

Balthis: "Yes."

Speaker Leitch: "Representative Lang."

Lang: "Were there any opponents to any portion of this Bill in committee, either in the House or in the Senate?"

Speaker Leitch: "Representative Balthis."

Balthis: "There was no opposition slips filed in committee, and no one testified against the Bill in committee."

Speaker Leitch: "Representative Lang."

Lang: "Thank you."

Speaker Leitch: "The Gentleman from Effingham, Representative Hartke."

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

Speaker Leitch: "He indicates he will."

Hartke: "Representative Balthis, I heard you mention something about counties. Does this affect all counties or just those that you've talked to?"

Speaker Leitch: "Representative Balthis."

Balthis: "This would affect all counties that wanted to participate in the program."

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Speaker Leitch: "Representative Hartke."

Hartke: "Well, you know, I have some concerns about this because I understand that what we're trying to do here. We're trying to remedy this property back on the property tax rolls; however, let me lay out a scenario for you. Let's say that I...an individual owned a service station on the corner of a certain intersection and the service station, because of other things, shut down and so forth. Then the guy realized, 'Well, I may or may not have leaking underground storage tanks.' He refuses to pay his taxes, because he knows by what he has seen in the neighborhood that sometimes these clean ups are worth 150 - 200 - 300,000 dollars, so he simply abandons his property and doesn't pay his taxes. Within a short period of time, of course, the county comes in and settles the property on a tax sale. Now, the potential buyer, you're saying is buying that liability. Is that correct?"

Speaker Leitch: "Representative Balthis."

Balthis: "The transfer does not absolve the previous owner from any responsibility that they have for the clean up, so the action could be taken against the previous owner, even though they hadn't paid the property taxes."

Speaker Leitch: "Representative Hartke."

Hartke: "Okay, continue with that scenario. The previous buyer dissolves his corporation, and it is no longer there."

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, it still does not absolve him for the responsibility. It does not stop the EPA from going after him. What happens today, all we're trying to do with this piece of legislation is to put the county into position to move the property through the process. We're not changing the status of the previous owner or the future buyer."

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We're simply letting the county stand in the middle of this process without accepting any responsibility for that environmental problem. So we're not changing any of the current process for the previous or the current owner...the previous owner or the person who would...the future purchase the property."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, I understand that, but we're really not solving the problem because if the tax buyer realizes this, he is going to be reluctant to even bid on that piece of property. I do believe that many times municipalities, counties and so forth, get stuck so to speak with this contaminated property, and because of inaction and inability to find the proper owners who may or may not be broke, more than likely, broke or obscure their responsibility to clean this up. We wind up letting that property there deteriorate, not really back on the tax rolls and the problem continues to spread in the contamination. I know what you're trying to do here, and I know you're trying to get back on the tax rolls, but more often than not, I do believe that these types of properties are contaminated and I think that's what you're trying to address. I understand that and I support what you're trying to do. It's just that I'm not sure that this piece of legislation is capable of doing that. Are the Illinois realtors in favor of this legislation?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, no one filed in opposition or came to me in opposition to the Bill in committee. So I've heard from no one who is in opposition to this Bill."

Speaker Leitch: "Representative Hartke."

Hartke: "I guess the county officials have and the taxing bodies

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have for their support. Is that correct?"

Speaker Leitch: "Representative Balthis."

Balthis: "Yes, in fact, the measure is an initiative of the metro counties organization."

Speaker Leitch: "Representative Hartke."

Hartke: "I'm also concerned about the Environmental Protection Agency because many times they're caught in the middle of this thing. They really don't know who to go to to charge for this clean up. The Attorney General's Office also gets involved in this because they're the ones that represent, of course, the EPA to try to force someone unknown, a corporation that's gone defunct or bankrupt. It's a pain. What do you foresee is the solution to many of these clean ups?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, I think the first step will be concurrence in the House Bill that just passed the Senate on the Lusk Program, which is coming back over here, hopefully for concurrence, which will be a beginning. But I think this Bill is not a cure all. I don't think...want anyone to think that. I think it is a tool..."

Speaker Leitch: "Representative Balthis, proceed. Do you need one more minute, Representative Hartke?"

Balthis: "It's a tool for the counties to move property through the process and to try to do the job that they need to do on behalf of all the taxing bodies. So, this is just simply one step in the process. And I think again the Bill that's coming back from the Senate that needs to be concurred on, needs to be done."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, to the Bill. I want to commend the Sponsor for trying his best to address the problem. I'm not sure this

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is a cure all for the situation. I do believe at some point in time we must sit back and realize that many of these problems, because no one is accepting responsibility. The State of Illinois or the county or some governmental body is going to have to step in and clean up many of these contaminations before they continue to spread because if we allow them to continue, they will be contaminating our groundwater and soil, ruining our neighborhoods and it is not what we want to do. We're here to help to solve those problems and not to continue them with litigation, but I support this legislation."

Speaker Leitch: "Representative Balthis to close. Representative Balthis."

Balthis: "Thank you, Mr. Speaker. I would just ask for a favorable vote on a very necessary piece of legislation."

Speaker Leitch: "The question is, 'Shall Senate Bill 107 pass?' All those in favor shall vote 'aye'; those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', none voting 'no'. Senate Bill 107, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Senate Bill 162."

Clerk McLennand: "Senate Bill #162, a Bill for an Act that amends the Gasoline Storage Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Clayton."

Clayton: "Thank you, Mr. Speaker. Senate Bill 162 amends the Gasoline Storage Act to permit municipalities to adopt zoning ordinances or zoning regulations that are no less restrictive than those of the State Fire Marshall concerning above ground tanks and piping."

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Speaker Leitch: "The Gentleman from Clinton, Representative Granberg."

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

Speaker Leitch: "She will."

Granberg: "Representative, what is the intent behind your legislation?"

Speaker Leitch: "Representative Clayton."

Clayton: "This Bill is at the request of one of the municipalities in my district. They...There is a cemetery in their district...or in their municipality that got a permit to put in an above ground storage tank, gasoline storage tank. The permit expired. They went to the village and the village passed a zoning ordinance, a special use, which had some regulations with regard to it had to be on property so many acres and so many feet away from an inhabited residence. The Cemetery Board then went to the State Fire Marshall, got a permit and built the above ground tank, not meeting the requirements of the zoning ordinance that had just been passed. That is the genesis behind this, so this is to prevent that from happening in the future."

Speaker Leitch: "Representative Granberg."

Granberg: "So, Representative, this would allow a municipality to enact a more restrictive ordinance, more restrictive than the State Fire Marshall's Code, for a municipality in regard to above ground storage tanks?"

Speaker Leitch: "Representative Clayton."

Clayton: "Above ground gasoline storage tanks."

Speaker Leitch: "Representative Granberg."

Granberg: "So this limitation would just be on that area, above ground gasoline storage tanks."

Speaker Leitch: "Representative Clayton."

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Clayton: "Yes."

Speaker Leitch: "Representative Granberg."

Granberg: "The reason I wanted to know, Representative, cause we always had the problem with underground storage tanks and we get into all sorts of problems with the Federal EPA and those stands that are set by the State Fire Marshall. Will this be...Will there be any problem making this more restrictive at the local level with any federal requirements?"

Speaker Leitch: "Representative Clayton."

Clayton: "Not that we're aware of."

Speaker Leitch: "Representative Granberg."

Granberg: "Has the Municipal League taken a position on your Bill, Representative Clayton?"

Speaker Leitch: "Representative Clayton."

Clayton: "The Municipal League is a proponent."

Speaker Leitch: "Representative Granberg."

Granberg: "I'm sorry, Representative. Did you say they were in favor of it? I'm sorry, I couldn't hear you."

Speaker Leitch: "She indicated they were in favor of it. Representative Clayton."

Clayton: "Yes, they are in favor."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you. And I believe you...Was there an Amendment, Representative Clayton, that changed the language on municipalities or other political subdivisions on what could be enacted or who could be impacted by this?"

Speaker Leitch: "Representative Clayton."

Clayton: "Yes, last week we amended it on the floor at the request of the Farm Bureau that at one point it had other...other political subdivisions. We changed that to just municipality."

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Speaker Leitch: "Representative Granberg."

Granberg: "And that was at the Farm Bureau's request, Representative Clayton?"

Speaker Leitch: "Representative Clayton."

Clayton: "Yes."

Speaker Leitch: "Representative Granberg."

Granberg: "Would this impact a corporation or a business or for that matter, an individual that had an above ground storage tank in existence and the permit did not expire?"

Speaker Leitch: "Representative Clayton."

Clayton: "We do not believe that it does."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, my concern is this, Representative. Say a business had a large above ground storage facility and the municipality decided they do not want that there. Could they then pass a zoning ordinance to make it more restrictive so to, in fact, abolish the placement of that above ground tank there and therefore, create a serious problem for the existing business?"

Speaker Leitch: "Representative Clayton."

Clayton: "It would be up to the municipalities to the kind of ordinance that they would want to pass. I do know in this particular case, when the village had indicated this to me, they had said that this will not help us in this particular instance, but for future, we feel that it should help all municipalities."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, I understand what you're attempting to do, Representative, and that's fine. But I'm worried about other districts. If you have an ongoing business and they had this above ground tank facility and the city for some reason did not like the owners or whatever because of the

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neighbors, they could pass an ordinance that would be more restrictive, abolish that, which might, in fact, be a serious detriment to that business. So can they arbitrarily go back on a business by passing a more restrictive zoning ordinance?"

Speaker Leitch: "Representative Clayton."

Clayton: "The Bill does not address existing structures."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, Representative. So I just want to make sure, Representative, this would be...and Mr. Speaker, I'm joined by the requisite number to remove this Bill from Short Debate, please."

Speaker Leitch: "So acknowledged. Bring your remarks to a close, please, Sir."

Granberg: "Thank you, Mr. Speaker. Representative, if you could answer this because I...my time is expired, and I think Representative Hartke might be pursuing this. We just want to make sure it's prospective, that you don't have a business in existence, that you can arbitrarily pass a zoning ordinance and create a serious impediment for that ongoing business. So, I mean, that is our concern, and we understand what you are attempting to do and that is fine, but as long as it doesn't apply to everyone because this could be a real problem for existing businesses. So as long as it's prospective only, that might be something you might want to address. Thank you."

Speaker Leitch: "The Gentleman from Effingham, Representative Hartke."

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

Speaker Leitch: "She will."

Hartke: "Representative Clayton, is it your intent that this will

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just apply to municipalities, any size or shape, any location, any county?"

Speaker Leitch: "Representative Clayton."

Clayton: "Only municipalities, no matter what size, shape, location."

Speaker Leitch: "Representative Hartke."

Hartke: "My concern is the authority that we're giving to that municipality, stating that they may or may not regulate the above ground storage tanks for...you're saying diesel fuel and fuel oil and those types of things, correct? Gasoline?"

Speaker Leitch: "Representative Clayton."

Clayton: "Correct."

Speaker Leitch: "Representative Hartke."

Hartke: "My concern with this piece of legislation is we're giving this authority and we're opening up something that may be expanded very much in the future. As a farmer and a member in the agricultural community, many of the fuel tanks that we have on storage...on the farm is above ground because we're concerned about the leaky underground storage tanks and so forth. I can see that possibly down the road where the Environmental Protection Agency may require that all gasoline tanks and diesel tanks and fuel of all types be stored above ground and in dikes and so forth. But I think that just to grant municipalities the right to do as they wish in one area or another because of unsightliness may be extending their power just a little far. I think that more consideration should be taken in. Would the municipality have the right to decide where they should put their storage tank if this business is located in a certain area?"

Speaker Leitch: "Representative Clayton."

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Clayton: "This gives the municipality the authority to adopt zoning ordinances and zoning regulations."

Speaker Leitch: "Representative Hartke."

Clayton: "And if I may?"

Speaker Leitch: "Representative Clayton."

Clayton: "The Amendment that was put on previously that was suggested by the Farm Bureau really was to address the concern that you had at the beginning of your statement."

Speaker Leitch: "Representative Hartke. If we could have some more order here, please. It's becoming very, very difficult to hear. Representative Hartke is asking questions."

Hartke: "So what you're saying is the Illinois Farm Bureau and the Farmers Union are in support of this legislation as it is now written."

Speaker Leitch: "Representative Clayton."

Clayton: "The Farm Bureau is not opposed to this legislation as it was amended."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, that's not the question I asked. I asked whether the Farm Bureau was in support of the legislation? I think Farm Bureau is a very cautious, conservative organization, who looks at all aspects, and if they're in support of this, I can maybe talk to them. But I...they're not in support of it, they're just saying, 'Well, okay, maybe', but they're not opposed to it, is what you're saying."

Speaker Leitch: "Representative Clayton."

Clayton: "I have just been advised by staff that Farm Bureau and the Municipal League sat in his office to negotiate this and as a result, both were in favor when they left, with the Amendment that we already put on."

Speaker Leitch: "Representative Hartke."

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Hartke: "What part of the legislation did they object to to start with?"

Speaker Leitch: "Representative Clayton. Representative Clayton."

Clayton: "The Farm Bureau objected to other political subdivisions as being able to adopt zoning ordinances and zoning regulations."

Speaker Leitch: "Representative Hartke."

Hartke: "In that subdivision could be other governmental units such as a fire protection district, a school district or just almost any county government, township government which would have the authority to make this prescribed zoning or regulating where these types of tanks go. Currently right now, I think it is the EPA or the Pollution Control Board gives permits to agricultural units, farm chemical dealers that..."

Speaker Leitch: "Representative, can you bring it to a close, please?"

Hartke: "Thank you, Mr. Speaker. Right now, they determine where and how much, the size of the containment area for the above ground storage, not only for fuel tanks, but also chemicals and liquid fertilizers and other hazards that could contaminate the soil. And it is my concern that this type of legislation would then regulate those within municipalities from the municipalities standpoint and not necessarily from a safety standpoint. This is more aesthetic in looks. So, I think I'm going to support your Bill. I have some reservations about it. I want you to know that, but I appreciate you answering my questions."

Speaker Leitch: "The Gentleman from Vermillion, Representative Black. For what purpose do you rise, Sir?"

Black: "Yes, thank you very much, Mr. Speaker. To the Bill."

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Ladies and Gentlemen of the House, the Sponsor of this measure has worked very, very diligently to satisfy the...to satisfy the very legitimate concerns that the Farm Bureau had with the legislation. By her Amendment, they stand in full support of the legislation. The Lady's Bill is carefully drafted to solve those kinds of problems that some communities have. I don't think that it will have any impact on most downstate communities. But even if it does, the legislation is well drafted. It addresses those concerns that all of us would have. She has cooperated fully to answer all of the concerns that the Farm Bureau had. Her Bill is deserving of support. I intend to vote 'aye' and I urge all of my colleagues to vote 'aye' for the Lady's Bill."

Speaker Leitch: "Representative Clayton to close."

Clayton: "I urge a 'yes' vote please."

Speaker Leitch: "Representative Clayton moves passage for Senate Bill 162. All those in... The question is, 'Shall Senate Bill 162 pass?' All those in favor shall vote 'aye'; opposed shall 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. Senate Bill 162 having received 114 voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Committee Reports."

Clerk McLennand: "Committee Report from Representative Cross, Chairman for Committee on Judiciary for Civil Law. To which the following Bills were referred. Action taken on May 16, 1995, reported the same back with the following recommendations. Do pass: Senate Bill 317, 439, 523, and 810. Do pass as amended: Senate Bill 79, 86, Senate Bill 384, 435, 934, and 1208. Do pass short debate: Senate

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Bill 833. Do adopt: House Joint Resolution #28."

Speaker Leitch: "Thank you, Mr. Clerk. We have guests with us from Representative Larry Wennlund's district. They are sophomores from Carl Sandberg High School. Steve Orlando, Mike Pernicke, Leah Stefanos, Dana Orlando from Orland Park, would you please rise and be recognized? Mr. Clerk, please read Senate Bill 210."

Clerk McLennand: "Senate Bill #210, a Bill for an Act that amends the Public Community College Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Black. Representative Bill Black."

Black: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 210, as amended, contains three different Bills or issues. All of these, I think, are relatively non-controversial. With no opposition having been expressed to me, in any case, the Bill now contains the original language of Senate Bill 210, the language from House Bill 2150 and some language regarding telecommunications line charges as it affects distance learning. Very briefly, the underlying Bill, Senate Bill 210 amends the Community College Act. As most of you know, they have to submit two Bills every year dealing with their fiscal budgets. The rest...the first of these is a regular annual appropriation Bill, the second is then a companion Formula or Rate Bill. The Formula Bill excludes...includes specific years and numbers related to enrollments, tax rates, reimbursement rates and equalized assessed evaluations. Since these numbers change from year to year, the Formula Bill has to be resubmitted each year with new numbers. The purpose of 210 is to eliminate the need for the annual resubmission of the Formula Bill that replaces

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numbers, dates and items that change from year to year. The same concept is already being employed by the State Board of Education. I know of no opposition to the underlying Bill. House Bill 2150, which is now part of 210, is a Community College Board Bill designed to address a technical problem with current statute as relates to State Community College of East St. Louis. I'm joined as a Co-Sponsor of this Bill by Representative Younge. I know she stands in total support of that measure of the Bill. The last part of 210 tries to address a concern on distance learning and that is, the high operational costs of telecommunications charges on the...on the distance learning concepts. It's...all this Bill does is...this portion of the Bill, the community college system believes the Public Utilities Act should be amended giving the Illinois Commerce Commission the authority to permit telecommunications carriers to offer special interactive video tariffs for qualified educational institutions. I'd be glad to answer any questions you have about Senate Bill 210."

Speaker Leitch: "The Gentleman from Kankakee, Representative Novak."

Novak: "Thank you, Mr. Speaker. The Gentleman yield?"

Speaker Leitch: "He will."

Novak: "Yes, Representative Black, I noticed in our synopsis here about the formula and the credit hour and equalization grant formula. Are...there aren't any reallocations of dollars going from one junior college district to another or from one geographical area to another, are there?"

Speaker Leitch: "Representative Black."

Black: "No. That was made very clear in committee, I believe, by one of your colleagues. And the governmental relations

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person from the Community College Board said, 'It would not have any impact on the equalization formula and it would not allow any community college to gather additional dollars that they would not normally receive.' It simply, in fact if you will recall last year on the Formula Bill, some Amendments were added to it at the last minute. We almost didn't pass the Formula Bill which meant that community colleges would not have received their reimbursements in a timely fashion. Community college thinks they can do this the same way the state board does and that's by the Appropriations Bill."

Speaker Leitch: "Representative Novak."

Novak: "Yes. Thank you. Mr. Speaker, I'm joined by the requisite number of colleagues on my side of the aisle, take the Bill off Short Debate. Hands."

Speaker Leitch: "So acknowledged."

Novak: "Yes. Thank you, Mr. Speaker. Just a few short questions. Representative, this doesn't have...there isn't anything in this Bill dealing with the Veterans Grant Scholarship problem with the junior colleges, correct, has nothing to do with that?"

Speaker Leitch: "Representative Black."

Black: "If it is it's buried so deep I can't find it. In fact, that's the first I've even heard of that."

Speaker Leitch: "Representative Novak."

Novak: "Okay. So...to reiterate here. You say every year this formula has to be changed because of certain existing effects on the junior college districts?"

Speaker Leitch: "Representative Black."

Black: "And the way we've done it for years, is after the appropriation Bill is introduced. We've had a...we then had to run a companion Bill called the Formula or Rate Bill

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and that calculates the...how the grants will be distributed to each community college. And because the enrollment, tax rates, reimbursement rates, EAV changes from year to year, we have to go through...the Community College Board has to come up with an entirely new Formula Bill every year. So what...what we intend to do with this is just simply say, since the formula is technically substantive Bill and it's subject to all the obstacles that can be encountered in the legislative process. They can work this out internally with via their Appropriation Bill. And I don't think the community colleges would have signed on to this if they felt that there was any indication or any opportunity for the Community College Board to do anything but...but what the community colleges would expect with the Appropriation Bill."

Speaker Leitch: "Representative Novak."

Novak: "Okay. So one other question, Representative Black. So when we get to the Appropriations Bill, dealing with the Illinois Community College Board, that Appropriations Bill will...will reflect those changes in the formula for each school district...for each community college district, is that correct?"

Speaker Leitch: "Representative Black."

Black: "Yes. The formula would then become simply a more permanent part of the statute. Colleges would still be assured of their proper allocation. And quite frankly, the General Assembly would have one less Bill we'd have to pass every year."

Speaker Leitch: "Representative Novak."

Novak: "Thank you, Mr. Speaker. I have no further questions."

Speaker Leitch: "The Lady from St. Clair, Representative Younger, Wyvetter Younger."

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Younge: "Thank you, Mr. Speaker. I want to concur with what Representative Black has said in reference to Amendment #1 and I support the Bill."

Speaker Leitch: "Thank you. The Lady from Cook, Representative Ronen."

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

Speaker Leitch: "Indicates he will."

Ronen: "Representative Black, you mentioned some changes being made in the telecommunications area. Could you...having to do with the ICC, could you explain that please?"

Speaker Leitch: "Representative Black."

Black: "Yes. Many colleges are taking part in what we call distance learning, where we have interactive video. Those community colleges, in largely rural areas, are burdened with excessive costs in paying those tariffs to get that video conferencing, video technology line run into their...their particular campus. This legislation is totally permissive, would allow the Illinois Community College...excuse me, the Illinois Commerce Commission to allow TELCO, Telecommunication carriers to negotiate rates on...little lower rates on approved video technology or distance learning institutions."

Speaker Leitch: "Representative Ronen."

Ronen: "Yes. Representative Black, is there...does that change in anyway the purview of the ICC over any of these telecommunications body or...you described it as making no significant change, is that correct?"

Speaker Leitch: "Representative Black."

Black: "That's my understanding. And in talking with staff, who's here from ICC, it would simply give the ICC a little flexibility in working with telecommunication carriers to give them authority to offer special interactive video

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rates for qualified educational institutions."

Speaker Leitch: "Representative Ronen."

Ronen: "So my understanding, if I'm correct you can just yes or no then. What we're suggesting here will not in anyway change any of the telecommunications processes or the bodies, whether they be FCC or ICC, under which the telecommunication companies operate, is that correct?"

Speaker Leitch: "Representative Black."

Black: "Well, you can't answer that question yes or no. Because yes, it will change, it will change in their ability to work with telecommunication companies to offer special interactive video rates for qualified educational institutions. That is a change."

Speaker Leitch: "Representative Ronen."

Ronen: "But Representative Black, does that...the ICC already had, that was within their purview currently. There's no change in that regard?"

Speaker Leitch: "Representative Black."

Black: "I'm not sure I'm...I'm following your line here. I...obviously we're easing some of the regulations that currently exist on the Commerce Commission so that they can make this interactive learning system affordable to some institutions out in the rural areas. So, it...but it doesn't have anything to do with their underlying authority on how they would regulate those telecommunication companies that have telephones into your office or your home or your place of business. It doesn't affect that whatsoever."

Speaker Leitch: "Representative Ronen."

Ronen: "So the...and what we're talking about are regulating local rates. We're not talking about long distance services? I think maybe that was the area I was seeking

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specificity on. The ICC regulates local communication and not long distance? So that nothing in this regard would change?"

Speaker Leitch: "Representative Black."

Black: "No, not at all. We are, we are very definitely easing restrictions on toll rates, long distance rates, that's the problem. If you're in the Chicago area it's relatively simple to get yourself hooked up to interactive learning. If you're in Quincy, Illinois or Carterville, Illinois or Danville, Illinois to hookup to interactive learning is a toll charge, it's a long distance rate. And that's what the Community College Board is urging the Commerce Commission to be able to do and that's sit down and work with the telecommunications carriers on coming up with a tariff schedule that qualified educational institutions can afford. Now if they don't do this, you're going to take most of the rural educational institutions out of the ability to engage and offer interactive video learning."

Speaker Leitch: "Representative Ronen."

Ronen: "So I think that my point then I think is what we're suggesting, I'm not arguing the merits of what you're suggesting, but what is being suggested is a major change and that was the only point I was...I was seeking clarification on. So it seems to me this is a big change that we're proposing and I just wanted to be clear if my understanding was correct. I support the...I think the other parts of this Bill but I'm really question this and on that basis I think I'm going to vote 'present'."

Speaker Leitch: "The Gentleman from Effingham, Representative Hartke."

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

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Speaker Leitch: "Indicates he will."

Hartke: "Well, Representative Black, in...in contrast to my colleague Representative Ronen, I support wholeheartedly what you're doing with that interactive video and the ICC. That's not the questions I have. I have one dealing with the formula change, could you explain the old method and the new method in the change in the formula?"

Speaker Leitch: "Representative Black."

Black: "Doesn't change the formula at all. Those figures will be computed, handled every year by the Community College Board. Won't change equalization, won't change anything. The only that's going to change, is that we then don't have to bring that Formula Bill back here because that's a substitutive Bill. Last year, because of Amendments and people who aren't familiar with community colleges, we almost didn't pass the Formula Rate Bill which would have been disastrous. So it doesn't...what you're going to do is, you're going to put the formula in basically the statute. The Community College Board will then be charged with coming up with the formula and distributing the money that's appropriated. So it would be no change in how that's done currently. And you can imagine that...you know, Lakeland or any of the community colleges in your district, would not have allowed that if they felt anything could happen in that way, shape or form."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, I guess that's my concern because as I read the legislation, this does set up the criteria for the establishment of that formula."

Speaker Leitch: "Representative Black."

Black: "No. As Dave Steelman assures me and I know he would come over and assure you. It simply sets up the formula in

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substitutive language, then they'll crunch the numbers every year, the money will then be appropriated based on the community college rate formula, that all the community colleges agree to and know going in what that is."

Speaker Leitch: "Representative Hartke."

Hartke: "I guess that is a change then and it sets down how this formula will be put together. And, Representative Black, you and I know that when we talk about changing the elementary and secondary education formula, I'm very leery on how the numbers crunch out in that. I understand and so forth and our staff has tried to put together what this formula will look like. And it's my concern and it should be yours too, that of the various junior college districts throughout the State of Illinois, I'm not sure how this is all going to work out. I hope that someone does have this so that my junior college and yours in Danville doesn't get hurt by a change in this formula."

Speaker Leitch: "Representative Black."

Black: "Well, I assure you, I don't think there's any bigger supporter of the community college system than you are or I am and others in this chamber as well. The purpose is to eliminate the need for the annual resubmission of the Formula Bill that replaces the numbers, EAV, the dates and then subjects it to a process where we can lose that Bill on any given year in here. It simply will give substitutive language that will be applied then each year to the annual appropriation. I would be the first to say that if anything doesn't work in this and if my community college in the out years says, 'Whoops, wait a minute. We just discovered a little problem.' I'll be right back in here and I know I'll be joined by you in correcting that. I just...I have a lot more confidence in the Community

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College Board in what they're trying to do. And the fact that all of the community colleges had input to this and have expressed no concern."

Speaker Leitch: "Representative Hartke."

Hartke: "Okay. One final question, I know that you referred to Representative Younge's junior college district. What are we trying to do there?"

Speaker Leitch: "Representative Black."

Black: "Yes. As most of us know, State Community College District, which is currently still in experimental district under state operation and control, recently voted in a public referendum to become a regular community college district. Now under current law, the new Board of Trustees will be elected in November of this year. The experimental district would be abolished and the new district would become effective on July 1, 1996. The problem that has arisen deals with the property tax levied by the new district. Community colleges currently initiate their property tax levied in December for the following year's funding. However, since the new SCC district would not become effective until July 1, unless we change this, the district will not be able to provide any revenue for their first year of operation."

Speaker Leitch: "Representative Hartke."

Hartke: "Thank you very much, Representative Black. I want to thank you very much for the answers you gave me. I have a local Member on the Community College Board of Trustees and I...I didn't want his wrath by looking at the formula and saying that it was wrong."

Speaker Leitch: "Representative Black to close."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Bill 210, as amended, has received a

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very thorough debate, some excellent questions. I hope I was able to answer them to your satisfaction. I would ask for an 'aye' vote."

Speaker Leitch: "The question is, 'Shall Senate Bill 210 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'aye', 0 voting 'no'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Supplemental Calendar Announcement."

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

Speaker Leitch: "Representative Ryder in the Chair."

Speaker Ryder: "Mr. Clerk, on the order of Senate Bills - Third Reading. Senate Bill 214. Please, read the Bill."

Clerk McLennand: "Senate Bill #214, a Bill for an Act that amends the Environmental Protection Act. Third Reading of this Senate Bill."

Speaker Ryder: "The Chair recognizes the Gentleman from Dupage, Representative Persico."

Persico: "Thank you, Mr. Speaker. Members of the House, Senate Bill 214 is a Bill that passed out of the Senate 54 to 0. Basically, it provides that the clean up of real property which has been contaminated by a hazardous substance or petroleum product, cannot be accomplished without entering on to the property. And if the owner of the contaminated property refuses to permit entry for the purpose of effecting the clean up, then an action can be brought to compel the owner of the contaminated property to permit immediate entry for purposes relating to remediation of a site. Presently, an owner can thwart attempts to clean up

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a hazardous substance on the property despite the fact that the contamination may impact surrounding property as well. If this happens, if the owner refuses to permit them to remediate the property, then they can...and it cannot be accomplished through negotiations with the property owner, then the court may compel the property owner to permit entry. This action in no way affects the property's owners right to damages associated with the contamination. The Bill is supported by the Illinois Manufacturing Association, the Illinois Petroleum Council, the Railroad Association and the Illinois EPA and I ask for your favorable roll."

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

Novak: "Thank you, Mr. Speaker. The Gentleman yield?"

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

Novak: "Representative Persico, what is the state's responsibility when the hazardous substance spill or release occurs?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, are you speaking about the EPA's responsibility? Representative, according to what the EPA has told me, they have the authority to go on to this property and remediate the property, but unfortunately they don't have the funds to do that and they feel that here is a owner or here is a person responsible for the contamination and they are willing to go onto the property and clean it up, then the EPA is very supportive of this."

Speaker Ryder: "Representative Novak."

Novak: "Yes, Mr. Speaker. Well, then you say the state can enter

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private property. Can they enter private property without the owner's permission to clean up a spill?"

Speaker Ryder: "Representative Persico."

Persico: "Yes, the state can do that. The Illinois EPA has that authority."

Speaker Ryder: "Representative Novak."

Novak: "Does the state have to compensate the owner for entering onto their land to mitigate such a spill?"

Speaker Ryder: "Representative Persico."

Persico: "I don't believe the state has that responsibility."

Speaker Ryder: "Representative Novak."

Novak: "Well, then who compensates the owner of the land? Is it the person that...the party that is liable for the spill or...since it is not the state."

Speaker Ryder: "Representative Persico."

Persico: "Yes, Representative. The person that is responsible for the contamination would, you know, reimburse the owner of the property."

Speaker Ryder: "Representative Novak."

Novak: "Well, then why should a private entity such as a railroad industry, be allowed to enter onto private property without the owner's permission to clean up a hazardous spill?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, there are many times when a contamination of a property takes place that could spill onto other people's property and this, you know...they should go in there and clean up this before, you know, moves into other peoples' property."

Speaker Ryder: "Representative Novak."

Novak: "We mentioned earlier in debate that the state EPA can enter onto a person's property and clean up the spill. Does this Bill abrogate the state EPA's authority as far as

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cleaning up spills?"

Speaker Ryder: "Representative Persico."

Persico: "No, it does not, Representative."

Speaker Ryder: "Representative Novak, further questions?"

Novak: "Yes, Sir."

Speaker Ryder: "Please, proceed."

Novak: "I understand in the contents of the legislation there is a court proceeding involved here. Is that correct, Representative Persico?"

Speaker Ryder: "Representative Persico."

Persico: "There... Representative, there is a court proceeding that takes place only if entry cannot be accomplished through negotiation with the property owner and then, and only then, will the court compel the property owner to permit entry."

Speaker Ryder: "Representative Novak."

Novak: "Yes. Are there any groups, trade associations that oppose this legislation?"

Speaker Ryder: "Representative Persico."

Persico: "Yes, there is, Representative."

Speaker Ryder: "Representative Novak."

Novak: "Could you tell us who opposes the legislation?"

Speaker Ryder: "Representative Persico."

Persico: "It is my understanding through listening in during the Committee that the Illinois Farm Bureau is in opposition to this Bill."

Speaker Ryder: "Representative Novak."

Novak: "One last question, Representative. Do you strongly feel and believe that the state has a compelling interest, a compelling interest to protect the public health and welfare of the citizens of the State of Illinois and do you think this Bill is justified as a means toward that end?"

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Speaker Ryder: "Representative Persico."

Persico: "Yes, I do, Representative."

Speaker Ryder: "Representative Novak, anything further."

Novak: "I have no further questions, Representative. Thank you."

Speaker Ryder: "You are welcome. The Chair recognizes the Gentleman from Rock Island, Representative Boland."

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

Speaker Ryder: "Indicates he will yield for your questions, Representative. Please, proceed."

Boland: "Just one question, Representative. You mentioned the Illinois EPA supporting this, what about environmental organizations? What is their opinion on the Bill?"

Speaker Ryder: "Representative Persico."

Persico: "The Illinois Environmental Council put in no witness slip."

Speaker Ryder: "Representative Boland."

Boland: "Any opposition? Or no..."

Speaker Ryder: "Representative Persico."

Persico: "Representative, they didn't submit any slip at whatsoever."

Speaker Ryder: "Representative Boland."

Boland: "So, they have not taken a position either way on the Bill?"

Speaker Ryder: "Representative Persico."

Persico: "Not to my knowledge."

Speaker Ryder: "Representative Boland."

Boland: "That is all."

Speaker Ryder: "No further from Representative Boland. The Chair recognizes the Gentleman from Williamson, Representative Woolard. Representative."

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

Speaker Ryder: "The Gentleman indicates he will yield for your

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question, Sir."

Woolard: "Representative, let's go back to the farm community, the agribusiness industry of this state. They have expressed some concerns. I don't know they are all out against the Bill, but what has been done to address the issue of concern with the farm service operations across this state?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, basically the Bill establishes a number of safeguards designed to protect the property owner's rights. For example, the court must prescribe the conditions of the entry. The court must determine the amount of damages associated with the entry and the court may require a bond from the person seeking entry. And again, any action for entry to the property in no way affects the property owner's right to damages associated with the contamination."

Speaker Ryder: "Representative Woolard."

Woolard: "As far as the above ground storage facilities, have they been addressed in this Bill at all?"

Speaker Leitch: "Representative Leitch in the Chair. Representative Persico."

Persico: "No, Representative, not in this Bill."

Speaker Leitch: "Representative Woolard."

Woolard: "What happens if there is contamination that is a result of an above ground storage facility?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, are you talking about if the farmer has above ground storage tanks, or are you talking about, you know, for example, if a truck passes by the property and turns over and spills hazardous waste on the property?"

Speaker Ryder: "Representative Woolard."

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Woolard: "Let's talk about a distribution facility that has above ground storage."

Speaker Ryder: "Representative Persico."

Persico: "And, Representative, and you are talking about their spillage and it spills onto a farmer's property? Is that what you are saying? Is that what your question is?"

Speaker Ryder: "Representative Woolard."

Woolard: "No, let's don't talk about if it runs onto the farmer's property. Let's just talk about that if it...if there has been significant impact over a period of time from an above ground storage facility."

Speaker Ryder: "Representative Persico."

Persico: "Representative, that is not addressed in this particular Bill. This Bill addresses if someone accidentally spills contamination, you know, some hazardous waste on a property, then they would have through negotiations, first of all try to gain entry on this property to clean it up. They are taking on the responsibility that they did this contamination. They want to clean it up. They want to pay for the damages. If the property owner refuses this, then they have the right to go to court...you know, the court compel them to have entry on to it with the safeguards that I spoke about earlier."

Speaker Ryder: "Representative Woolard."

Woolard: "To the Bill. I stand in support of this piece of legislation and I think that they have dealt with the issues of concern and I appreciate it very much."

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

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

Speaker Ryder: "He will."

Deering: "Representative, as you stated earlier, the EPA right

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now has the authority to go on private property to remediate a spill if it...if needs be. Can the courts now okay this without this Bill passing? Can the courts direct a third party or a second party to go in and clean up a hazardous spill under current law?"

Speaker Ryder: "Representative Persico."

Persico: "Representative, current law does not provide for adjacent site remediation. So, the answer is 'no'."

Speaker Ryder: "Representative Deering."

Deering: "So, then for example, if I had a...whether it's a truck or a rail car and so on and so forth that had an accident and spilled onto adjacent property of a right-a-way, a private owned property and this was some toxic material, very hazardous stuff. Right now, the courts...and it could have presented immediate health hazard apparently down to the water stream or the water shed, the courts right now could not okay me as the owner of that product or the owner of that railroad or trucking company to go in and clean that up. That is why we need this legislation. Is that correct?"

Speaker Ryder: "Representative Persico."

Persico: "That is absolutely correct, Representative."

Speaker Ryder: "Representative Deering."

Deering: "To the Bill, Mr. Speaker. I think this is a good piece of legislation. I know where the sum of it... I know where some of the concerns are coming from, as far as property rights so on and so forth, but I think there is not anyone in this state that is not interested in keeping a clean environment, whether it would be air, water, land. And I think that in certain situations in this, I understand and believe will not happen in every case. But I believe in certain situations, this would allow people to

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go in and clean up an immediate hazard that will not turn into a larger hazard or a high costly hazard somewhere down the road. I think this is to the point. It is specifically stated and I think this is needed in the State of Illinois."

Speaker Leitch: "Representative Granberg, for what purpose do you rise, Sir?"

Granberg: "A question of the Sponsor."

Speaker Leitch: "He will yield."

Granberg: "Representative Persico, I understand the intent would be in this legislation, to diminish the amount of damages when it comes to spillage. Is that correct?"

Speaker Leitch: "Representative Persico."

Persico: "That is correct, Representative."

Speaker Leitch: "Representative Granberg."

Granberg: "So, in most cases, if quick action is not initiated, the amount of damages and the damage to property and the underground...the water table could be substantial. And some point, given the time period involved, those damages can be irreversible. Isn't that correct?"

Speaker Leitch: "Representative Persico."

Persico: "Representative, you are absolutely correct there and not only are we concerned about the unfortunate property owner who had his property contaminated, but any other adjacent properties if it is not cleaned up very quickly."

Speaker Leitch: "Representative Granberg."

Granberg: "So, if this rights...or this opportunity was not given, I could be a property owner, damage could be done to my property that would be irreversible because no clean up would be taken in due course in which case I would have no alternative. I would not have any option whatsoever to my property. The damages would happen, would occur. I could

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do nothing to remediate those damages and in fact, that loss would be permanent. Isn't that true?"

Speaker Leitch: "Representative Persico."

Persico: "I think you summarized it very well, Representative."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, I just wanted to clarify, Representative, because I had some questions initially, but it seems to me this is good sound policy, not only for the concerns of the environment, for property owners across the state whether business or individual. This...actually deters that irreversible damage to my property, make sure that there is a quick safe clean up. Any damages will be paid to me as a private property owner. In fact, that would try to be minimized by this effort. We don't want long term damages. We don't want damages to our water tables and to our own personal property. I rise in support of the Bill and I would ask my colleagues to vote 'aye' as well."

Speaker Leitch: "Representative Persico to close."

Persico: "Thank you, Mr. Speaker and Members of the House. I just ask for a favorable roll call on Senate Bill 214."

Speaker Leitch: "The question is, 'Shall Senate Bill 214 pass?' All those in favor shall vote 'aye'; opposed shall 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? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 103 voting 'aye', 12 voting 'no', and Senate Bill 214 having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 215. Representative Ryder."

Clerk Rossi: "Senate Bill 215, a Bill for an Act amending the Retailer's Occupation Tax Act. Third Reading of this Senate Bill."

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Speaker Leitch: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. This Bill, Senate Bill 215, amends the Retailer's Occupation Tax Act to provide for a procedure for the Administrative Review. Bonding that is required under that process and it will bring it into conformance with the other bonding...bonds for administrative review and other procedures. I'd be happy to answer any questions."

Speaker Leitch: "The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Dart: "Representative, do you happen to have any estimate on how many taxpayers that this would affect?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, I do not. I do not have the information from the Department of Revenue as how many cases are currently under evaluation because of this, nor do I have any statistics for an annual or any of that information. I just know that the purpose of this is to bring this particular element into similarity with other purposes where you post bond before you are able to appeal the process."

Speaker Leitch: "Representative Dart."

Dart: "Has the Department of Revenue...have they taken a position on this?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, I think the language was actually...the Department of Revenue had input on the language. They take no position on the Bill."

Speaker Leitch: "Representative Dart."

Dart: "If you know, do you know what were their concerns as to why they would take no position at all over their

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concerns?"

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Speaker Leitch: "Representative Ryder."

Ryder: "Representative, I assume that the fact that they took no position is a direct...directly related to the Sponsor of the Bill. Otherwise, they would have been for it had they found a good Sponsor."

Speaker Leitch: "Representative Dart."

Dart: "Could you explain to me... As far as the actual bonding goes, this would be required within twenty days of filing of the action? Does that in any way differ from the present, existing law?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, it does provide a second option. Let me try to explain if I can. Under this Act, within twenty days of filing it's complaint, the agreed parties shall file a bond with good and sufficient surety or sureties in this state or a license to do business in this state or obtain an order from the court closing a lien on the property is provided herein in lieu of bond. If they file a complaint, but they fail to comply with the bonding requirement within twenty days of filing the complaint, then the Department shall file a Motion to dismiss and the court will dismiss the action unless the person that is filing the action complies with the requirements sent out within thirty days of the filing of the Department's notice. So, it is like indicating that you are in default. Once you are notified you are in default, you have time to remedy the default."

Speaker Leitch: "Representative Dart."

Dart: "Do you have any estimate on how many reviews, how many actions are filed to review these assessments as far as a ballpark figure that we could work with?"

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Speaker Leitch: "Representative Ryder."

Ryder: "Representative, I don't go to the ballpark very much. As a Cardinal fan, we are not doing all that well and I'm having trouble getting to Wrigley Field. So, I do not have a ballpark estimate for you."

Speaker Leitch: "Representative Dart."

Dart: "Do they still allow the option as far as obtaining a lien, is that correct, by the court? They are still allowed that option as well as opposed to the bond?"

Speaker Leitch: "Representative Ryder."

Ryder: "Yes."

Speaker Leitch: "Representative Dart."

Dart: "What type of bond is it that they are filing in this action?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, I think you can put up a cash bond. You can obtain a surety bond from a surety company or if those two are not possible, are not acceptable to the court, the court then has the ability to place lien on properties in a...similar to a lis pendens. I know you are familiar with that. So, those options are available, Sir."

Speaker Leitch: "Representative Dart."

Dart: "And in the amount of the bond would vary. Is that correct?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, the amount is set by statute equal to the amount of delinquency found by the Department which is the amount then that is appealed by the complainant."

Speaker Leitch: "Representative Dart."

Dart: "And so just so I am clear now then, they have the twenty days to follow the action. If it's not done within twenty days, the Department of Revenue must file an action to

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dismiss then? They are required to do it at that point? Do they have any problems with that requirement...I guess. What I was getting at was, I was curious as to their lack of position on this. Do they have the ability to do that within that time period?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, the purpose is to not allow the Department to simply ignore the fact that a bond hasn't been filed, wait a certain time period and then say, 'Gotcha! Your complaint is dismissed'. The purpose is to give a time period to file it and then to start a second time period upon the Motion to dismiss so that the aggrieved party can remedy the failure to file the bond or otherwise to meet the requirement. Otherwise, prior to this point in this particular area and only in this area, we were giving the aggrieved party, the complainant in this situation, no set...no chance. If they didn't file the bond, the Department just says...waits the appropriate amount of time and then says, 'Sorry, you lose'."

Speaker Leitch: "Representative Ryder to close."

Ryder: "Mr. Speaker, I thank my colleague on the other side of the aisle for an explanation that was...the dialogue was far superior to the Secretary of State language that I had last night with his seatmate and as a result, I compliment him and I ask for an 'aye' vote."

Speaker Leitch: "The question is, 'Shall Senate Bill 215 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'no', and Senate Bill 215 having received a Constitutional

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Majority, is hereby declared passed. Mr. Clerk, please read Senate Bill 244."

Clerk McLennand: "Senate Bill #244, a Bill for an Act that amends the Property Tax Code. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House, Senate Bill 244 provides the property owned by a township that is used for senior citizen housing shall be property tax exempt. Under current law, all public buildings belonging to any county, township, city or incorporated town along with the ground on which the buildings were erected, is currently exempt from property taxation. This Bill does set in statute language that will allow Geneva Township to build an independent living seniors' housing center. It is proposed by a township referendum as a tax exempt property. Be glad to answer any questions."

Speaker Leitch: "The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield?"

Speaker Leitch: "She will, Sir."

Dart: "Representative, is this Bill... I understand where the genesis of this came from. Does this however, will this apply to areas outside of the one that you have in mind particularly?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "Yes, it does, Representative Dart. This would apply statewide for any township who chooses in the future to propose a referendum for senior citizen housing in that township."

Speaker Leitch: "Representative Dart."

Dart: "This has language in it where this would not be retroactive. Would this apply to the senior citizen home in your district?"

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Speaker Leitch: "Representative Deuchler."

Deuchler: "Your question is, 'Is this retroactive?' No."

Speaker Leitch: "Representative Dart."

Dart: "Could you explain to me... They went in rather lengthy detail, but could you give me just a brief synopsis of the individuals who came and testified in the Committee in regards to this Bill explained as to what the need was because it did seem to be something that was well thought out and it was a unique problem that I had not heard of before."

Speaker Leitch: "Representative Deuchler."

Deuchler: "Representative Dart, Mr. Dick Lindholm from Geneva Township testified before the Committee and indicated that a referendum had been passed by the voters of Geneva Township to construct this senior project for senior citizens when they presented the...when the bonds were ready to be issued, the bond counselor requested that this be placed in statutes so that there was clear that it was property tax exempt. I have talked to the original Sponsor of the senior citizen township legislation, Representative Saltsman, and he assures me that that was the original intent as well when he and Representative Tom Homer presented this Bill to allow townships this option in 1992."

Speaker Leitch: "Representative Dart."

Dart: "Was this referendum which was passed...was it passed by a wide majority in Geneva?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "It was passed... I'm sorry. I can't answer you directly on the number of voters voting pro and con, but it was passed."

Speaker Leitch: "Representative Dart."

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Dart: "Was there ever any explanation given as to why the township...why they were informed that it was going to be assessed in such a way? Was there ever an explanation given as to why they did that?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "They asked the township assessor and he indicated that he, as well, thought that it would be helpful to have language placed in the statute."

Speaker Leitch: "Representative Dart."

Dart: "So, is it safe to say that he was in favor of what was going on, but he believed that the language in the statute was ambiguous, as far as that goes?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "Well, yes, he was certainly favorable, but felt that it needed to be clarified. As I say, Representative Saltsman as well had originally felt that there was no question in this regard as to his legislative intent when he proposed this legislation in 1992."

Speaker Leitch: "Representative Dart."

Dart: "Is there any estimate that you have or that was supplied at all that will...not necessarily in particular to the facility that you are most concerned with, but in general, how many...how much property would be taken off the tax rolls by something like this? And as I say, this is all understanding that the intent of this was that this type of property was not going to be taxed. But is there any estimate that was given to you as to how much property would, in fact be impacted by this?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "Well, the property is going to be owned by the township so it is not private property and it would be tax exempt by virtue of being owned by the township. You are

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asking for an estimate of the value of this piece of property, I do not have that here."

Speaker Leitch: "Representative Dart."

Dart: "As far as you are aware, obviously the referendum passed. But as far as you are aware, there is no local taxing bodies at all that have any opposition to this measure at all that would have been brought about by the fact that they were concerned about a loss of any type of revenue at all?"

Speaker Leitch: "Representative Deuchler."

Deuchler: "There has been no objection."

Speaker Leitch: "Representative Dart. Representative Deuchler to close."

Deuchler: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I just asked..."

Speaker Leitch: "Representative Deuchler. The question is, 'Shall Senate Bill 244 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'no'. Senate Bill 244, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, read Senate Bill 249."

Clerk McLennand: "Senate Bill #249, a Bill for an Act that amends the Longtime Owner-Occupant Property Tax Relief Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Bost. Let's see here. Is the Gentleman in the chamber? Out of the record. Mr. Clerk, please read Senate Bill 256. Representative Balthis."

Clerk McLennand: "Senate Bill 256..."

Speaker Leitch: "Representative Balthis, are you ready, Sir?"

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Clerk McLennand: "Senate Bill 256, a Bill for an Act concerning various powers of municipalities and local liquor control of commissioners. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Bill 256, as amended, makes the following changes. It increases the maximum penalty that a municipality can charge for a municipal ordinance violation from 500 to \$750. It amends the filing requirements for municipal treasurers annual report from 1,000 to \$2,500. It allows municipalities to enter into economic incentive agreements and to rebate the developer portion of the retailers occupation tax by redevelopment agreement. It expands the penalties for liquor license violations by allowing the Liquor Control Commissioner to suspend a liquor license and issue a fine. The Bill was amended to take out the legal fees, which was an objection by the Retail Liquor Association. We also amended on Senate Bill 849, which was a Bill to solve the problem with the Foreign Fire Insurance and the Firefighters and Municipalities that worked out an agreement on that. And I would be happy to answer any questions."

Speaker Leitch: "The Gentleman from Cook, Representative Lang."

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

Speaker Leitch: "He will. Proceed, Sir."

Lang: "Thank you. Representative...hi, nice tie, very nice...Representative, do I read this, is this a fee increase and a fine increase?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, we're not fining or feeing anyone, we're simply allowing a municipality, at its discretion, if someone is so flagrant in their violation to fine them

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safer (sic-stiffer) as we've been doing with truth and sentencing and all those kinds of things."

Speaker Leitch: "Representative Lang."

Lang: "Now, as I understand it the Retail Liquor Association was opposed to this Bill. Are they still?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, that was the Amendment we put into the Bill, in committee, that took out the ability for municipality to charge legal fees and with that they were supportive...they're supportive of the Bill now."

Speaker Leitch: "Representative Lang."

Lang: "So are there any opponents remaining at this as far as you know?"

Speaker Leitch: "Representative Balthis."

Balthis: "To my knowledge everyone was...questions were satisfied. I will tell you that the Press Association had a problem with the...increasing the section on it says, amends the filing requirements for municipal treasurers report from \$1,000 to \$2,500. The Press Association had a problem with that, yes."

Speaker Leitch: "Representative Lang."

Lang: "Well, why did the Press Association have a problem with it?"

Speaker Leitch: "Representative Balthis."

Balthis: "Their concern was, in their opinion, that information would not be given out as it was in the past. This does not change the audit, it just simply, where you publish the information you do not have to publish the detailed information between a \$1,000 and \$2,500. It still is in the audit of the local community in detail so it just simply changes the publication process."

Speaker Leitch: "Representative Lang."

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Lang: "The original Bill amended the Liquor Control Act to allow a local liquor control commissioner to levee a fine on licensees. In addition to a license suspension, the current law provides that the fine must be in lieu of a suspension. Did your Amendment change this?"

Speaker Leitch: "Representative Balthis."

Balthis: "Yes, Representative, you're correct. The current law says you can do one or the other. This Amendment in this Bill would say that you can do both at the same time and that is an agreement with the Retail Liquor Association or retail liquor merchants once we took out the language on the legal fees."

Speaker Leitch: "Representative Lang."

Lang: "Well, I want to go back to the objections of the Press Association. My understanding is that they're view is that, that this kind of a change setting this number at \$2,500 is threshold severely compromises accountability from municipal officials. Do you agree with that?"

Speaker Leitch: "Representative Balthis."

Balthis: "No. Representative, the language just simply says what you publish in the newspaper. It does not change the audit that has to be done, the audit that has to be filed with the state, so it does not change accountability from the auditing process one iota."

Speaker Leitch: "Representative Lang."

Lang: "Well nevertheless, when you don't publish, the less you publish, the less people know and the less they know the less accountable public officials are. Wouldn't that be the case?"

Speaker Leitch: "Representative Balthis."

Balthis: "No, Representative because the true accountability is going to come in the auditing process, not in what is put

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in the newspaper, which majority of people, I believe, do not read anyway."

Speaker Leitch: "Representative Lang."

Lang: "Well, by that argument we should do away with all publications. I don't think you're in favor of that. Don't you believe that the public has a right to know and that we should publish this information so that people can read it if they wish?"

Speaker Leitch: "Representative Balthis."

Balthis: "Representative, the information is available. They still have to publish in the paper, they just don't have to publish details under \$2,500. So it does not change the requirement for them to publish, it just simply puts some restrictions in there as to when they will publish."

Speaker Leitch: "Representative Lang."

Lang: "Mr. Speaker, I'm joined by a sea of hands to remove this from Short Debate at this time. So it's not a sea but there's enough."

Speaker Leitch: "There is indeed enough and it is removed from Short Debate."

Lang: "Thank you. Mr. Speaker, Ladies and Gentlemen. To the Bill. I think I disagree with Mr. Balthis on this one. I don't think that reducing the republication requirements do anything other than to remove accountability from public officials. At a time that we're very concerned here about ethics in government, concerned about all sorts of things that public officials do. Rather than giving them an opportunity to hide behind some increased thresholds I think it's our responsibility to make more information come to light. Accordingly, I'm not in favor of this change in the threshold and would be voting 'no'."

Speaker Leitch: "The Gentleman from Peoria, Representative

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Saltsman."

Saltsman: "Yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Saltsman: "Yes, Representative Balthis, I understand the change in laws on the agreement between the firefighters and the municipal league is to require the firefighters on the board to develop the list of items they feel are appropriate expenditures under this Act."

Speaker Leitch: "Is that a question, Sir? Representative Balthis?"

Balthis: "Representative Saltsman, you're absolutely correct. That was the intent for the board to develop the appropriate expenditures and present that list to the board. Yes."

Speaker Leitch: "Representative Saltsman."

Saltsman: "Yes, Representative Balthis, this is just for the record, another question. It further states that as part of the annual municipal audit these funds will be audited to verify that these purchases are for the maintenance used in benefits of the fire department. I understand that it is the intent of...that the audit is only to be done to verify that the items bought were from the list developed by the firefighters and the board and to determine if they were for the maintenance use and the benefit of the department. This will be determined by the board and not the auditors. Is that the intent of this legislation?"

Speaker Leitch: "Representative Balthis."

Balthis: "Yes, Representative, it is. The initial list would be prepared by the board, by the firefighters board, presented to the village, they would appropriate it and all the audit would be doing would be to verify that they were expending the money as per their list, appropriated by the village

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board."

Speaker Leitch: "Representative Saltsman."

Saltsman: "Yes. I want to thank you, Mr. Chairman, for working with the people that were involved in both the Retail Liquor Association, the Municipal Leagues and Firefighters Association and I think we cleaned this Bill up to where it is satisfactory to everyone. Thank you very much."

Speaker Leitch: "Representative Balthis, to close."

Balthis: "Thank you, Mr. Speaker. I would just ask the Members on the other side to acknowledge Mr. Saltsman's comments. This has been a Bill that has been worked hard and we would appreciate an 'aye' vote."

Speaker Leitch: "The question is, 'Shall Senate Bill 256 pass?' All those in favor shall vote 'aye'; all those opposed shall vote 'no'. The voting is open. This is final action. Have all voted who wished? Have all voted who wished? Have all voted who wished? Mr. Clerk, take the record. On this question, there are 109 voting 'aye', 0 voting 'no' and Senate Bill 256 is hereby, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Supplemental Calendar Announcement."

Clerk McLennand: "Supplemental Calendar #2 is being distributed."

Speaker Leitch: "Mr. Clerk, please read Senate Bill 249. Representative Bost."

Clerk McLennand: "Senate Bill #249, a Bill for an Act that amends the Longtime Owner-Occupant Property Tax Relief Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Bost."

Bost: "Thank you, Mr. Speaker. Members of the House, Senate Bill 249 is good legislation. It amends the Longtime Owner-Occupant Property Tax Relief Act. It expands to all counties. Right now in counties of more than 100,000, this

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Act is already in effect. This just expands it to counties, all counties. I would appreciate your support on it. I would be glad to answer any questions."

Speaker Leitch: "The Gentleman from Effingham, Representative Hartke."

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

Speaker Leitch: "He indicates..."

Hartke: "Thank you. Representative Bost, when we give property tax relief to individuals, we are then shifting that property tax to other individuals in the units. How much of a property tax relief are we giving to senior citizens?"

Speaker Leitch: "Representative Bost."

Bost: "Representative Hartke, we are just giving them the ability to each individual taxing body to do that if they so choose and so it would depend on the individual taxing body."

Speaker Leitch: "Representative Hartke."

Hartke: "Maybe you are explaining it in your explanation, but we have about six thousand units of local government in the State of Illinois. Do each and every one of these have to sign off with the assessor and so forth to authorize this property tax relief or can it be done countywide by the county board, or to what extent?"

Speaker Leitch: "Representative Bost."

Bost: "Only schools and municipalities have the right to opt out. All others that the county says that they need to be involved with it, then they have to."

Speaker Leitch: "Representative Hartke."

Hartke: "Would this apply to junior college districts as well?"

Speaker Leitch: "Representative Bost."

Bost: "Yes, it will."

Speaker Leitch: "Representative Hartke."

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Hartke: "So, we have junior college districts that goes across seven or eight county lines and school districts across one or two county lines."

Speaker Leitch: "Representative Bost."

Bost: "It would deal just with the county that it dealt with. So, even if those goes across county lines, it would be just in that county where they voted."

Speaker Leitch: "Representative Hartke."

Hartke: "So, would that create a tax inequity if, for example, I had a property in two counties, in Jackson County and whatever, and it was across county lines. In one area, I would get senior citizens' property tax relief and in the joining county I would not. Although, both are going to the same junior college district. In one area, I would be paying less property taxes for the support of that junior college district than any others. Is that correct?"

Speaker Leitch: "Representative Bost."

Bost: "That is correct. It could be that way, but it is not senior citizens, it is longterm owner of property."

Speaker Leitch: "Representative Hartke."

Hartke: "What determines longterm?"

Speaker Leitch: "Representative..."

Hartke: "What determines long term? In the life of a fly, that is about two weeks."

Speaker Leitch: "Representative Bost."

Bost: "Well, Representative, I guess if we were dealing with the life of a fly, we would probably have to write that special legislation for them. But dealing with human beings, the law says that the owner-occupant must have been a resident for at least ten years or five years if the purchase is subsidized by a government or a non-profit housing program."

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Speaker Leitch: "Representative Hartke."

Hartke: "So, if I got a government loan to buy my farm and I've had it for ten years, that would qualify me?"

Speaker Leitch: "Representative Bost."

Bost: "If that is your primary residence. It has to also be your primary residence."

Speaker Leitch: "Representative Hartke."

Hartke: "It wouldn't work for a summer home then?"

Speaker Leitch: "Representative Bost."

Bost: "It wouldn't work for your summer home, no."

Speaker Leitch: "Representative Hartke."

Hartke: "The age of the property owner really has nothing to do with this...longtime property... Why do you want to do this?"

Speaker Leitch: "Representative Bost."

Bost: "Representative, it is just making it equal. Already, counties over 100,000 are allowed to do it. This just allows all counties to do it. It allows them equality in the law."

Speaker Leitch: "Representative Hartke."

Hartke: "Getting back to it originally, you said that only municipalities and school districts could opt out of this?"

Speaker Leitch: "Representative Bost."

Bost: "That is correct."

Speaker Leitch: "Representative Hartke."

Hartke: "So, school districts could say no to this proposition, but townships' governments would be forced to be in and fire protection districts?"

Speaker Leitch: "Representative Bost."

Bost: "That is correct."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, this is a mandate on all units of local government

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across the board except school districts and municipalities who have the authority to opt out, but for them it's not a mandate, but for all others it is: library districts, fire protection districts, drainage districts, so on and so forth that would be forced to give this property tax relief?"

Speaker Leitch: "Representative Bost. Representative."

Bost: "Representative Hartke, it is up to the county to vote on that so it is not mandated unless the county votes on it. If the county votes on it, then it would be the county that would be putting that mandate on."

Speaker Leitch: "Do you want to conclude, Sir?"

Hartke: "Well, I'm not sure if I'm going to support this or not, but I think we are doing is mandating the county boards and making them the bad guys saying that they must give this property tax relief and it is up to them to cure the wrath of the constituents. Because what you are doing is, you are shifting property tax from those who may not own a piece of property, a young married couples who just bought a house who are having hard times making ends meet. We are now shifting more of a tax property burden upon those as opposed to those who have owned their property for a longtime. I see the need that everyone wants property tax relief, but I think this is just abandoning effort on what we should really do."

Speaker Leitch: "The Gentleman from Cook, Representative Dart."

Dart: "Representative, my understanding that this Longtime Owner-Occupation Property Tax has been in effect already. Where has that been?"

Speaker Leitch: "Representative Bost."

Bost: "It's my understanding, Representative, that it is in populations over. Right now, it allows the population over

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100,000. That is where it's been..."

Speaker Leitch: "Representative Dart."

Dart: "And your Bill would just open it up for populations under 100,000 as well?"

Speaker Leitch: "Representative Bost."

Bost: "That is correct."

Speaker Leitch: "Representative Dart."

Dart: "In... How long has it been on the books in regards to the...over 100,000?"

Speaker Leitch: "Representative Bost."

Bost: "Representative, it is my understanding that it was established in 1993 and it was an intent at that time to make low and middle income, longtime residents help cope with rising property costs."

Speaker Leitch: "Representative Dart."

Dart: "How... Since 1993, how many individuals have taken advantage of this?"

Speaker Leitch: "Representative Bost."

Bost: "I don't have that information."

Speaker Leitch: "Representative Dart."

Dart: "Do you know what the experience has been in those communities, the ones that have had this opportunity?"

Speaker Leitch: "Representative Bost."

Bost: "No, I am not aware at this time."

Speaker Leitch: "Representative Dart."

Dart: "Do you have any idea what has been the loss in revenue dollars to local governments as relative to this?"

Speaker Leitch: "Representative Bost."

Bost: "No, we do not have those numbers at this time."

Speaker Leitch: "Representative Dart."

Dart: "Has this had any effect or will it have any effect on school districts in...as a result of this?"

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Speaker Leitch: "Representative Bost."

Bost: "None that has been reported. The... When this Bill was presented in the Senate and through the Committees, it passed out no problem and there was no one opposed to it."

Speaker Leitch: "Representative Dart."

Dart: "Is it not correct that the exemption will be just from the county portion of the tax?"

Speaker Leitch: "Representative Bost."

Bost: "No, it will not be just for the county portion. It will be for every entity involved if they opt into it."

Speaker Leitch: "Representative Dart."

Dart: "So, do you...how would this effect, say for example, your district right now? How many people is it estimated would take advantage of this and what would be the net revenue gain or loss?"

Speaker Leitch: "Representative Bost."

Bost: "As of right now, Representative Dart, I don't know how many people in my district itself would take advantage of this, but I think it is only fair that we would have the opportunity with counties less than 100,000 people to have that...the same option as those with 100,000 or more."

Speaker Leitch: "Representative Dart."

Dart: "Representative, maybe you can straighten this out for me, but my understanding is with...for starters, that this is permissive. So, any type of savings are highly questionable, and given your responses already, I meant we have have no clue as to what this has done in the past if it has helped, hurt or whatever. We have no idea of how many people have taken advantage of this and how it has effected them. But maybe you could straighten this out for me, I have gotten some information that this, for starters, it's just permissive. But that the only actual portion

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that they can exempt would be the county portion as opposed to the entire portion of the taxes including schools."

Speaker Leitch: "Representative Bost."

Bost: "All can be exempted except for schools and municipalities have the option to get out, to opt out on them."

Speaker Leitch: "Representative Dart."

Dart: "But, isn't that existing law right now? My point is that, is not what we are doing here a permissive measure for starters... But as I said, my understanding was it was just in regards to the county portion of the tax and not in regards to any of the other portion of an individual's tax bill, such as school districts or municipal parts of it."

Speaker Leitch: "Representative Bost."

Bost: "I don't think that is correct."

Speaker Leitch: "Representative Dart."

Dart: "Has... I understand that you have a little information about how this has been operating since its inception, but has there been any indications in the counties over 100,000, with areas with a population of over 100,000, has there been any abuses in this at all up to this point?"

Speaker Leitch: "Representative Bost."

Bost: "There has been none reported to us at this time. If there would have been a problem, I would assume that someone would have showed up in Committee with these problems and it would have been discussed. So, there is no opposition."

Speaker Leitch: "Representative Dart. Have you concluded, Sir? The Gentleman from Williams..."

Dart: "I just wanted to follow up on it. My reading of the Bill, though, has been rather clear in that it says that it is for the county portion only. I was wondering if you can just take a look and just for the record, we can clarify once and for all if we are dealing with the entire property

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tax Bill or it is just the county portion."

Speaker Leitch: "Representative Bost."

Bost: "Representative, it says in the Bill, 'School districts and municipalities within the counties have the authority to determine their participation in the program of special real property tax relief within their tax jurisdiction.'"

Speaker Leitch: "Bring your remarks to a close please, Sir."

Dart: "Thank you, Mr. Speaker. I... My point was that that language makes it permissive enough where the reality is is the only people that are effected by this would be the county. I see nothing wrong with the Bill, but I just don't want anybody to be under the delusion that we are doing something major here. It's permissive for starters, and just the very language is already that the municipalities and the school districts which are the major chunks of the property tax Bill all can and most likely will opt out of this. So...my understanding is the experience it has been in these other counties, it has been very minimal and that that will probably continue to be the case. So, just so no one is under the delusion this is not going to make any great changes at all. Thank you."

Speaker Leitch: "Representative Bost to close."

Bost: "Thank you, Mr. Speaker. This legislation is good legislation. It allows for populations...or counties with populations of less than 100,000 people to have the same opportunity that those over do. I would appreciate your 'yes' vote. Thank you."

Speaker Leitch: "The question is, 'Shall Senate Bill 249 pass?' All those in favor shall vote 'aye'; all those opposed shall 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

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this question, there are 115 voting 'aye', 0 voting 'no', and Senate Bill 249, having received a Constitutional Majority, is hereby declared passed. On the order of Second Reading, appears Senate Bill 146. Mr. Clerk, what is the status of Senate Bill 146?"

Clerk Rossi: "Senate Bill 146 has been read a second time previously and had been held on the order of Second Reading pending the filing of a state mandates note. That mandates note request has been withdrawn."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 387?"

Clerk Rossi: "Senate Bill 387 has been read a second time previously. Amendments 1, 2 and 3 were adopted in Committee. No Motions have been filed. A state mandates note and a home rule note have been requested on the Bill and have not been filed."

Speaker Leitch: "Hold it on Second Reading. Mr. Clerk, what is the status of Senate Bill 549?"

Clerk Rossi: "Senate Bill 549 has also been read a second time previously and it was held on the order of Second Reading pending the filing of a fiscal note. That note has not been filed."

Speaker Leitch: "Leave it on Second Reading. What is the status of Senate Bill 623?"

Clerk Rossi: "Senate Bill 623 has been read a second time previously. Amendment #1 was adopted in Committee. No Motions have been filed. A fiscal note, as amended, has been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. The Gentleman from Cook, Representative Lang. For what purpose do you rise, Sir?"

Lang: "On inquiry. Was the Amendment printed and distributed on that last...on 623?"

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Speaker Leitch: "Mr. Clerk, has that Amendment on 623 been printed and distributed?"

Clerk Rossi: "Amendment #1 has been printed and distributed."

Speaker Leitch: "The Amendment was filed. Third Reading. The status of Senate Bill 731."

Clerk Rossi: "Senate Bill 731 has been read a second time previously. No Committee Amendments. No Floor Amendments. A fiscal note had been requested on the Bill, as amended...or a fiscal note had been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 760?"

Clerk Rossi: "Senate Bill 760 has been read a second time previously. Amendments 1 and 2 were adopted in Committee. No Motions have been filed. A...Bill had been held on the order of Second Reading pending the filing of a judicial note. That note has now been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 859, eight five nine?"

Clerk Rossi: "Senate Bill 859 has been read a second time previously. No Committee Amendments. No Floor Amendments."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 1083?"

Clerk McLennand: "Senate Bill #1083 has been read a second time previously. No Committee Amendments. Floor Amendment #1 has been referred to Rules. Fiscal note had been requested on the Bill and has been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, on Calendar...on House Calendar Supplemental #1, appears Senate Bill 176. What is the status of that Bill, Sir?"

Clerk McLennand: "Senate Bill 176, a Bill for an Act that amends

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the Mental Health and Developmental Disabilities Confidentiality Act. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and has been distributed. No Floor Amendments. A fiscal note has been requested on the Bill, as amended, and has not been filed."

Speaker Leitch: "Hold that Bill on Second Reading. What purpose does the Gentleman from... Okay. Mr. Clerk, what is the status of Senate Bill 8?"

Clerk McLennand: "Senate Bill #8, a Bill for an Act concerning public Aid. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. A fiscal note has been requested and has been filed. A correctional budget and impact note has been requested and has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, read Senate Bill 190, 190."

Clerk McLennand: "Senate Bill #190, a Bill for an Act to amend the Criminal Code of 1961. Second Reading of this Senate Bill. No Committee Amendments. No Floor Amendments. No note request."

Speaker Leitch: "Third Reading. Mr. Clerk, read Senate Bill 203."

Clerk McLennand: "Senate Bill #203, a Bill for an Act to amend the Illinois Public Aid Code. Second Reading of this Senate Bill. Committee Amendment #1 has been referred to Rules. Committee Amendment #2 has been adopted and distributed. Floor Amendments #3, 4 and 5 have been referred to Rules. A fiscal note has been requested on the Bill, as amended, and has not been filed."

Speaker Leitch: "Hold it on Third Reading...Second Reading. I'm sorry. Mr. Clerk, what is the status of Senate Bill 377?"

Clerk McLennand: "Senate Bill #377, a Bill for an Act relating to

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early childhood education and care. Second Reading of this Senate Bill. Committee Amendment #1 has been referred to Rules. Committee Amendment #2 has been adopted and distributed. Floor Amendment #3 has been referred to Rules. A fiscal note and a state mandates note have been requested on the Bill, as amended. They have not been filed."

Speaker Leitch: "Please hold the Bill on Second Reading. What is the status of Senate Bill 443?"

Clerk McLennand: "Senate Bill #443, a Bill for an Act to amend the Nursing Home Care Act. Second Reading of this Senate Bill. Committee Amendments #1 and 2 have been adopted and have been printed and distributed. No Floor Amendments. A fiscal note and a correctional budget and impact note have been requested on the Bill, as amended. They have not been filed."

Speaker Leitch: "Please keep the Bill on Second Reading. Mr. Clerk, would you check the status again of Senate Bill 8?"

Clerk McLennand: "Senate Bill #8 has been held on the order of Second Reading pending the filing of a correctional budget and impact note request."

Speaker Leitch: "Has that..."

Clerk McLennand: "The note has not been filed."

Speaker Leitch: "For what purpose does the Gentleman from Madison rise? Representative Stephens."

Stephens: "Mr. Speaker, I would move that the request for the note is inapplicable."

Speaker Leitch: "The Gentleman has moved that the correctional impact notice on Senate Bill 8 is inapplicable. Is there any discussion on that question? The Gentleman from Cook, Representative Lang."

Lang: "Well, thank you, Mr. Speaker. I know that Mr. Stephens is

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very anxious to move this Bill onto Third Reading; however, this would allow for interagency agreements that effect the Department of Corrections and the Department of Public Aid together. Surely anything that allows them to get involved in agreements together, certainly anything that involves the Department of Corrections in their agreement, can conceivably cause the Department of Corrections money. It could cost them money, then a correctional impact note is appropriate. So, it would be a lot easier, rather than debating this, when clearly the note Act is applicable, be a lot easier to just wait and get the note. So, Mr. Stephens' Motion is definitely inappropriate at this time."

Speaker Leitch: "The Gentleman... Representative Lang."

Lang: "Just only to add that we would ask for a Roll Call on this."

Speaker Leitch: "Your grant will be...will be accepted. Representative Stephens has moved that the correctional notice statement is inapplicable. All those in favor shall vote 'aye'; all those opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? And on this Motion, there are 64 voting 'aye', 51 voting 'nay', and the Motion is approved...adopted. Third Reading. Mr. Clerk, what is the status of Senate Bill 176?"

Clerk McLennand: "Senate Bill 176, has been held on the Order of Second Reading pending a fiscal note request. The fiscal note request has been withdrawn."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 465? Four sixty five."

Clerk McLennand: "Senate Bill 465, a Bill for an Act in relation to state government. Second Reading, Second Reading of this Senate Bill. Committee Amendment #1 has been adopted

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and distributed. Committee Amendment #2 has been referred to Rules. No note requests."

Speaker Leitch: "Leave the Bill on Second Reading. What is the status of Senate Bill 478. Four seventy eight."

Clerk McLennand: "Senate Bill 478, a Bill for an Act that amends the Airport Authorities Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments, no note requests."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 585?"

Clerk McLennand: "Senate Bill 585, a Bill for an Act to amend the Attorney General Act. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and distributed. No Floor Amendments, no note requests."

Speaker Leitch: "Leave the Bill on Second Reading. Senate Bill 585 will remain on Second Reading. Mr. Clerk, what is the status of Senate Bill 665? Or 662."

Clerk McLennand: "Senate Bill 662, a Bill for an Act that amends the Illinois Public Aid Code. Second Reading of this Senate Bill. Committee Amendment #1 has been referred to Rules. No Floor Amendments. A fiscal note has been requested on the Bill, and has not been filed."

Speaker Leitch: "Leave the Bill on Second Reading. Mr Clerk, what is the status of Senate Bill 690?"

Clerk McLennand: "Senate Bill 690, a Bill for a Act that amends the Board of Higher Education Act. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and distributed. Committee Amendment #2 has been referred to Rules. No Floor Amendments. A fiscal note has been requested on the Bill and has not been filed."

Speaker Leitch: "Mr. Clerk, please leave Senate Bill 690 on Second Reading. Mr. Clerk, read Senate Bill 772, and what

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is its status?"

Clerk McLennand: "Senate Bill 772, a Bill for an Act in relation to powers of county boards and county board chairmen. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and distributed. No Floor Amendments. A fiscal note has been requested on the Bill and has been filed. A state mandates note has been requested on the Bill as amended, has not been filed."

Speaker Leitch: "Leave it on Second Reading. What is the status of Senate Bill 947?"

Clerk McLennand: "Senate Bill 947, a Bill for an Act concerning the election of the Mayor of Chicago. Second Reading of this Senate Bill. No Committee Amendments. Floor Amendment #1 has been referred to Rules. A state mandates note, fiscal note and home rule note have been requested on the Bill and have not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 1066?"

Clerk McLennand: "Senate Bill 1066, a Bill for an Act that amends the Illinois Governmental Ethics Act. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and distributed. Committee Amendments #2 and 3 referred to Rules. Floor Amendment #4 has been referred to Rules. A fiscal note has been requested on the Bill as amended and has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 1095?"

Clerk McLennand: "Senate Bill 1095, a Bill for an Act concerning radiation protection and installations. Second Reading of this Senate Bill. Committee Amendments #1 and 2 have been adopted and distributed. No Floor Amendments, no note requests."

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Speaker Leitch: "Third Reading. Mr. Clerk, read Senate Bill 1186."

Clerk McLennand: "Senate Bill 1186, a Bill for an Act amending the Illinois Aeronautics Act. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted and distributed. No Floor Amendments, no note requests."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, on Supplemental Calendar #2...the Gentleman from Cook, Representative Lang. For what purpose do you rise, Sir?"

Lang: "Just an inquiry of the Clerk. What did you do with Senate Bill 1186, Sir?"

Clerk McLennand: "Senate Bill 1186, has been held on the Order of Second Reading."

Speaker Leitch: "Mr. Clerk, on House Calendar Supplemental #2, appears Senate Bill 50. What is the status of that Bill, Sir?"

Clerk McLennand: "Senate Bill 50, a Bill for an Act that amends the School Code. Second Reading of this Senate Bill. Committee Amendments #1, 4, 7, and 8 have been adopted. They have not been distributed. Committee Amendments #2, 3, 5, 6, and 9 have been referred to Rules. A fiscal note has been requested on the Bill as amended, has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. What is the status of Senate Bill 51?"

Clerk McLennand: "Senate Bill 51, a Bill for an Act to amend the School Code. Second Reading of this Senate Bill. Committee Amendments 1, 2, and 3 have been referred to Rules. Floor Amendment #4 has been referred to Rules. A fiscal note has been requested on the Bill has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. What is the status of Senate Bill 79. Seven, nine."

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Clerk McLennand: "Senate Bill 79, a Bill for an Act concerning beneficial interests and land trust. Second Reading of this Senate Bill. Committee Amendments #1, 2, and 3 have been adopted. They have not been distributed. Committee Amendment #4 was ruled non-germane. Floor Amendment #5 has been referred to Rules. A fiscal note and judicial note have been requested on the Bill has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. What is the status of Senate Bill 165?"

Clerk McLennand: "Senate Bill 165, a Bill for an Act to amend the School Code. Second Reading of this Senate Bill. Committee Amendments #1, 2, and 5 have been referred to Rules. Committee Amendment #3 has been referred to subcommittee. Committee Amendment #4 has been adopted. Floor Amendments #5, 6, and 7 have been referred to Rules. The state mandates note and the fiscal note have been requested on the Bill have not been filed."

Speaker Leitch: "Hold the Bill on Second Reading."

Clerk McLennand: "The states mandate note and the fiscal note, have been filed on the Bill."

Speaker Leitch: "Hold Senate Bill 165 on Second Reading. What is the status of Senate Bill 292?"

Clerk McLennand: "Senate Bill 292, a Bill for an Act relating to persons with disabilities. Committee Amendments #1, 2, 3, and 6 were referred to Rules. Committee Amendment #4 has been referred to subcommittee. Committee Amendment #5 has been adopted. Floor Amendments #6, 7, and 8 have been referred to Rules. A fiscal note has been requested on the Bill as amended and has been filed."

Speaker Leitch: "Hold the Bill on Second Reading. What is the status of Senate Bill 317?"

Clerk McLennand: "Senate Bill 317, a Bill for an Act that amends

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the Consumer Fraud and Deceptive Businesses Act. Second Reading of this Senate Bill. Committee Amendment #1 was ruled non-germane. No Floor Amendments. A fiscal note has been requested, has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. What is the status of Senate Bill 365?"

Clerk McLennand: "Senate Bill 365, a Bill for an Act that amends the School Code. Second Reading of this Senate Bill. Committee Amendments #1, 2, 3, and 4 have been referred to Rules. Floor Amendments #5 and 6 have been referred to Rules. Fiscal note and state mandates note have been requested on the Bill and they have been filed."

Speaker Leitch: "Hold the Bill on Second Reading. What is the status of Senate Bill 384? Three eighty four."

Clerk McLennand: "Senate Bill 384, a Bill for an Act to amend the Juvenile Court Act of 1987. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted. Committee Amendments #2, 3, 4 and 5 have been referred to Rules. Floor Amendments #6, 7, and 8 have been referred to Rules. No note requests."

Speaker Leitch: "Hold the Bill on Second Reading. Senate Bill 435, what is the status?"

Clerk McLennand: "Senate Bill 435, a Bill for an Act to amend the Code of Civil Procedure. Second Reading of this Senate Bill. Committee Amendment #1 was been adopted. Committee Amendment #2 was ruled non-germane. Floor Amendment #3 has been referred to Rules. A fiscal note and judicial note requests were filed. Those note requests have been withdrawn."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 439? Four, three, nine."

Clerk McLennand: "Senate Bill 439, a Bill for an Act to amend the

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Illinois Marriage and Dissolution of Marriage Act. Second Reading of this Senate Bill."

Speaker Leitch: "Are there any Committee or Floor Amendments?"

Clerk McLennand: "No Committee Amendments, no Floor Amendments. A fiscal note , state mandates and judicial note have been requested on the Bill and they have not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 523?"

Clerk McLennand: "Senate Bill 523, a Bill for an Act to amend the Nursing Home Care Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments, no note requests."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 710?"

Clerk McLennand: "Senate Bill 710, a Bill for an Act that amends the School Code. Second Reading of this Senate Bill. Committee Amendments #1, 2, and 3 have been referred to Rules. Floor Amendment #4 has been referred to Rules. A fiscal note has been requested on the Bill and has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 810?"

Clerk McLennand: "Senate Bill 810, a Bill for an Act concerning the Practice of Medicine. Second Reading of this Senate Bill. Committee Amendment #1 was ruled non-germane. Floor Amendment #2 has been referred to the Rules Committee. A fiscal note has been requested, has not been filed."

Speaker Leitch: "Hold Senate Bill 810 on Second Reading. Mr. Clerk, read Senate Bill 833."

Clerk McLennand: "Senate Bill 833, a Bill for an Act that amends the Adoption Act. Second Reading of this Senate Bill. No Committee Amendments, no Floor Amendments. A fiscal note,

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state mandates note and judicial note have been requested on the Bill, they have not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, please read Senate Bill 934."

Clerk McLennand: "Senate Bill 934, a Bill for an Act that amends the Trust and Trustees Act. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted. Committee Amendment #2 has been ruled non-germane. Floor Amendment #3 has been referred to Rules. A fiscal note has been filed on the Bill, has been requested and has been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, read House Bill (sic-Senate Bill) 1005."

Clerk McLennand: "Senate Bill 1005, a Bill for an Act to amend the School Code. Second Reading of this Senate Bill. Committee Amendment #1 was adopted. Committee Amendments #2 and 3 referred to Rules. No Floor Amendments. A fiscal note was requested on the Bill as amended, and has been filed."

Speaker Leitch: "Third Reading. Mr. Clerk, read Senate Bill 1007."

Clerk McLennand: "Senate Bill 1007, a Bill for an Act in relation to Board of Education and School Districts with populations of 500,000 or more. Second Reading of this Senate Bill. Committee Amendment #1 has been adopted. Committee Amendments #2 and 3 referred to Rules. Floor Amendments #4 and 5 have been referred to Rules. A fiscal note, state mandates note and home rule note have been requested as amended and they have not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 1115?"

Clerk McLennand: "Senate Bill 1115, a Bill for an Act to amend the School Code. Second Reading of this Senate Bill. No

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Committee Amendments. Floor Amendment #1 has been referred to Rules. No note requests."

Speaker Leitch: "Third Reading. Mr. Clerk, what is the status of Senate Bill 1122?"

Clerk McLennand: "Senate Bill 1122, a Bill for an Act in relation to education. Committee Amendments #1, 2, and 3 have been referred to Rules. Floor Amendment #4 has been referred to Rules. A fiscal note and state mandates note has been requested on the Bill, have not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. Mr. Clerk, what is the status of Senate Bill 1208?"

Clerk McLennand: "Senate Bill 1208, a Bill for Act concerning business activity regulations. Second Reading of this Senate Bill. Committee Amendment #1 and 2 have been adopted. Committee Amendment #3 was ruled non-germane. Floor Amendment #4 has been referred to Rules. A fiscal note and judicial note have requested on the Bill but the judicial note has not been filed."

Speaker Leitch: "Hold the Bill on Second Reading. We'll now proceed to the Order of Senate Bills, Third Reading. Mr. Clerk, read Senate Bill 300. Representative Ryder."

Clerk McLennand: "Senate Bill 300, a Bill for an Act that amends the State Finance Act. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Senate Bill 300 is the Conservation 2000 Program. It is in exactly the same form as the Bill that passed out of the House with over a 100 votes. We had a distinguished discussion at that time, and I'd be happy to answer any questions on this issue from those who wish to promote the questions."

Speaker Leitch: "The Gentleman from Williamson, Representative Woolard."

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

Speaker Leitch: "He indicates he will."

Woolard: "First, I'm joined by a requisite number of colleagues to take this off Short Debate."

Speaker Leitch: "So acknowledged."

Woolard: "Representative, is this an Appropriations Bill or just an authorization?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, this creates the Act and it indicates the purposes for the Act and in general described the manner in which the money will be spent, but that, Sir, happens in our budget so that this simply authorizes it to be done. It does not appropriate any money for that purpose."

Speaker Leitch: "Representative Woolard."

Woolard: "Is there any parts of this legislation that is sites specific, or this is a statewide authorization, or are there specific areas that have been identified as to received certain portions of the appropriation if it does follow?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, it is not sites specific. It simply sets up a program and indicates that it is, the purpose of it is to establish the comprehensive program to deal with Illinois natural resources. It does talk about how you do that in various ways and forms and I refer you to the Bill, subsections 1 thru 5, and would indicate to you, that in that sense that it doesn't speak specifically of a site for examples that you could use or I could use, but they're not mentioned in the Bill, so, I don't want to mislead you. Let me answer more specifically a previous question that you asked about the appropriation. It does create a transfer, Sir, from one fund to another, and that transfer

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portion is within the Bill and as you can see in subparagraph B, it talks about the amount of those transfers over the next six years, but it doesn't appropriate those, it simply authorizes the transfer from one fund to another."

Speaker Leitch: "Representative Woolard."

Woolard: "So, in effect, this is a long term commitment that the state would be making if we passed this. I think I heard something about six years. Is that the duration or is it even longer?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, I refer you to the Bill, that in subsection B on page 2, it talks about transfers taking place in Fiscal Year 1996 through Fiscal Year 2001."

Speaker Leitch: "Representative Woolard."

Woolard: "So, we can make a commitment at this time, but future General Assemblies are going to have to make the commitments to meet the obligations financially for a long period of time, is that correct?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, you and I decide each and every year, if you and I are lucky enough to be here for that time period, and I certainly hope that we are, that we would then make the decision each and every year about the amount of funds that would be transferred. I direct you to the Conservation 2000 project funds which talks about projects, and that would be proceeds as may be from time to time be provided by law. It is intended to be a long-term. It is intended to be a commitment by the State of Illinois to a long-term project concerning those issues that are important to the folks who helped pass it out of committee and those folks that have voted for it before."

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Speaker Leitch: "Representative Woolard."

Woolard: "Is this dealing only with those areas of conservation that would affect the sportsmen of this state or maybe the other industry that might be affected, the agri-business industry? Are they going to be affected or impacted in any way on this piece of legislation?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, it would be my hope, and I believe that it is true, that the contents of this Bill, and if Conservation 2000 reaches the dream that I hope that it does, that it will affect every single person in this state. Either by preserving natural areas, by encouraging and paying for soil and water conservation, by concerning sustainable agriculture, by developing sites for preservationists, sportsmen, environmentalists and just plain Joe and Susan Citizen, who want to get out and breathe some fresh air and see some natural settings. It would be my hope that this Bill would provide those opportunities and preserve some of the great areas that you and I come to enjoy, and your area is especially rich in that, and I know that you enjoy and appreciate that, so that our children and grandchildren and great-grandchildren have the opportunity to deal with it. So, I don't...although there are parts of it that specifically are dealing with areas that are...a particular area for example, agriculture or the environmentalists or preservation of natural resources. I believe that the overall affect is conserving an environment and producing an environment for all the citizens of this state."

Speaker Leitch: "Representative Woolard."

Woolard: "Thank you, Mr. Speaker. To the Bill if I may."

Speaker Leitch: "Yes, proceed, Sir."

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Woolard: "I'd like to encourage all of my colleagues to stand up and be counted. I really believe that this is a chance for us to fight for something that's right, that's good. I think we have responsibilities when we're sent down here, and I 'ask' that many times that we get involved in the partisan bickering and fighting on issues and this is a time when we can all stand together, standing for the future generations, our grandkids, our kids, and make a difference for them. You know, I commend the Governor of this state. I think he has taken on an initiative here that can make a difference, a positive difference for future generations. I commend the leadership that's provided by Representative Ryder. I know that this is an issue that he has dealt with for a couple of years. I know it's going to be difficult for many of us to make the decisions, especially on the short-term to finance a project such as this, but if we don't have the authorization to do so, we'll never be able to accomplish it. Those of you who are concerned about the financial impact that will be taking place here, make those decisions when the time is right. Do your prioritization at that point, but right now, we have a chance to make a difference for the kids, our grandkids, and future generations. I think this is right, it's good, it's something that we should be about."

Speaker Leitch: "The Gentleman from Effingham, Representative Hartke. For what purpose do you rise, Sir?"

Hartke: "Thank you very much, Mr. Speaker and Members of the House. I think I heard something in the debate here that I think is not necessarily true. I think Representative Woolard deluded to the fact that this a good long range program and his response to a question to Mr. Ryder, Mr. Ryder indicated that it will be up to the General Assembly

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to appropriate these funds. As I read the legislation, it says that these funds will automatically be transferred from the Treasurer of the State of Illinois to the appropriate Conservation 2000 Fund. Is that correct, Representative Ryder?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative Hartke, I apologize. I didn't realize that that was in the form of a question, and as a result, I didn't hear it. If you'd like to succinctly restate it, I would be happy to answer your question, Sir. I thought you were speaking to the Bill and I apologize to you."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, I'd like to draw your attention to line 18, on page 2, under subsection B. It says the State Comptroller or the State Treasurer shall automatically transfer on the last day of each month the appropriate amounts to the General Revenue Fund to the Conservation...from the General Revenue Fund to the Conservation 2000 Fund, an amount equal to 1/10 the amount set forth below in each fiscal year. I read that to indicate to me that each and every year, once this program is started, that those funds will automatically be put there every year, and that's my concern. You know, from day one Conservation 2000 even last year I had reservations about, not about the program itself, cause I think that all of these programs that are put forth by the Department of Conservation, Energy and Natural Resources, Department of Transportation, Department of Agriculture, are all very good worthwhile programs. However, here in the State of Illinois, we have all kinds of unfunded programs that and unfunded Bills that we just simply don't have the money for. I know this is an authorization, it's not an appropriation Bill, however, I

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don't see where we can come up with the money for this. It's a good idea, and I think we're raising hopes and it's a pie in the sky out there that we really can't afford to do. I do know that a couple of years ago as we ran short of money in the State of Illinois, the Director of Agriculture, Becky Doyle, agreed with me that she would work before she started any new program in her agency, she would try to restore to the Fertilizer, Research and Education Council, a mere \$400,000, and here I see a program that is going to cost much, much, much more. Sixty million dollars over the next six years. All very good worthwhile programs which will guarantee natural resources here in the State of Illinois, but I also think we've got to live up to those commitments that we made in the past. I'm going to vote for this Bill, but I really think, I really think we're making a mistake by starting another new program. Might I ask one question of the Sponsor?"

Speaker Leitch: "Proceed."

Hartke: "Representative Ryder, what happened to your Bill in the Senate, the identical Bill here that was in the House?"

Speaker Leitch: "Representative Ryder."

Ryder: "Representative, as of the last time I checked the Bill, which was yesterday, it was ready to be heard in the form that you see."

Speaker Leitch: "Representative Hartke."

Hartke: "So I guess we have two pieces of legislation that we passed to put on the Governor's desk and we ought to save some of those dollars and use it for other programs in the State of Illinois. This is a great program that you and and all the various agencies and you have the majority, why duplicate the Bill, why waste our time?"

Speaker Leitch: "Representative Ryder."

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Ryder: "Representative, I agree with what you saying, and I have to tell you that my problem was that Senator Woodyard just thought that his exact Bill was better then my exact Bill, and as a result, him being a Senator I always took my own advice and went ahead and ran this Bill."

Speaker Leitch: "Representative Hartke."

Hartke: "Well, thank you very much for those answers. I think that I've explained this and my position a couple of times. A vote against this Bill is not a vote against conservation, and I'm going to vote for it. My rhetoric is not against conservation, the Department of Agriculture, it's the principal of the thing. Thank you very much."

Speaker Leitch: "Thank you, Representative. The Lady from Lake, Representative Andrea Moore."

Moore, Andrea: "Mr. Speaker, I move the previous question."

Speaker Leitch: "The previous question has been put. All those in favor so say 'aye', opposed 'nay'. In the opinion of the Chair, the 'ayes' have it and the previous question has been put. Representative Ryder to close."

Ryder: "Thank you for your attention. You have voted for this Bill before. I would ask for a favorable vote once again. Hopefully the last time we vote on this Bill."

Speaker Leitch: "The question is, 'Shall Senate Bill 300 pass?' All those in favor shall vote 'aye', all those opposed shall 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', none voting 'present', and Senate Bill 113, 113, having received a Constitutional Majority...I'm sorry, I'm sorry, just a little mistake, keep your sense of humor. Senate Bill 300, having received the Constitutional Majority is hereby

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declared passed. Mr. Clerk, Committee Announcements."

Clerk McLennand: "Attention, on Committees posted for today, Tuesday's 2:00 Committees will meet at 4:00, the 4:00 Committees will meet at 6:00, and for Wednesday the Approp...for Wednesday, the Appropriation Committees posted for 8:00 a.m. will meet at 9:00 a.m."

Speaker Leitch: "Please read Senate Bill 331, on the Order of Third Reading. Senate Bill 331."

Clerk McLennand: "Senate Bill 331, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this Senate Bill."

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

Black: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 331 was amended in the Senate to require conformants with federal law. It requires that health facilities defined as federally qualified health centers on or after April 1, 1989, shall, if it is required by the federal government, receive reimbursement from the Department of Public Aid according to a cost reimbursement methodology. I'd answer any questions you have on Senate Bill 331."

Speaker Leitch: "The Gentleman from St. Clair, Representative Hoffman. Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Hoffman: "Yes Representative, I apologize, I know this has to do with reimbursement of federally qualified health centers for services provided. Could you explain to me what perspective cost reimbursement methodology is?"

Speaker Leitch: "Representative Black."

Black: "I'm not sure I heard the question. If I did, I'm not

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sure I understand it. Can we try again?"

Speaker Leitch: "Representative Hoffman."

Hoffman: "It's my understanding that this Bill, according to what you say, would require the department to reimburse federally qualified health centers for services provided according to a perspective cost reimbursement methodology. The question is, what is a perspective cost reimbursement methodology?"

Speaker Leitch: "Representative Black."

Black: "To the best of my knowledge, it's based on a formula that the center would create on data as to what their costs are."

Speaker Leitch: "Representative Hoffman."

Hoffman: "The center you said? What's the center? Oh the centers, I'm sorry, I'm sorry, I'm sorry. I apologize. You're talking about the individual qualified health centers that they then would provide data to the federal government and they would determine what the perspective cost reimbursement would be, is that right?"

Speaker Leitch: "Representative Black."

Black: "Well, it goes through a more convoluted process in the bureaucracy. I think the center forwards the data to the Department of Public Aid, the Department Public Aid then has to follow the federal methodology, and then somewhere along the way, somebody gets a check."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, I know that the idea here is for somebody to get a check. We're just hoping they get the correct amount at the correct time. The...it's my understanding that what we're talking about, is we're attempting to base the reimbursement on cost, on perspective cost as opposed to actual cost. Is that the intent of this legislation?"

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Speaker Leitch: "Representative Black."

Black: "Yes, that would be basically it, but actual costs are used to base your prospective, you know, the number crunchers in these qualified centers are trying to constantly keep ahead of Medicaid and Medicare reimbursement, so they use actual costs, go through a federal formula and try to determine what certain procedures will actually cost them, say in their upcoming fiscal year. I don't...I got to be honest with you, I don't begin to understanding all the intricacies in the federal government formul that's used. I can tell you is that the federally qualified health centers want this legislation, in fact, need this legislation. It was...a slight Amendment was added at the request of the Department of Public Aid and I know Representative Currie who is the Legislator of the Year, on behalf of the centers, I'm sure would stand in support of the Bill."

Speaker Leitch: "Representative Hoffman."

Hoffman: "Well, I know that most of the...I don't know of any opponents of the Bill, but I think we have to be a little careful because the concern that I have and maybe others should share, is that under the Mediplan Plus Program how were these FQHC's going to be reimbursed? For instance, if we contract through the Mediplan Plus Program and it doesn't bring them up to the perspective cost reimbursement methodology, are we then going to have to go back and reimburse these FQHC's the difference, and, I don't think that that is the intent of the Mediplan Plus Program? That was a question."

Speaker Leitch: "Representative Black."

Black: "That's what I was afraid of. Let me try to give you the answers the best I understand it with 'Dr. Ray Davis'

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assisting me. The center would have to enter into a constructive notice contract with Mediplan Plus or the state, the Public Aid Department, whatever, so you know, there's not going to be funny business and everybody is going to know up front basically what their rate structure is going to be, excuse me, their reimbursement structure. The real reason for this law, however, is to put Illinois in sync with, let me quote, 'current federal law regarding Medicaid reimbursement to federally qualified health centers'. So, that's...I think that's the gist of the legislation."

Speaker Leitch: "Representative Hoffman."

Hoffman: "If I might, Mr. Speaker, just bring my remarks to a close."

Speaker Leitch: "Proceed Representative."

Hoffman: "The...I understand that we probably have to do this under federal law and I think we should probably vote for it. It seems that we voted for a similar piece of legislation in House Bill 1868, 111 to 5, but I think that in light of what we're doing, I think we need to look to the future and see what's going to happen and make sure that if the federal law were to change and we put in the Mediplan Plus, that we would be able to work bipartisanly to insure that the state law does not conflict with what we've just passed. With that, I think that everybody can support this Bill with an eye to the future."

Speaker Leitch: "The Gentleman from McHenry, Representative Skinner. For what purpose do you rise?"

Skinner: "Well, Mr. Speaker. I rise to say that I'm real nervous about this Bill. These public aid clinics, or these public clinics, they're not really public aid clinics I don't think, are we reimbursed at a higher rate than virtually

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So, this is sound public policy to make sure that those that are in the front line observing the medically indigent, serving people in communities where there aren't many medical services, serving them both at reasonable rates, and serving them in ways that will protect their long-term chances to lead healthy lives. This is good fiscal sense. It's good common sense and I urge your 'aye' vote."

Speaker Leitch: "Representative Black to close."

Black: "Thank you very much, Mr. Speaker, and Ladies and Gentlemen of the House. I couldn't make a more eloquent close than already offered by Representative Currie. I'm proud to stand with Representative Currie and ask for your 'aye' vote."

Speaker Leitch: "The Gentleman has moved for passage of Senate Bill 331. The question is, 'Shall Senate Bill 331 pass?' All those in favor shall vote 'aye', opposed shall vote 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 voting 'aye', none voting 'no', and Senate Bill 331 having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, Committee Announcement."

Clerk McLennand: "The Environment and Energy Committee will meet at 5:30 p.m. in Room 114."

Speaker Leitch: "Mr. Clerk, on the Order of Third Reading, appears Senate Bill 426. Please read that Bill."

Clerk McLennand: "Senate Bill 426, a Bill for an Act that amends the Election Code. Third Reading of this Senate Bill."

Speaker Leitch: "Representative Biggert."

Biggert: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Bill 426, is to amend the Election Code to

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permit any election authority to develop and implement a computer based voter registration system, that includes a computer stored image of signatures of each voter. It passed out of the Senate, 54 to nothing, and out of the House Committee, 18, 00, and I'd be happy to answer any questions."

Speaker Leitch: "The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. I'm joined by my requisite number of colleagues to have this Bill removed from Short Debate."

Speaker Leitch: "So removed. Proceed, Sir."

Granberg: "Thank you. Will the Lady yield? Representative Biggert, if I remember correctly, last year we worked on this problem, but again, if I remember correctly, I thought this was included in the Motor Voter Bill, is that right?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think that it was at one time, yes Representative."

Speaker Leitch: "Representative Granberg."

Granberg: "So, why is not Motor Voter attached with this legislation?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think that if it had been able to pass that last year they both would have gone out. This was a recommendation from the DuPage County Board of Elections, and asked me to present this Bill, and there was no one that came to me and asked me to do the Motor Voter."

Speaker Leitch: "Representative Granberg."

Granberg: "So, DuPage County was not in favor of Motor Voter, they just wanted the picturization?"

Speaker Leitch: "Representative Biggert."

Biggert: "I can't speak for DuPage County Board of Election on

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that."

Speaker Leitch: "Representative Granberg."

Granberg: "Has any county, does any county really operate this method?"

Speaker Leitch: "Representative Biggert."

Biggert: "Yes Representative. DuPage County has had a pilot project on this, and since 1992 has used the signature digitalization to scan the voters signatures and use this in elections as a test project."

Speaker Leitch: "Representative Granberg."

Granberg: "So, there is no other county in the state that is currently using this method of authenticating signatures, is that right?"

Speaker Leitch: "Representative Biggert."

Biggert: "Well, I'm not...I don't know and I don't know for a fact, but the proponents include the Springfield Board of Election, the Danville Board of Election Commissioners, East St. Louis Board of Election Commissioners, and the County Clerks Association."

Speaker Leitch: "Representative Granberg."

Granberg: "So it's exactly the same as the legislation last year that was brought before the House?"

Speaker Leitch: "Representative Biggert."

Biggert: "Could you repeat the question, I'm sorry?"

Speaker Leitch: "Representative Granberg."

Granberg: "Is this exactly the same as the legislation that we discussed previously last year? There are no changes since last year?"

Speaker Leitch: "Representative Biggert."

Biggert: "It's my understanding that Senator Dillard had a Bill, but it's the same legislation that I had last year and then had on the House floor this year."

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Speaker Leitch: "Representative Granberg."

Granberg: "So Representative, so we're doing this for DuPage County. How does this actually operate? Would have then...you would not the authentication done by registration, so it would be done by digitalization, is that correct?"

Speaker Leitch: "Representative Biggert."

Biggert: "Well, it's not just for DuPage County, but the...any election authority that wishes to do it would be able to do it. When a voter registers on the registration card, they then scan that signature and put it into the computer, and then they run a card or a piece of paper that shows signature on it, so when the person goes in to vote, they have a printout of their signature so that the election judge can compare the two signatures and verify that that person is indeed the voter. It takes the place of the big binders that the election judges have to bring to each of the precincts for voting."

Speaker Leitch: "Representative Granberg."

Granberg: "So, currently the election judges in the precincts have the actual signature of the person registered to vote and they have that in hand in the binders and this would now eliminate that requirement?"

Speaker Leitch: "Representative Biggert."

Biggert: "They would have the signature stand by computer, but there is a requirement that the original will be kept at the Board of Elections so that..."

Speaker Leitch: "Representative Granberg."

Granberg: "But, in the precinct itself, the precinct judges will not have the original? The original is on file at the Board of Elections, Election Authority, but you know when you walk into a precinct, currently right now, the judges

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have the ability to look at the actual signatures to determine the validity of the person voting. This will now take away that insurance that that is actually the person voting. They will not have the authentic signature..."

Speaker Leitch: "Representative Biggert."

Biggert: "Well, that is the reason for scanning that signature and by the signature digital..."

Speaker Leitch: "Proceed."

Biggert: "...by having the scanner which has scanned that signature that would be the same, but there is the protection that the original copy is kept at the Board of Election."

Speaker Leitch: "Representative Granberg."

Granberg: "Thank you, one last question. Representative Biggert, if we do not do this, would DuPage County then lose the money that they already invested in this system? They invested in the system without the authorization from the state, so, do they need this authorization to continue to operate this or is this on a trial basis in the county alone?"

Speaker Leitch: "Representative Biggert."

Biggert: "I think they can still use it, the problem is that they would still have to still provide the binders at the...at each precinct to have the original signature there. Without this change, they would not be able to do away with..."

Speaker Leitch: "Representative Granberg. The Gentleman from...are you finished Representative? The Gentleman from Cook, Representative Lang. Do you wish to proceed?"

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

Speaker Leitch: "She will."

Lang: "Representative, there was an Amendment 3 proposed by

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Representative Andrea Moore. It's not on the Bill. What happened to it?"

Speaker Leitch: "Representative Biggert."

Biggert: "It's my understanding that that went to Rules."

Speaker Leitch: "Representative Lang."

Lang: "Do you have any idea why this went to Rules?"

Speaker Leitch: "Representative Biggert."

Biggert: "Probably for the same reason that many of yours has gone to Rules."

Speaker Leitch: "Representative Lang."

Lang: "You mean this went to Rules because it deals with the \$30 million ripoff of the taxpayers? No, you can't mean that. You must mean it went to Rules because the committee didn't have time to take a look at it, and it's far too thick and far too controversial. No, that wasn't it either? Why did it go to Rules?"

Speaker Leitch: "Representative Biggert."

Biggert: "This Bill had already passed out of committee before that Amendment was submitted, so it would have been a Floor Amendment."

Speaker Leitch: "Representative Lang."

Lang: "When this was an original Bill, earlier this Session, you voted for this. Why didn't you give Representative Moore the opportunity to put this on your Bill? She sits two seats from you. It's not a seatmate, but a rowmate. We don't want her to be aggrieved in this process, perhaps you should help her out here. Come on, help your colleague out."

Speaker Leitch: "Representative Biggert."

Biggert: "The issue that's addressing her Bill is in the Senate, and so, it wasn't needed to be on this Bill. You just talked about duplication, so we didn't want to duplicate

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what's in the Senate and what's in the House."

Speaker Leitch: "Representative Lang."

Biggert: "...and it's a...."

Lang: "Well, in my continuing effort to straighten out your side of the aisle, let me just indicate to you that this Bill is dead in the Senate. Its been held in Senate Rules, it's not going anywhere."

Speaker Leitch: "Representative Biggert."

Biggert: "Actually Representative Lang, Senate Bill 1820...or House Bill 1825 passed out of Committee today."

Speaker Leitch: "Representative Lou Lang."

Lang: "Thank you, I get a full name and that's real good. Well, okay, I'm glad that we could straighten..."

Speaker Leitch: "You got a song too, Sir."

Lang: "Yes, I heard that. I'm glad that you straightened me out on that because, we try to support Representative Andrea Moore on this side of the aisle whenever possible, and when she has legislation such as this, we don't want her to be aggrieved by a Member on her own side of the aisle, so, we appreciate that, and I thank you for your answers. I don't think I have anything else for you."

Speaker Leitch: "Representative Biggert."

Biggert: "I thank you Representative Lang for watching out for our interests and insuring that we work together. I would ask for a favorable vote on Senate Bill 426 which is the signature digitalization."

Speaker Leitch: "The Lady has moved for the passage of Senate Bill 426. The question is, 'Shall Senate Bill 426 pass?' All those in favor shall vote 'aye', all those opposed shall 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. And

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on this question, there are 113 voting 'aye', none voting 'no', and Senate Bill 426, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, what is the status of Senate Bill 320...365?"

Clerk Rossi: "Senate Bill 365, was held on the Order of Second Reading."

Speaker Leitch: "Third Reading. Representative Churchill now moves that the House stand adjourned until Wednesday, May 17, 1995, at the hour of 4:00 p.m. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Allowing for Perfunctory time for the Clerk, the House now stands adjourned until Wednesday, May 17, 1995, at the hour of four o'clock."

Clerk McLennand: "Committee Announcement. The Appropriations Public Safety Committee will meet at 5:30 in Room 118. Two o'clock committees, will meet at 4:00, the 4:00 will meet at 6:00, except for Energy and Environment at 5:30. Appropriations for Public Safety at 5:30. And for Wednesday, the 8:00 a.m. Appropriations Committees will meet at 9:00 a.m. House Perfunctory Session will now be in order. Messages from the Senate. Message from Secretary of Senate, Jim Harry. Mr. Speaker, I am directed to inform the House of Representatives, that the Senate has refused to concur with the House in the adoption of their Amendments to a Bill with the following title: Senate Bill 19, a Bill for an Act relating to Charter Schools, House Amendment #51 to Senate Bill 19, action taken by the House May 16. I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of the Bill with the following title: House Bill 2349, together with Senate Amendments #1 and 2, in the adoption of which I am

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anybody else, any other medical provider? And we seem to be about to put into state law that they will forever be reimbursed...that they will be forever be reimbursed at this high rate. It seems to me that this ought to be folded into the...whatever medicaid package the Speaker...the current person sitting in the Speaker's Chair is putting together rather than run independently. It looks...I mean, I certainly don't suggest that the Sponsor who is handling this bill is trying to do end run, but it sure looks like an end run around a total package which has to contain costs. I know of nothing in these public clinics that will at all contain costs. Thank you very much."

Speaker Leitch: "The Lady from Cook, Representative Currie."

Currie, Barbara: "Thank you, Speaker and Members of the House. The Sponsor of this Bill is right. I do rise in support of Senate Bill 331. This is good legislation for two reasons. First, under federal requirements, we must reimburse the federally qualified health centers at reasonable cost levels; second, it's good public policy for the State of Illinois to do so. These clinics are among the less expensive ways to provide health care to medically indigent people. They do provide service at a lower rate than most of the specialists in most of our communities, and other institutions that provide health care. They do it less expensively in part, because they are out in the communities trying to define needs and trying to meet needs before people face serious illness. Their primary mission is primary health care, that means preventive programs so that our clients are not faced with both the negative personal affects of serious illness, but the negative fiscal effects of serious illness for all the rest of us.

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instructed to ask concurrence of the House. Message from the Senate, by Jim Harry, Secretary of the Senate: Mr. Speaker, I am directed to inform the House of Representative that the Senate has concurred with the House of Representatives in the passage of the following Bills together with the attached Amendments, and ask the concurrence of the House in said Amendments: House Bill #8, together with Senate Amendment #1; House Bill 185, together with Senate Amendment #1; House Bill 413, together with Senate Amendment #1; House Bill 567, together with Senate Amendment #1; House Bill 729, together with Senate Amendment #1; House Bill 868, together with Senate Amendment #1; House Bill 1653, together with Senate Amendment #1; House Bill 1711, together with Senate Amendment #1; House Bill 1791, together with Senate Amendments #1 and 2; House Bill 1827, together with Senate Amendment #1; House Bill 1868, together with Senate Amendment #1; and House Bill 1893, together with Senate Amendment #1, passed the Senate May 16, 1995. Introduction of Resolutions. House Joint Resolution #43, offered by Representative Cross; and House Resolution #46, offered by Representative Art Turner. Both these Resolutions and the Concurrence and Nonconcurrence messages were referred to the Rules Committee. Being no further business, the House Perfunctory Session stands adjourned, and the House will reconvene on Wednesday, May 17th at the hour of 4:00 p.m."

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