

STATE OF ILLINOIS
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HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

134th Legislative Day

May 20, 1996

Speaker Daniels: "The House will come to order. All Members please be in their chairs. Those not entitled to the Floor will please retire to the Gallery. The pastor for the day will be the Assistant Door Keeper, Lee A. Crawford who I commend for his name, who is the Assistant Pastor of the Victory Temple in Springfield, Illinois. Pastor Crawford."

Pastor Crawford: "Let every head be bowed and every eye be closed. Lord as we look on us this day, as we look to You, Your servant David said in Psalms that he will lift up his eyes to the hills from which cometh his help, for his help came from the Lord. So as we look up and lift up our minds, our hearts, and our souls, for comfort, for wisdom, for understanding and above all, guidance throughout this day. This we kindly ask in Your precious Son's name, Amen."

Speaker Daniels: "Thank you, Pastor Crawford. We will be led in the Pledge of Allegiance by Representative Flowers."

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

Speaker Daniels: "Roll Call for Attendance. Representative Currie is recognized on the Democratic side for any excused absences."

Currie: "Thank you, Speaker. Please let the record show that both Representative Blagojevich and Representative Martinez are excused because of illness. And for the record, Representative Lang suggests that I remind the Chair that many of us, including Mr. Lang, were here at 10:00 and in our chairs at 10:30 as well."

Speaker Daniels: "Thank you. And Representative Cross is recognized on the Republican side of the aisle for any

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excused absences on the Republican side."

Cross: "Well, Mr. Speaker, thank you. On the Republic side, we're all here today."

Speaker Daniels: "And thank you. Mr. Clerk, take the record. On this question, there are 116 Members answering the Roll, and a quorum is present, and the House will now come to order. Committee Reports."

Clerk McLennand: "Committee Reports. Representative Churchill, Chairman of Committee on Rules to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approved for consideration' to the House floor: Motions to concur in Senate Amendment #1 to House Bill 2916; and a Motion to concur with Senate Amendment #1 to House Bill 3349. Reported back to the Order of Concurrence, House Bill #22, House Bill 431, 545, 548, 2230. House Bills 2294, 2529, 2632, 2695, and House Bills 3128 and 3694."

Speaker Daniels: "Representative Phelps. Representative Phelps, Jack Kubik, it's his birthday today. Representative Kubik. Representative Kubik, what birthday is this today? Representative Kubik, what birthday is this today of yours?"

Kubik: "Well thank you, Mr. Speaker. I would just like to take this opportunity to wish Representative Saviano happy birthday and of course, he's older then I am, so that's why I'm wishing him a happy birthday."

Speaker Daniels: "So Jack, which birthday is this today?"

Kubik: "Forty-one."

Speaker Daniels: "Alright. Representative Saviano, do you have that beat?"

Saviano: "Forty-eight."

Speaker Daniels: "Representative Saviano's birthday is today."

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Representative Phelps, can you help us with the appropriate recognition?"

Phelps: "Why don't we do a double shot here okay, Skip and Jack? Happy birthday to you, happy birthday to you, happy birthday dear Jack and Skip, happy birthday to you. And we wish you both many more, yes we wish you both many more, may God bless and keep you, happy birthday to you."

Speaker Daniels: "Representative Kubik."

Kubik: "Mr. Speaker, I just wanted to tell Representative Phelps that it's worth being in today just to hear that. It's always great to hear you sing. Thank you Representative Phelps."

Speaker Daniels: "Thank you Representative Phelps. On page 5 of the Calendar, appears House Bill 2651, a Motion to nonconcur, Representative Leitch."

Leitch: "Move to nonconcur."

Speaker Daniels: "Representative Leitch moves to nonconcur in House Bill 2651. All in favor will say 'aye'; opposed 'no'. The 'ayes' have it and the Motion is adopted. On page 5 of the Calendar, appears House Bill 347. Representative Cross."

Cross: "Thank you, Mr. Speaker. That's a dilly, maybe we ought to have Representative Phelps sing his next Bill. He has such a delightful voice whenever it's called. Three forty seven, Mr. Speaker, is a Judiciary Civil Law Committee. There were three...actually on Amendments, Senate Amendments 1, 2 and 5, the Judiciary Committee concurred on those, and on #4, the Concurrence Motion lost. So, I move to concur again on Senate Amendment 1, 2 and 5. I don't know of any opposition. Senate Amendment #1 is some cleanup agreed to between the Department of Public Aid and Members of the committee regarding estates and their

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ability and timing of pursuing claims against estates. Second, sets out some parameters dealing with limited liability corporation on behalf of lawyers that the Supreme Court has requested. Once again, I don't know of any opposition to it. And Senate Amendment #5 is some cleanup in the Code of Civil Procedure dealing with garnishments. I'd be glad to answer any questions. I've worked with Representative Lang on this and others, but thank you."

Speaker Daniels: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Before I make some comments on this Motion, I would just simply suggest that on these nonconcurrences that come through here, we might like to ask the Sponsor why he is nonconcurring. So, on that last Bill, you ran by it rather quickly. We would simply ask that you give us an opportunity to at least ask the Sponsor why he is nonconcurring. As to Senate Amendments 1, 2 and 5 on the Motion to concur, there was no opposition at all to these in committee. In fact, it was an unanimous vote from the committee to nonconcur in each of these, and I would suggest that Mr. Cross' Motion is in order, and we would be in favor of it."

Speaker Daniels: "Further discussion? Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield? Regarding..."

Speaker Daniels: "He indicates he will."

Hoffman: "Regarding Senate Amendment #5, in your explanation I thought you had said that it failed."

Speaker Daniels: "Number four. Number four."

Hoffman: "Oh, number four failed. Can you clear that up just..."

Speaker Daniels: "Representative Cross."

Cross: "Representative, let me tell you real quick what happened. It's a fair question. I had filed a Motion to concur on Senate Amendments 1, 2, 4 and 5. I found out after I'd

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filed that Motion we had some problems with Senate Amendment 4. That was a request actually of Senator Cullerton's. He and I agreed that if we had some problems with it that we would nonconcur with it and that he would be in agreement and work on it at a later time. And I apologize for not explaining that at the outset of my presentation. But that's an agreement, the elimination if you will of 4 and the reason that we are nonconcurring. Since I had filed a Motion to concur on all four of them, we just went ahead and proceeded on the Concurrence Motion on Amendment 4 and we just defeated it. So, that's why we just have these three remaining. And thanks for your inquiry."

Speaker Daniels: "Representative Hoffman."

Hoffman: "I'm trying to remember when we did #4. When we...did we defeat it last week, is that what happened? Or was it in committee?"

Speaker Daniels: "Representative Cross."

Cross: "We did it in committee last Friday afternoon Jay, and as I said earlier, Representative Lang and I talked about it. He knew and he was in agreement, as was Senator Cullerton."

Speaker Daniels: "Representative Hoffman."

Hoffman: "You have an agreement with Senator Cullerton then to recede from Senate Amendment #4 so then this will go to the Governor's desk? Okay, I have no further questions. I don't see anything wrong with the Bill."

Speaker Daniels: "Representative Cross now moves that the House concur in Senate Amendments 1, 2 and 5. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. This is final action on those Senate Amendments. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. On this question, there are 93 'aye', 18 'no', 5 voting 'present', and the House does concur in Senate Amendments 1, 2, and 5 to House Bill 347. Amendment #4, Representative Cross moves to nonconcur in Senate Amendment #4. That was discussed before. All those in favor signify by saying 'aye'; opposed 'no', the 'ayes' have it, and the House does nonconcur in Senate Amendment #4. Supplemental Calendar Announcement."

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

Speaker Daniels: "House Bill 2916, Representative Spangler."

Spangler: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. What I would like to do is concur with the Senate Amendment to the DARE plates as we had discussed before. I am happy to report that there was an agreement and this is actually an improvement to the Bill. Originally when it was discussed and debated on the floor, we were concerned that we couldn't get some of the monies from the DARE plates going right to the municipalities and now I understand that that hurdle has been overcome through the Senate and further negotiations with people in distribution and all the municipalities that have the DARE programs in the counties would get some of those monies. I'd be happy to answer any questions."

Speaker Daniels: "Further discussion? Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Spangler, you were kind enough to let me work with you on this Bill, but if you could go into a little more detail on Senate Amendment #1. That in fact, the Senate Amendment changed the distribution of funds from the fee that was part of the underlying Bill and if it did, could you please explain to the Members how that fee policy

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was changed and where those funds would have gone and are now going to?"

Speaker Daniels: "Representative Spangler."

Spangler: "Sure. Originally, what we had was a \$45 dollar fee in addition to the regular plate cost and that will remain the same, \$45 dollars. However, if you'll recall, we had \$15 dollars going to the State DARE Fund, we had \$15 dollars going to the counties, and we had \$15 dollars going to the Secretary of State for the development of that plate. However, now when we added on, the municipalities which was all of our wishes in the first place, they simply took and cut that amount of money down to \$10 dollars because if would now be split up four different ways instead of three. So now it would go to the Illinois State DARE Fund which would be the Illinois State DARE Officers Association. The Secretary of State would get the \$15 dollars, and the \$10 dollars would both go to the county and \$10 dollars to the municipality of which the plate was purchased."

Speaker Daniels: "Further discussion? Representative Granberg."

Granberg: "So Representative Spangler, the biggest change in the fee schedule was from \$10 dollars from the \$15 dollars to the state and that's been reduced to \$2 dollars is that...no that's been reduced to \$10 dollars?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes, that's correct. In order to keep the same amount of money for the fees that we had before, the \$45 dollars additional, the Secretary of State's remained the same at \$15 dollars, but we ended up having to get \$5 dollars from each of those others in order to be able to afford the municipalities to have that \$10 dollars which we all wanted."

Speaker Daniels: "Representative Granberg."

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Granberg: "So, the bottom line is Representative Spangler, the money...the funds that are much needed were going to the counties but in fact the municipalities also had the program. So this would give them access to the voluntary fee, the voluntary fee that would be assessed if one applied for this license plate. That would enable these municipalities that actually operate or have DARE programs to take part in the collection and distribution of that fee, is that correct?"

Speaker Daniels: "Representative Spangler."

Spangler: "That's precisely right."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. I rise in support of the Gentleman's Motion, but I also have one last question Representative Spangler. Cause I am in support of your legislation, but has the Secretary of State in fact agreed to this or has the Governor's office agreed with this? Because the Secretary of State also has his Universal Charity Plate Proposal that has been put forward. I don't know what the status of that is. Could you briefly explain to the Members how that would interact with that proposal and what in fact would occur if we would concur with this Amendment?"

Speaker Daniels: "Representative Spangler."

Spangler: "Yes. Although the Secretary of State is in favor of this and similar type programs, because of that plate that you spoke of and others, they are neutral on it."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you. Once again I rise in support of the Gentleman's Motion, but for the Members on this side of the aisle, there is a fee attributed to this new license plate. There's been a series of questions raised about the

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proliferation of special license plates from this and to some others and sort of...that we certainly question which it happened, but Representative Spangler has done a good job working with this Bill. This is a voluntary fee and I think it's a worthwhile endeavor, so I would rise in support of the Gentleman's Motion."

Speaker Daniels: "Representative Spangler."

Spangler: "Yes. I don't believe that was a question."

Speaker Daniels: "Further discussion? Representative Noland."

Noland: "Speaker, I have a question for legislative intent."

Speaker Daniels: "Yes Sir. The Sponsor indicates he will yield."

Noland: "According to your Bill, the state's portion of the money would go into the State DARE Fund. It is my understanding there are four State DARE Funds. For legislative intent, which State DARE Fund are you referring to Mr. Spangler?"

Speaker Daniels: "Representative Spangler."

Spangler: "Thank you Representative Noland. That's precisely right. When we initially drafted this Bill, we were unaware there were four different State DARE Funds that this monies could go into, and upon further investigation, we found that the Illinois DARE Officer's Association is in fact, the State DARE Fund that would get to the classrooms in the forms of scholarships and training and down to actually where we want that money to go, to the kids."

Speaker Daniels: "Representative Noland."

Noland: "That was a great answer. Thank you."

Speaker Daniels: "No further discussion, the Gentleman, Representative Spangler, moves that the House concur in Senate Amendment #1 to House Bill 2916. All in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? This is final action. Have all voted who wish? Have all voted who wish?"

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Take the record Mr. Clerk. On this question, there are 115 'aye', 0 voting 'no', 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2916. This Bill having received a Constitutional Majority, is hereby declared passed. Representative Saviano, for what purpose do you rise? Mr. Clerk, on the Supplemental Calendar #1, there appears House Bill 22. Representative Leitch."

Leitch: "I move to nonconcur in Senate Amendments 3 and 4."

Speaker Daniels: "Because?"

Leitch: "Well, we need a Conference Committee on these issues."

Speaker Daniels: "Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Leitch, could you briefly explain to the Body, what is contained in Senate Amendments 3 and 4 that we are nonconcurring with?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. Senate Amendment 3 repeals a section of the Health Communities Planning Board Act which impairs the ability of that board to control hospital costs, and we need to work out some additional language. There's not agreement on that Amendment."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you Representative. I'm sorry. I could barely hear you David. So, that would remove a section that would actually cause the Bill to impair that body to control hospital costs? So, at whose request is this being...at whose request are we going to Conference Committee for? Is this the Hospital Association? Is this the Health Facilities Planning Board? What groups want to go to conference to address this problem again?"

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Speaker Daniels: "Representative Leitch."

Leitch: "I believe the Health Facilities Planning Board and some others of us who are concerned about this issue."

Speaker Daniels: "Representative Granberg."

Granberg: "The Health...I just want to make sure I understand it Dave, the Health Facilities Planning Board wants greater input if this Bill does go into conference and they want to change part of the language, is that correct?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes. This Amendment would repeal their ability to control hospital costs."

Speaker Daniels: "Representative Granberg."

Granberg: "Representative, I have no problem with what you're attempting to do, but for the Members on this side of the aisle, what would actually happen if we concurred with that Amendment? How would that actually impact the costs in hospitals?"

Speaker Daniels: "Representative Leitch."

Leitch: "I think the point Representative is, we need to have this in a Conference Committee so that we can take a serious look at this matter and make sure it's resolved to the satisfaction of all parties."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Thank you, Representative Leitch. Alright, thank you, Mr. Speaker, I was just receiving some input on the Amendment #4. So, if Dave, if you could also explain #4 in a little bit greater detail, I think we can nonconcur with this and that would be fine with this side of the aisle."

Speaker Daniels: "Representative Leitch, just a brief explanation of #4."

Leitch: "Yes, thank you Representative. Amendment #4 would give

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the adoptive payments more flexibility."

Speaker Daniels: "Further discussion? Representative Wirsing."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Leitch now moves that the House nonconcur in Senate Amendments #3 and 4 to House Bill 22. All those in favor will signify by voting 'aye'; opposed 'no', and the House does nonconcur in Senate Amendments #3 and 4 to House Bill 22. On page 6 of the Calendar, appears House Bill 3349. Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. I would move that we concur with Senate Amendment #1. Senate Amendment #1 is pretty much a technical Amendment which changed the one section which we...which the Bill required to provide notice within 60 days of excess wear and tear on a vehicle once it's turned in after a lease. The Senate Amendment changes it from 60 to 30 days. So, I suppose it's an enhancement to the Bill. It gives a little more consumer protection. Gives notice quicker, and I would ask that we concur with Senate Amendment #1."

Speaker Daniels: "Representative Granberg."

Granberg: "Parliamentary inquiry, Mr. Speaker."

Speaker Daniels: "State your inquiry, Sir."

Granberg: "Inquiry of the Clerk. We had this report on the Rules Committee, that this Motion was to be referred favorably to the floor today and that the Rules Committee just met. But it's kind of interesting this is also is reported to the floor on the Daily Calendar so I guess he was anticipating. Mr. McLennand was kind of..."

Clerk McLennand: "The Daily Calendar reflects that the Bill was

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reported to the floor 'due approve for consideration'. The Supplement Calendar...the Motion would not appear on a Supplemental Calendar. The Motion was reported to the floor and does not need to appear on the Calendar. The Bill is on the Calendar, the Motion was kicked out of Rules and comes simply to the floor. It's similar to an Amendment that is approved for consideration."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, Mr. McLennand because I didn't realize that had been kicked out like that."

Speaker Daniels: "Representative Wirsing."

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

Speaker Daniels: "The question is, 'Shall the main question be put?' All in favor say 'aye'; opposed 'no'. The 'ayes' have it. Representative Leitch now moves that the House concur in Senate Amendment #1 to House Bill 3349. All those in favor will signify by voting 'aye'; opposed by voting 'no'. The voting is open. Representative Saviano moves, I'm sorry. Representative Leitch, could you come up please? This is final action. Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 114 'ayes', 0 voting 'no', 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3349, and this Bill having received a Constitutional Majority is hereby declared passed."

Speaker Leitch: "Representative Leitch in the Chair. Representative Black, for purpose do you rise Sir.?"

Black: "Yes, thank you very much, Mr. Speaker. It has come to my attention that the record should reflect that Representative Roskam should have been recorded as an excused absence last Thursday, May 16, 1996, and I would

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like the record to so reflect."

Speaker Leitch: "Thank you Representative, the Journal shall so reflect. By way of an announcement, it would be very helpful for Members to file their Motions on Concurrence or Nonconcurrence as their Bills come out of Rules Committee so that we can expedite the process. Thank you. Representative Deering, for what purpose do you rise?"

Deering: "Thank you, Mr. Speaker. I would just like to inform the Chair that on House Bill 3349, I hit my switch and it inadvertently didn't work, and I would like the record to reflect that had I voted, I would have voted 'aye'."

Speaker Leitch: "Thank you Representative. The Journal shall so reflect. Skip, is that your cake? Is that yours or Representative Kubik's? Kubik's got four of them. The Members may want to hurry on down to the front for birthday cake, compliments of Representative Saviano. Representative Black, are you in better humor now that you've been home, and well rested?"

Black: "I just want to thank you from the bottom of my little heart, Mr. Speaker. You are a gentleman and a scholar Sir and there are very few left today."

Speaker Leitch: "Well thank you Representative, you have superb judgement. The Gentleman from Cook, Representative Lang. For what purpose do you rise, Sir?"

Lang: "Thank you, Mr. Speaker. On this side of the aisle, we are sort of wondering, since we haven't been involved in any of the budget negotiations if someone can enlighten us as to what's happening with the budget, when we might see it? I know you are on the Appropriations Committee or one of the honchos when it comes to appropriations. Would you like to give us a report as to what is happening with the budget? There are probably some on your side of the aisle would

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like to know as well."

Speaker Leitch: "As the Good Book says Representative, in the fullness of time. The Gentleman from Cook, Representative Balthis, for what purpose to you rise, Sir?"

Balthis: "Mr. Speaker, I just wanted to mention that on my way down here yesterday, I was listening to the Danville radio station, and I understand why Representative Black is happy. He's now doing commercials. I don't the extent he's getting paid for it, but he's doing commercials on Danville radio. So I think that's part of his happiness."

Speaker Leitch: "Does our Ethnics Bill address that Representative? Mr. Black, Representative Black for purposes of disclosure."

Black: "Yes, I must admit, I cut several commercials for Balloon Classic Illinois, June 7, 8, 9th at the Vermilion County Airport in East Central Illinois, and I donated my rather large talent fee to a charity to be named later."

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

Lang: "Thank you. I just want to inform Mr. Black that even if he donated his fee if he got any money at all, he's now a professional not an amateur and the NCAA will not allow you to continue to this. So, I also thought, I could be wrong, but I thought I heard you doing a commercial for some vacuum cleaner on Chicago radio. Am I wrong? That was not you, Sir?"

Speaker Leitch: "Representative Black."

Black: "Oh, I'm glad you noticed. I'm very glad that I made the major market because as you've often referred to me down here, my nickname is Hoover because I pick up every Bill I see. But, it's a fine commercial and doing quite well up there."

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Speaker Leitch: "Representative Lang."

Lang: "I'm done with this."

Speaker Leitch: "How could you possibly be done with an important..."

Lang: "I have nothing to say, Speaker, but I see my speak light is on so I don't know, should I sing a song, do a dance? We're still waiting for the budget and so I'll probably remind you about that periodically because there are Members here that would certainly like to make sure we get home on Wednesday. I know, certainly the targets on your side of the aisle are very anxious to get home to defend the records they've created for themselves this year. Thank you, Sir."

Speaker Leitch: "Thank you Representative."

Clerk McLennand: "Committee Notice. Rules Committee will meet at 11:30 in the Speaker's Conference Room. Rules Committee will meet at 11:30 in the Speaker's Conference Room."

Speaker Leitch: "Representative Currie, for what purpose do you rise, Ma'am?"

Currie: "A point of information, Speaker. I know that the Senate is now in, and I wonder if the House has received any messages with respect to Senate Bill 1288? That would be the Ethics Bill that we passed last Friday. So my question is, has the Senate yet acted upon it and sent a message so informing us?"

Speaker Leitch: "That's a very good question. We will inquire as to that answer. It's a very good question, and as we get information the Clerk will keep us informed. Thank you. The Gentleman from Jersey, for what purpose do you rise?"

Ryder: "I'm ready."

Speaker Leitch: "Mr. Clerk, on Supplemental Calendar #1, appears House Bill 3694, and on that, Representative Ryder."

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Ryder: "Thank you, Mr. Speaker. I would move that we nonconcur in the Senate Amendment to this Bill. The Senate Amendment deleted the effective date of the Bill in its form as it left the House is a vehicle Bill for the appropriations process and I would ask to nonconcur in the Senate Amendment."

Speaker Leitch: "The Representative now moves to nonconcur in Senate Amendment #1 to House Bill 36 (sic-House Bill 3694). All those in favor shall say 'aye'; opposed same. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur in Senate Amendment #1 to House Bill 3694. Representative Lang, for what purpose do you rise Sir?"

Lang: "Is there some reason that two or three lights on this side of the aisle were ignored on that Nonconcurrency Motion, Sir?"

Speaker Leitch: "I didn't see those lights Representative, there's glare here."

Lang: "Sir, this is one of first times in the history of the General Assembly that I can't even hear the Speaker talking. Could you speak up, Sir?"

Speaker Leitch: "I learned this from Zeke Giorgi. I shall do a much better job. Thank you for pointing this out."

Lang: "Thank you, but I still don't have the answer to my question."

Speaker Leitch: "I didn't see your light, Sir. The Gentleman from Cook, Representative Lang. For what purpose do you rise, Sir?"

Lang: "Two purposes. First, an inquiry of the Chair. May I state my inquiry?"

Speaker Leitch: "State your inquiry, Sir."

Lang: "Has there been any news on the budget since my last inquiry?"

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Speaker Leitch: "No, but we're having a Rules Committee meeting in four minutes, and there may be some insights there. If so, I shall report."

Lang: "Thank you. The other question would be, we seem to be sitting around here wasting taxpayer money doing absolutely nothing. We have Supplemental #1 here with all sorts of concurrences, why don't we go to work, Sir? The taxpayers expect that of us."

Speaker Leitch: "Yes they do, and I'm hopeful after the Rules Committee meeting in four minutes that we shall have some important work to bring before the chamber."

Lang: "But this is important work, Sir. There is about 12 Bills on this list for concurrence. Why don't we do some work? As long as you made us come to the floor at 10..."

Speaker Leitch: "Thank you Representative."

Lang: "Oh, sure."

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

Stephens: "Thank you, Mr. Speaker. I am very interested in one of these Bills and we could move it now, except that we've deferred it to one of your Members, Representative, who happens to be in a meeting with the State Board right now on a very important issue, and in deference to her, we have decided to hold this Motion. So, there are many reasons we can't get to all these Bills, but you of all people should understand that."

Speaker Leitch: "Representative Wojcik, would you come up please?"

Speaker Wojcik: "Representative Wojcik in the Chair. Representative Lang, for what purpose do you rise?"

Lang: "Thank you. First, I'd like to thank Mr. Black for fixing my switch. You may have seen he came over here with some

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tools. First I thought he was attacking me, but it just turned out he was playing electrician and carpenter. Second, Madam Speaker, since I see that you're in the Chair now, perhaps you have more information than the last Speaker about (a) why we're not doing anything, and (b) where the budget might be? Can you shed some light on either of these issues?"

Speaker Wojcik: "Well, normally at this time of the year, we have our lulls, and that's probably what's going on now. And they are negotiating the budget and I'm sure in due time we will have an answer. Representative Lang."

Lang: "Well, who's this 'they' Madam Speaker? I'm glad you brought this up since we're not doing nothing else we might as well find out who 'they' is that's working on the budget. Any Democratic Members included in that 'they'?"

Speaker Wojcik: "All I know is the word is out that there is negotiations going on and it's with those people or they are doing their job, and that's all I know. Representative Lang."

Lang: "Well, would you as a favor to me, maybe you could tell me privately. No one else has to know. It could just be our secret. Let me know when you figure out who 'they' is and I would be happy to come up, and I promise not to tell anybody, but I'm really curious as to who is negotiating the State Budget of \$34 billion. Do you think you can do that for me?"

Speaker Wojcik: "I'll think about it, but I'm glad that you're very concerned. It's...your constituents are happy you're concerned about it. The eighth grade class from St. Joseph's School in Homewood is in the gallery and they are representatives of John Doody."

Clerk McLennand: "Rules Committee will meet immediately in the

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Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room. Introduction of House Resolutions. House Resolution #125, offered by Representative Wait."

Speaker Wojcik: "Well, the Gentleman from Clinton wishes to be recognized. Representative Granberg."

Granberg: "Thank you, Madam Speaker. Always delightful to speak with you. I just have an inquiry of the Chair. I make this inquiry for my friends on that side of the aisle, my good Republican friends. If the Republican Leadership is meeting, why don't we adjourn the House so my good Republican friends can go back to their offices and get some work done, because we're not doing anything here? And my good Republican friends, their Leadership's meeting. They should meet. They should continue to meet, but the House Members might as well go back to their office and accomplish something because we're not doing anything. Let the Members go back and do some work."

Speaker Wojcik: "Representative, do you remember the old days when the desk here on the House floor was actually their office? So, I'm sure they're really performing as they have in the past. Abe Lincoln and I remember that. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Reports. Representative Churchill, Chairman from Committee on Rules, to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approve for consideration' to the House floor: Motions to concur in Senate Amendment #1 to House Bill 3057; and Senate Amendments #2 and 3 to House Bill 2230."

Speaker Wojcik: "On page six of the Calendar, Order of Concurrence, appears House Bill 3057. The Gentleman from

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Cook, Representative Balthis is recognized."

Balthis: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 to House Bill 3057 is an Amendment that amends the Park District Code. Provides that a Park District shall have the power to enter into licensing or management agreements with not-for-profit corporations organized under the laws of the state to operate park district facilities if the corporation covenants to use the facilities to provide public park or recreational programs for youth. This was a Bill that was in another House Bill 682, and something has happened to that and so we're adding it on to this Bill and I would ask the House to concur in Senate Amendment #1 to House Bill 3057."

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

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

Speaker Wojcik: "He indicates he will."

Lang: "Thank you. Representative, does Senate Amendment #1 become the Bill?"

Speaker Wojcik: "Representative Balthis."

Balthis: "No it does not."

Speaker Wojcik: "Representative Lang."

Lang: "Alright, so, let's go through Senate Amendment #1 in a little more detail. Can you...I know you gave us a quick synopsis Representative, but perhaps you can tell us what it does and and what the practical effect is and who it affects."

Speaker Wojcik: "Representative Balthis."

Balthis: "Representative, I'm going to give you the information that I have on the analysis and then I would defer to Representative Ron Stephens if the Chair so allows to get

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to get into any detailed answer to you. Primarily I think it affects a municipality having more than 40 thousand inhabitants within a county having more than 250 thousand inhabitants and bordering the Mississippi River. I believe this affects East St. Louis in St. Clair County."

Speaker Wojcik: "Representative Lang, would you like Representative Stephens to give you more information?"

Lang: "Please."

Speaker Wojcik: "Representative Stephens."

Stephens: "Thank you, Madam Speaker. Representative, we had this language passed the House before in the form of Senate Bill 682. The purpose of the language is to allow a not-for-profit corporation that benefits youth to...that is being established in St. Clair County to enter into an agreement with the park district in the City of East St. Louis for the purpose of developing an \$8 million youth project that will include facilities for reading rooms, education, and athletic endeavors. The main force behind this entire project is Jackie Joyner-Kersey one of the favorite daughters of the City of East St. Louis and St. Clair County, and indeed of the State of Illinois. In her honor there are several major contributors who want to put private dollars into this development. This language simply allows this development to take place in contractual form with the park district there. There is a reverter clause should the development ever fail to meet the standards set forth in the language, the land would revert in spite of any agreements otherwise, to the park district. So, we're very much in favor of it. It's good for East St. Louis, it's good for St. Clair County, good for Illinois."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. I don't think you represent East St. Louis, so

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let me ask you whether you've talked to Representative Wyvetter Younge, and if she's in favor of this proposal?"

Speaker Wojcik: "Representative Stephens."

Stephens: "For some strange reason, Representative Younge spoke against this language when it was presented before. I know of no reason why she would changer her view. If she cares to speak to the issue in opposition, that's certainly within the bounds of her rights and I'm just not sure that she made any point as to why there would be a substantive reason why she would oppose this major, voluntary effort in honor of Jackie Joyner-Kersee, one of East St. Louis' most outstanding citizens and someone that we should all be very proud of. But as I understand it, she is still opposed. You tell me why."

Speaker Wojcik: "Representative Lang."

Lang: "Well, my understanding is she might be opposed because of the process, and because no one briefed her on it in advance. Let me ask you this. Why do we want to limit it to just this specific area that you're talking about? Maybe there are others that have this same problem. Has there been any attempt to check to see if any other areas of the state could benefit from this kind of legislation?"

Speaker Wojcik: "Representative Stephens."

Stephens: "No, we did not review the other counties in the state to see if any one else wanted to participate in this Jackie Joyner-Kersee effort."

Speaker Wojcik: "Representative Lang."

Lang: "Well, I have no further questions. I think I'm prepared to vote for this. I know Mr. Holbrook wants to speak in favor of this, and I would ask the Chair to recognize him because it certainly affects an area of the state that he represents."

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Speaker Wojcik: "Is there any further discussion? The Gentleman from St. Clair, Representative Holbrook is recognized."

Holbrook: "Thank you, Madam Chairman. To the Bill. I know of no organized opposition at all in our area to this. I haven't had an opportunity to discuss this with Representative Younge and she's not available at this time. Our Senator from our area put this Amendment on over in the Senate to carry on for the good work for those children down in East St. Louis. Again, this is no additional taxes. This is strictly allowing a not-for-profit group which some large corporate donations to do some good for the children of East St. Louis of which I represent a portion of. And I support the Bill, and I would urge everyone on this side of the aisle to support this Amendment also. Thank you."

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

Black: "Thank you, thank you very much, Madam Speaker. I move the previous question."

Speaker Wojcik: "Representative, that's not necessary because no one else is seeking recognition. Oh, then it is. I did not see your light. Your light must have just come on Representative. All those in favor of moving the previous question...the previous question has been put. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the chair the 'ayes' have it. The main question is put. Representative Balthis to close."

Balthis: "Madam Speaker, I would just ask for a favorable vote on a Concurrence Motion on Senate Amendment #1 to House Bill 3057."

Speaker Wojcik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 3057?' All those in favor signify by voting 'aye'; all those opposed signify by

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voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 112 'ayes', 1 'nay', 1 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 3057, and this Bill having received the required Constitutional Majority, is hereby declared passed. Representative Granberg, for what purpose do you seek recognition?"

Granberg: "Inquiry of the Chair, Madam Speaker. Thank you very much."

Speaker Wojcik: "State your inquiry."

Granberg: "My inquiry is, why would we limit debate because we're not doing anything. Why would the Gentleman, my good friend, limit the debate on this issue because we have so many important things to do? We've been standing around for an hour. So I know the Representative always has a strategy. I just don't know what it is yet, I'm sure he'll enlighten me at some point. He's very busy over there himself so he wanted to free up this time so he can meet and strategize and I would just ask my friend to let me know what the strategy is so we can work on it together in a good bipartisan fashion."

Speaker Wojcik: "Representative, I'm sure the Gentleman from Vermilion would be more than happy to explain his theory to you. Representative Lang, since your light came on first what purpose do you seek recognition?"

Lang: "Well, thank you Madam Speaker. It's very rare that when my light goes on first I'm chosen first, but I appreciate it. Two things, two things Madam Speaker. First, I'd like to know if there is any new information on the budget? You promised to get back to us as soon as you could figure out

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who is negotiating that budget and when it was taking place and where. Do you have any further information, and then I have part two to my question?"

Speaker Wojcik: "Representative, I thought we agreed to that in private."

Lang: "So, are you ready to have a private meeting with me to discuss this?"

Speaker Wojcik: "Is that your proposal?"

Lang: "I'll be up there after I ask the second part of my question. The second part would be, when we passed that really important ethics legislation on Friday, Representative Moore promised to give us continuing updates on its status, because as you recall, we indicated it would never be heard in the Senate and she assured us it would be. Senator Klemm as you will recall, was standing behind here and there was significant conversation when Representative Granberg asked her over and over and over again, she promised to provide a report to us. So, would it be possible Madam Speaker for you to recognize Representative Moore for a report on that very important ethics legislation?"

Speaker Wojcik: "I think Representative Moore is seeking recognition, so I think we could hear from her. Representative Moore."

Moore, Andrea: "Thank you, Madam Speaker. Representative, if you'll notice, a Page has just arrived with my computer which has been over in my office getting information put into it and I have been anxiously awaiting this arrival so that I can send you an e-mail and I plan to do that every day as long as we are here."

Speaker Wojcik: "Representative Lang."

Lang: "Thank you. The 'powers that be' have decreed that

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Republicans and Democrats should not be able to e-mail each other, so she may have to come over to this side of the aisle. But since that Page is standing with Representative Moore, perhaps she can send that Page over to see Senator Klemm and he can just pass the information over to us. Because we know these things don't get updated in the computer, and it's possible just as we have spoken in the last five minutes that the Senate has acted on that very important ethics legislation. So, I would suggest to Representative Moore that she send that Page over. I'll tip her. We really want the information. You don't have to tip her, but we really would like a report if you could provide that to us."

Speaker Wojcik: "Representative, maybe you're physic. Maybe you do know something. It's the other Representative. Representative Moore."

Moore, Andrea: "Was that physic or psychotic? Which...I didn't hear that. We will be checking on that as soon as possible and get you that information as soon as we have it. Thank you."

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

Black: "Yes. Thank you very much, Madam Speaker. I'm always amazed at the codes that are used around here. I'm just a poor boy from downstate Illinois. In the last few years, we do have in our area, and we do have Fed-X and we have UPS and various others kinds of mail, but what is this e-mail? I've never heard of e-mail. Is it 'the mail or e-mail'?"

Speaker Wojcik: "Representative Moore. There has been a question that has been asked. Would you like to describe e-mail? Our down home Gentleman from Danville. Representative, we

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could send someone over to your computer to give you a private lesson if you would like? Electronic Mail. You know, it's the electronic age. The House is now electronic. Can't you just feel the electric energy here on the floor? Representative Black."

Black: "Well, you know, I was born before World War II started. Didn't have any electricity in the house until I was seven years old. I don't know anything about electronics, but whatever this thing is on my desk, I have never gotten any mail on it. I'm doing very well if I can find an analysis on it. So, if you can send somebody over and explain to me what e-mail is in fact, I thought it was against the law. I thought all mail basically had to go through the United States Postal Service, and if you didn't have a stamp on it, and you put it in somebody's mailbox, I remember my first campaign, I put some stuff in a mailbox and I got in trouble. So, I don't understand this e-mail. If you could send somebody over here and explain that, I'd sure be grateful."

Speaker Wojcik: "Representative Moore, would you like to take your seatmate and yourself over and explain it to him? The Gentleman from Clinton, for what purpose are you seeking recognition? Representative Granberg."

Granberg: "Thank you, Madam Speaker. I just had a quick question in regards to Representative Poe. The Speaker indicated we were going to work together on Representative Poe's legislation last Friday night so we can do something for the state employees and their pensions. We're waiting for someone to come over and see if we can't actually work in good faith and try to resolve this issue, but as of yet, no one's come over. So, we're waiting. Any time anybody wants to come over..."

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Speaker Wojcik: "So are we."

Clerk McLennand: "Introduction of House Bills. House Bill #3736, offered by Representative Bugielski, a Bill for an Act concerning income taxes. Introduction and First Reading of this House Bill."

Speaker Wojcik: "We're going to have a written list of the committees that are going to meet at 1:00, but for now, we'll hear the Clerk's announcement."

Clerk McLennand: "Committee Schedule. The following committees will meet at 1:00 p.m. Health Care and Human Services in Room 118. Judiciary for Civil Law in Room D-1. Elementary and Secondary Ed in C-1. At 1:30, the following committees will meet. Financial Institutions in 118; Counties and Townships in Room D-1. At 2:00 p.m., the following committee will meet; Environment and Energy in Room 114. At 2:30 p.m. the following committee will meet; Insurance in Room 118. Again, at 1:00 p.m., Health Care and Human Services in Room 118; Judiciary for Civil Law in D-1; Elementary and Secondary Education in C-1. At 1:30, Financial Institutions in 118; Counties and Townships in D-1. At 2:00 p.m., Environment and Energy in 114. At 2:30 p.m., Insurance in 118. A written schedule will be handed out as soon as it is copied."

Speaker Wojcik: "On page six of the Calendar, is House Bill 3048. Representative John Turner is recognized to nonconcur."

Turner, J.: "Thank you, Madam Speaker. I move for nonconcurrency on Senate Amendments #1 and 3."

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

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

Speaker Wojcik: "He indicates he will."

Lang: "Thank you. Representative, what is wrong with these

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Senate Amendments? This isn't the State budget is it?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "No."

Speaker Wojcik: "Representative Lang."

Lang: "So, could you take me through these two Amendments one at a time and tell me why we need to nonconcur? They look like pretty good ideas to me."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative Lang, the Bill as originally sent to the Senate, allowed for juveniles to be housed in local facilities during the preadjudicatory period. The Senate in effect gutted the Bill and replaced the language which would have allowed juveniles to be housed in local facilities up to adjudication, replaced that language pursuant to their two Amendments to allow the housing of juveniles in a local facility for up to only 36 hours exclusive of weekends and holidays."

Speaker Wojcik: "Representative Lang."

Lang: "Madam Speaker, I would move to divide the question and for a Roll Call vote on each Nonconcurrency Motion. Do you acknowledge? Thank you. Let's continue with Amendment #1. Representative, give me some more detail on how Senate Amendment #1 affects your original Bill in a negative way."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative Lang, it is going to be hard to detail it any better than I already have. You may recall that 3048 is a Bill that you yourself have voted for on at least two occasions, I believe three occasions on this floor. And, again I'm trying to be as specific as I can and explicitly answer your question. What the Bill did allow for prior to Senate Amendment was for a juvenile to be housed in a local facility as long as separated by sight

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and sound from the adult population up to the date of adjudication. As you know in our juvenile code, it is provided that the adjudication of an juvenile shall take place within 15 days, and I will certainly acknowledge that sometimes that date is continued by those who represent the juveniles. But in any event, the Senate Amendments, both of them dealing with the 36 hour provision took out the language which would have allowed the juvenile to be housed in the local facility up to the date of adjudication. That replaced that general language with specific language that the housing of a juvenile in a local facility can only be done for a maximum of 36 hours excluding holidays and weekends. My problem with that I would guess, would be the problem that other Members would have, is that it frankly defeats the original purpose of the Bill. It has made the time period in which a juvenile can be housed in a local facility so small as to not to accomplish the two things that we were looking to do, and that is a cost-saving factor for counties, particularly downstate that don't have local facilities. And second of all, to allow a mechanism to make sure that juveniles are indeed incarcerated when they are dangerous to themselves or to others. In my opinion, the Senate Amendments take out the language that we needed to have in the statute to take care of those two particular problems that I have just outlined."

Speaker Wojcik: "Representative Lang."

Lang: "Have you had any conversations with anyone who could explain to you why they wanted to limit this to 36 hours?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well surprisingly, there has not been a lot of conversation between the Senate and myself, even though I was the Chief Sponsor of this measure. It is my

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understanding through discussions with some staffers, is that they, in the Senate, had raised the two things that we had debated in great detail on this floor. And, one was the chance that we might lose some federal monies and the other of course, is the concern of some that housing a juvenile in a local facility in their opinions, would not be necessarily in the best interests of the juvenile. However, we had, I believe, tried to address those concerns on many occasions, and one is to leave the discretion in the statute, so that if a juvenile needs special attention, they can be taken to a regional facility. And, so I believe that I guess that answers your question or hopefully."

Speaker Wojcik: "Representative Lang."

Lang: "It does answer my question, but perhaps you can tell me if there is any advocacy groups that believe that this 36 hour rule that the Senate wanted to put on this Bill, is a good rule?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Yes, to answer your question. I don't know if I can get the name correctly, the Child Advocacy Commission. I'm not exactly sure, but yes, there is a group."

Speaker Wojcik: "Representative Lang."

Lang: "And who is opposed to the Senate provision, besides yourself?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "The Illinois Sheriffs Association and all most all of those involved law enforcement."

Speaker Wojcik: "Representative Lang, bring your questions to a close."

Lang: "I have nothing further. I'm giving you back 10 seconds, Madam Speaker."

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Speaker Wojcik: "I gave you almost a minute before I put the timer on Representative. Any further discussion? The Gentleman from Madison, Representative Hoffman is recognized. Representative Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Hoffman: "Now, Senate Amendment #1 also has something to do with the frivolous law suit provisions of the Bill, right? What changes does it make to that?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative, I believe that they changed the frivolous lawsuit provision in House Bill 3048 to include counties, which is I think, a measure that you had filed either through the Amendment or through an original Bill that is still alive. And, I don't have any particular problem with that particular change in as much as I supported what you are trying to do with it. But, I have to nonconcur, because it is part of the language that I happen to disagree with."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "So, that portion of this...you would concur if that was the only changes in Senate Amendment #1, correct?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well, that is almost correct. As to the frivolous lawsuits, yes. As to the provision which was deleted in the Amendment which would not allow probation fees to be used to pay salaries, I would also not agree with the Senate's decision to strike that out of House Bill 3048."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "What is the position of the Probation Association with respect to your Nonconcurrency Motion?"

Speaker Wojcik: "Representative Turner."

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Turner, J.: "They are in opposite of my position."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "And why are they opposed to your present position?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "I really am at a loss to explain why they are opposed to my position Representative. Certainly with your background having been in probation, I think that you can see that when these probation fees are collected, when we are using them to buy computers and we're are using them to buy telephones and any other type of equipment that is needed. And when those funds continue to grow and accumulate and earn interest that it simply makes good sense to strike out the language in the statute which would prohibit making good use of that money to hire additional probation officers in order to monitor those who are placed on probation, so I really don't know why they are opposed to it. I have heard a couple of arguments. One is that they are afraid that county boards will try to use the probation fees to supplant what the county board is supposed to do by way of funding. But, clearly we have left in the statute specific language that says that the county board is not to do that. And, the other argument that I have heard simply does not give any deference whatsoever to chief probation officers. The other argument is that they are afraid that chief probation officers will just willy-nilly without any responsibility spend some of those fees and get themselves in a position where they have to many people hired and don't have the necessary monies to pay to them. I have more confidence in our probation system than that, and I think that they will use the money wisely. And if they think that it is not smart to use it to pay employees then they won't. If they think that they

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can only use it for equipment than that is what they will do. And, so although they are opposed to it, I simply disagree with them. And I frankly very much disagree with the rationale that they have given me for their opposition."

Speaker Wojcik: "Representative Hoffman."

Hoffman: "The problem is that they can't exactly...they did talk to me and I can't exactly recall their reasons. I think one of the reasons is though, is that they believe that there is some very important provisions in this Bill that need to be passed. And, they would support it simply because of the fact that not only is there potentially a time problem with getting it through the Senate, if we nonconcur here. They want to make sure that they have a Bill. And, I guess that they believe that 3/4 of loaf is better than no loaf. So, I'm respectively going to disagree. And, I'm going to vote against your Motion to nonconcur. And anybody who believes that...or works very closely with the probation officials in their county and anybody who believes that it is imperative that we move on the issue of the frivolous lawsuits should probably do the same. Because I think that there is just a time problem, is my concern. I think that maybe if you want to deal with the issue of the juveniles being held and you have a problem with that, there are other Conference Committees out there that we could attempt to make some changes on, and I would be willing to work with you on that. But this time, I think everybody on this side of the aisle at least should vote against the Nonconcurrency Motion, and people on that side of the aisle who care about their probation officials should also do that."

Speaker Wojcik: "Is there any further discussion? The Gentleman

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from Livingston, Representative Rutherford is recognized."

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

Speaker Wojcik: "He indicates he will."

Rutherford: "Thank you. Representative, could you clarify a bit again about the Sheriffs Association? My understanding is that they too are interested in a concurrence on this Amendment #1."

Speaker Wojcik: "Representative Turner."

Turner, J.: "If so, that has not been communicated to me."

Speaker Wojcik: "Representative Rutherford."

Rutherford: "I have had contact from Sheriff Meyer that are looking to have concurrence on this. That is why I was curious as to whether they have been in touch with you. Go ahead...in regards to the probation officers, I didn't follow Representative Hoffman's line of questions totally because I couldn't hear everything. But, help me understand a little bit more about the ramifications on probation officers, and what this Senate Amendment would do."

Speaker Wojcik: "Representative Turner."

Turner, J.: "Well, I will help you all I can Representative. But, I didn't follow frankly Representative Hoffman's concern either. The provision in the original House Bill 3048, with regard to probation fees, is very simple. It knocks out about 10 words in the statute. Probation fees as you know are collected by probation officers from those convicted and put on probation."

Speaker Wojcik: "Representative Rutherford."

Rutherford: "So, today the statute allows for those probation fees to be used to pay for probation officers salaries and this Amendment would delete that possibility?"

Speaker Wojcik: "Representative Turner."

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Turner, J.: "Well Representative, I got interrupted a second ago.

Let me continue on. We deleted words from the statute which specifically prohibits probation fees from being utilized to pay salaries of probation officers or any other court personnel that works in the probation. The language that I put in strikes that language and now would allow the probation officer, the chief probation officer, to make a decision how he or she wants to use the probation fees. In the past, it has only been used for equipment. This by deletion of these words, would allow them if they so choose, to use to help pay some salaries."

Speaker Wojcik: "Representative Rutherford."

Rutherford: "To clarify that, would be what your underlying Bill did, but now the Senate Amendment would prohibit the use of those fees to be used for salaries?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Exactly."

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

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

Speaker Wojcik: "He indicates he will."

Moffitt: "Representative Turner, just a concern that I have, what I would refer to as a regional facility in my district that just a few years ago expanded with the idea that they would once the law was passed, the juveniles could not be housed in the county jails. So, they built that facility with the understanding that space would be needed. Just my concern is that, that now rules are changing after they have built that facility. So, I'm expressing concern from a regional facility. Have you heard from others? And the second part of the question would be, do you agree that this potentially could reduce the number of juveniles that they

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would be housing?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "Representative, it is possible that it could reduce the numbers who are housed in regional facilities. In my judgement, it is highly unlikely. The juvenile crime rate like the crime rate of adults, as you know, has risen. In fact, the juvenile crime rate has risen probably twice as fast over the last four years as the adult crime rate. As a result, regional facilities are almost always at capacity. Indications are, that regional facilities are going to continue to be at capacity for years to come. And, so I think that that concern is not a legitimate one. More over, it really doesn't strike to the heart of what we are trying to accomplish here. And, that is to make sure that when dangerous juveniles are arrested and should be kept incarcerated that we should be able to do that and have a mechanism in our law to do that, whether or not, in fact, they have to go to a regional facility. Money is not the only consideration. It is certainly one of them. And, I think that the arguments certainly, that regional facilities may not get as many persons coming in, juveniles coming in, because of other contracts. That might have some affect. It is very unlikely, but even if it did, it is more important to make sure that we have law to allow us to house juveniles, who are dangerous in a jail, and that is what this particular measure does."

Speaker Wojcik: "Representative Moffitt."

Moffitt: "Thank you. Now, have any of those regional facilities contacted you to express their concern?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "I have been contacted only by one to my recollection, Representative, and that would be from the

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McLean County officials with regard to their facility in
Bloomington, Illinois."

Speaker Wojcik: "Representative Moffitt."

Moffitt: "Thank you, Representative. And, it is just my concern
that we are changing the rules that I will probably be in
disagreement with you on this particular vote. I commend
you for what you are trying to do, but it is a concern that
we are changing the rules. I would agree that we want to
have the best interests of the juveniles at heart, and the
ideal would be the day that juvenile crime is decreased to
the point that these facilities are not full. That is
obviously what we are working for. But, I just wanted you
to know the concern that I have that rules have changed
after my regional facility expanded with the understanding
that the law was going to remain as it had been at the time
that they built it. Thank you."

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

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

Speaker Wojcik: "He indicates he will."

Dart: "Representative, just a couple of quick questions. I know
that you have been working long and hard on the
juvenile...the lock up of juveniles in county facilities.
Is the problem with this Amendment, as far as you are
concerned, is the fact that you don't want the time limit
on it?"

Speaker Wojcik: "Representative Turner."

Turner, J.: "That is the biggest problem, yes."

Speaker Wojcik: "Representative Dart."

Dart: "And your hope is to put this into a Conference Committee
to work out that in particular?"

Speaker Wojcik: "Representative Turner."

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Turner, J.: "That is correct, yes."

Speaker Wojcik: "Representative Dart."

Dart: "To the Motion. I mean, I hate opposing your Motion, seeing that this is your only Bill. You are almost as bad as me as far as that goes. But, I think that the Senate Amendment is a positive Amendment. It makes some good standards there for locking juveniles up, and I understand that the Sponsors worked long and hard on it, but I believe that this a appropriate compromise, especially at this late date, and it is something that we should support. And, I believe that everybody in the Body would support the frivolous lawsuit provision. So, for that reason, I would oppose this Motion to nonconcur with this, and I believe that we have already asked for a Roll Call."

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

Black: "Thank you very much, Madam Speaker, and Ladies and Gentlemen of the House. I rise to support the Gentleman's Motion. And, I would ask all of you to give careful consideration to how you vote on this issue. This has become a very personal issue with me. I make no apologies for that. I have been in this business long enough to know that you should never take anything personally in this business, but this I take personally. I stood before you a year ago when a good friend of mine who was the Chief Probation Officer of Vermilion County, took his life. And, I asked you to pass the Juvenile Jail Detention Bill. And, you saw fit to do so with nary a 'nay' vote. And now our good friends, and I use the word loosely, good friends in the Senate refuse to call that Bill, because of the opposition of one or two people. And, for my good friend from the Galesburg area, where is it written that 16

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Regional Juvenile Detention Facilities make policy in the State of Illinois? This is a outrageous example of the Senate not willing to negotiate with Members of the House. And, I thought one of the things we took most seriously here was the right to advance our legislation. And, we are not being given that right in this case by the Senate. Sixteen Regional Juvenile Detention Facilities, they can't even begin to hold the number of juveniles who need to be locked up. And, in my district, they are put on the street within eight hours or they are treated like a piece of luggage and hauled all around the State of Illinois where my county says, 'can you please hold this juvenile for us in Vermilion County?, at the cost of about \$200 thousand. This is an outrage that they will not deal with this Bill, because of one or two people who don't like it. We have been criticized, John Turner and I have been vilified by certain members of the media and certain members of the Juvenile Justice Commission. Have any of these detention centers called me? No, they don't have the guts! The only thing that they are worried about is how much money they are going to make off 90 some counties that can't afford a Detention Center. This was a dumb idea when it was passed. It is even dumber now, and I would ask you to nonconcur. There is time to reach a settlement. For God's sake, let's for once stand up as a House and tell the Senate, 'either learn to negotiate or go to hell.'

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

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

Speaker Wojcik: "The question is, 'Shall the main question be put?' All those in favor say 'aye'; all those opposed say

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'nay'. In the opinion of the Chair, the 'ayes' have it, and the main question is put. That was on the previous question, Representative. Representative Turner to close."

Turner, J.: "Thank you, Madam Speaker. Thank you, Representative Black for standing up in support of this measure as you have done on many occasions in the past. Everything that Representative Black indicated is specifically true, at least in my judgement. As to some of the comments that were made by colleagues on both sides of the aisle, first of all, as to the Illinois Sheriffs Association, they have worked with me and Representative Black on passing House Bill 3048 as we sent it over to the Senate. Now, I will grant you that they are concerned about the time considerations, but make no mistake about it, they do not support the Amendments that the Senate put on this Bill. They support House Bill 3048. They are concerned about a nonconcurrence, and about running out of time. But, as Representative Black has just indicated, our best bet if we want to get a meaningful measure, one that makes any sense and one that is going to do us any good is to nonconcur and send it into a Conference Committee Report. And, so I ask that you do so. This is a good measure. It is a measure that this House has voted on on at least two occasions and I think three different occasions. There is absolutely no reason not to nonconcur with an attempt to do something that is reasonable and meaningful. And, if we don't nonconcur and have this crammed down our throats by the Senate, we are essentially are doing nothing to alleviate the problem that we originally set out to address when we originally drafted House Bill 3048. I would ask all the colleagues on my side of the aisle to please support this Motion. And I would ask the colleagues on the other side

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of the aisle, to do so as well. Thank you."

Speaker Wojcik: "Representative Turner has moved to nonconcur in Senate Amendment #1 to House Bill 3048. All those in favor vote 'aye'; all those opposed vote 'nay'. 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 82 'ayes'; 29 'nays'; 2 voting 'present', and the House does nonconcur in Senate Amendment #1 to House Bill 3048." The Committee Schedule has been passed out and we will break for committees and the House will now stand in recess until 3:00. Representative Phelps, did you wish recognition?"

Phelps: "Thank you, Madam Speaker. Just want to take this opportunity to recognize some folks in the gallery. Representative Woolard and I are privileged to share representing the City of Marion, the fine schools there, and the Junior High...40 some group in Junior High that are the top in Social Studies are here visiting and getting a real lesson in government. We would like you to recognize them in the gallery."

Clerk McLennand: "A Committee Schedule has been handed out. One o'clock committees are Health Care and Human Services, Judiciary for Civil Law, and Elementary and Secondary Education. At 1:30, Financial Institutions and Counties and Townships. At 2:00 p.m., Environment and Energy, and 2:30, Insurance. Introduction of Resolutions. Senate Joint Resolution #98, offered by Representative Madigan. House Resolution #126, offered by Representative Churchill. House Joint Resolution #126, offered by Representative Churchill. House Joint Resolution #127, offered by Representative Lou Jones. These were referred to the Rules Committee. Attention Members, the House is prepared to

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convene. All persons not entitled to the House floor, please retire to the gallery. Thank you."

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

Lang: "Thank you, Mr. Speaker. Thank you, Mr. Speaker. For the record, the House Democrats are assembled and ready to do the people's business at 3:00 as the Board indicated and as the Speaker indicated, and for the record, it is now 3:55 p.m. and we're still here ready to do the business of the people. Thank you, Sir."

Speaker Leitch: "Thank you. Mr. Clerk, Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Cross, Chairman of Committee on Health Care and Human Services to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approved for consideration'. A Motion to concur in Senate Amendments #1, 2 and 3, and 4 to House Bill 3309. Committee Report from Representative Cowlshaw, Chairman from the Committee on Elementary and Secondary Education to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approved for consideration', a Motion to concur in Senate Amendments #1, 2 and 5 to House Bill 545. Committee Report from Representative Hughes, Chairman from Committee on Counties and Townships to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approved for consideration', a Motion to concur in Senate #1 and 2 to House Bill 2529. Committee Report from Representative Deuchler, Chairman from Committee on Financial Institutions, to which the following Joint Action Motions

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were referred, action taken on May 20, 1996, reported the same back 'do approved for consideration', Motions to concur in Senate Amendments #2 and 3 to House Bill 3128. Committee Report from Representative Persico, Chairman from the Committee on Environment and Energy, to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approved for consideration', a Motion to concur in Senate Amendment #1 and 3 to House Bill 2294. Committee Report from Representative Pedersen, Chairman from the Committee on Insurance, to which the following Joint Action Motion was referred, action taken on May 20, 1996, reported the same back 'do approved for consideration', a Motion to concur in Senate Amendment #1 to House Bill 3520. Committee Report from Representative Tom Cross, Chairman from the Committee on Judiciary for Civil Law, to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approved for consideration', a Motion to concur in Senate Amendment #1 to House Bill 3601. Committee Report from Representative Churchill, correction on an earlier report, reported the same back 'do approved for consideration' to the floor, House Resolution #125. Introduction of Resolutions. Senate Joint Resolution #103, is offered by Representative Pedersen, is referred to the Rules Committee."

Speaker Leitch: "Supplemental Calendar announcements."

Clerk McLennand: "Supplemental Calendar 2 has been distributed."

Speaker Leitch: "Mr. Clerk, what is the status of House Bill 3048?"

Clerk McLennand: "House Bill 3048. We are on Senate Amendment #3, a Motion to nonconcur."

Speaker Leitch: "Representative Turner."

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Turner, J.: "Thank you, Mr. Speaker. I move for nonconcurrency."

Speaker Leitch: "And on that, is there any discussion?"

Representative Hoffman for what purpose do you rise, Sir?"

Hoffman: "Yes, I see no reason to nonconcur, since we already nonconcurred with the other Amendment."

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

Moore, A.: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. Senate Amendment #1, which I did not get an opportunity to speak to, is an Amendment that puts back the language that was deleted in the original Bill that pertains to how probation fees can be spent. I served on that Supreme Court Committee when the Legislature initially allowed the fees to go in place. And the one thing that everyone agreed on this committee was that the money should not be spent for salaries for probation officers. That that clearly was the counties' responsibility. And that there was some concern that that pot of money would be used not for services for those people on probation, extra services that are difficult to try and get through the county, but would be used for salaries. And that in fact is what this allows. And, so I would hope..."

Speaker Leitch: "Excuse me, Representative. Could we please have some order? The Lady is discussing a very important Amendment. Can we have some order, please? Representative, proceed."

Moore, A.: "I thought that it was important for the House to understand that clearly when these fees first were authorized by the General Assembly and the Supreme Court Committee worked on it, that allowing these to be spent on salaries was the one issue that we all agreed on pretty closely, and so therefore, I would oppose that portion of the Bill. Certainly, there are other meritorious parts of

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the Bill. But, these probation fees were put in place and allowed to supplant the existing levies that are there and try to provide additional services for those people that are on probation."

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

Lang: "Just an inquiry of the Clerk. Mr. Speaker, you indicated that Supplemental #2 is being distributed, but none of us have it."

Speaker Leitch: "I believe that your Pages have the Supplemental #2, Sir. I know that it is being distributed on your side presently. Representative Turner now moves to nonconcur on Senate Amendment #3 to House Bill 3048. And, on that question, all those in favor shall say 'aye'; all those opposed shall say 'nay'. In the opinion of the Chair, the 'ayes' have it. And the House does nonconcur in Senate Amendment #3 to House Bill 3048. Continuing on the Order of Concurrence, appears House Bill 3309. Representative Meyer."

Meyer: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Thirty-three zero nine had passed out of this chamber unanimously. The underlying Bill is allowing for a demonstration program to be set up whereby ambulances would allowed through...with permission from a resource hospital to actually deliver patients to the Bolingbrook Medical Center as opposed to having to take them all the way to the Naperville facility, and again, that would be under the direction of the hospital. That Bill did pass out of this House 115 'aye' votes, no dissenting votes. It went to the Senate and in the Senate, there are four Amendments, and I move to concur on those four Amendments."

Speaker Leitch: "Do you wish to proceed individually

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Representative? The Gentleman from Madison, Representative Hoffman, for what purpose to you rise, Sir?"

Hoffman: "Yes, Mr. Speaker, we on this side of the aisle would just to ask that we divide the question and explain them one at a time please. It would be easier and more efficient I believe."

Speaker Leitch: "Fine. Representative Schakowsky, for what purpose do you rise?"

Schakowsky: "It's so nois...Amendment #1, are we dealing now with Amendment #1 and was it explained? I've risen Mr. Speaker to..."

Speaker Leitch: "No, we were just clarifying that...I was just calling on you because had your light on prior to that. Representative Meyer, on Senate Amendment #1."

Meyer: "Thank you, Mr. Speaker. Senate Amendment #1 puts a sunset on..."

Speaker Leitch: "Just a minute. Just a minute Representative. Could we please have some order? The Gentleman is trying to explain his Amendment. Could we get the conferences off the floor please? Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Senate Amendment #1 is very straightforward. It...again the underlying Bill is for a demonstration program and this just puts a sunset of September 1, 1998, as the first sunset on it, and allows it to be continued for an additional two years if the department approves. Again, I fully support this Amendment."

Speaker Leitch: "The Gentleman from Vermilion, Representative Black. For what purpose do you rise, Sir? Representative Black, I don't see him. The question is...Representative Black."

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

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yield?"

Speaker Leitch: "He indicates he will."

Black: "Representative, I noticed Senate Amendment #4 is an interesting little Amendment."

Speaker Leitch: "Representative, we're on Senate Amendment #1."

Black: "Oh, we're taking these separately?"

Speaker Leitch: "Yes Sir."

Black: "Well, that isn't what the board says. Where's the Clerk when you need him?"

Speaker Leitch: "It does at the present time, Sir. Thank you."

Black: "Oh, okay. I thought we...so we're going to take these all separately?"

Speaker Leitch: "Yes Sir."

Black: "Oh, one's a fine Amendment. Thank you."

Speaker Leitch: "Thank you. Representative Schakowsky, do you wish to address this Amendment?"

Schakowsky: "Thank you, Mr. Speaker. I just rise in support of Amendment #1 which does fix a date that we can sunset this and a provision to reinstitute it for another two years. So, I urge support of this."

Speaker Leitch: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3309?' And on that question, 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 you wish? Mr. Clerk, take the record. And on this question, there are 110 voting 'aye', 0 voting 'nay', 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3309. Mr. Clerk, Senate Amendment #2. Representative Meyer."

Meyer: "Thank you, Mr. Speaker. On Amendment #2, I would at this point also indicate to the floor that they should be...I

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call their attention to Senate Amendment #3. The two should be taken together. In terms of the context of the overall intention of the underlying Amendment...or of the Amendment. Amendment #2, amends the Unified Code of Corrections in the Clerks of the Courts to require the additional fee of \$100 shall be paid to the Clerk to be deposited in the Trauma Center Fund for a conviction of an Order of Supervision for aggravated discharge of a firearm, reckless discharge of a firearm, carrying or possessing concealed weapon, or certain drug related offenses. It also provides that the additional fee of \$100 imposed for a person convicted of receiving an Order of Supervision for those offenses, shall be paid to the Circuit Court and shall be deposited into the Trauma Center Fund separate from any other funds or court costs imposed by the courts. It provides that in those counties that use a percentage distribution method, an additional fee of \$100 shall be exempted from the percentage distribution method. And Senate #3, I would call your attention to. It omits the reference to unlawful use of a weapon offense to exempt persons. The concealed weapon offense, I'm sorry. So, it just takes that portion out. The first Amendment when it was drafted by the person that came to us and asked that it be sponsored on this Bill, did not intend for that aspect of it to be covered under the Bill, and therefore, this just sets that Amendment to what the Trauma Centers were requesting to start with."

Speaker Leitch: "The Gentleman from Cook, Representative Kubik, for what purpose do you rise, Sir?"

Kubik: "Thank you, Mr. Speaker. A point of personal privilege."

Speaker Leitch: "Proceed." Kubik: "I would like to announce to the Body that we have some birthday cake in the

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front row if anybody would like a piece of birthday cake. We're cutting the cake and please join me in finishing this. The cake is wonderful. So please wander on down and have a piece of cake. Thank you, Mr. Speaker."

Speaker Leitch: "Thank you Representative. The Lady from Cook, Representative Schakowsky, for what purpose do you rise?"

Schakowsky: "Yes, I rise in support of Amendment 2. What this does is recognize that drugs and weapons are contributing to the high cost of trauma. The expenses of caring for victims of drugs and firearms, and so this Amendment I urge that we concur in."

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

Phelps: "Thank you, Mr. Speaker. I rise in support of this Amendment that was clarified in committee and had support from both parties and with a leave of absence, so it should not be that controversial."

Speaker Leitch: "The question is, 'Shall the House concur in Senate Amendment #2 to House Bill 3309?' And on that question, all those in favor shall vote 'aye'; all those opposed shall vote 'nay', and the voting is open. 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 115 voting 'aye', 0 voting 'nay', 0 voting 'present', and the House does concur in Senate Amendment #2 to House Bill 3309. Mr. Clerk, Senate Amendment #3. Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Amendment #3 takes into consideration Amendment #2 where it indicated carrying or possessing a concealed weapon, and this Amendment takes that portion out of Amendment #2 which was the full intention of the Trauma Advisory Board when they proposed

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Amendment #2."

Speaker Leitch: "And on this question, the Gentleman from Cook, Representative Lang. For what purpose do you rise, Sir?"

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

Speaker Leitch: "He indicates he will."

Lang: "Thank you. Do I understand Representative that Amendment #2 which we just concurred with, is an Amendment that would include these additional fines to be paid by those who were convicted of concealed carry offenses, is that correct?"

Speaker Leitch: "Representative Meyer."

Meyer: "Representative, in terms of answering that question, I would like to talk about the intent that was purveyed when the Amendment was originally written and submitted. It was intended that any time a firearm was discharged and it was discharged illegally that a \$100 fine be imposed, because it's a discharge of firearms which sends people to the emergency trauma centers. And that was the full intent of #2 when it was drafted by the Sponsor which was the Trauma Advisory...Trauma Services Advisory Board. They inadvertently included the concealed carry portion of it which they did not intend it to include to start with. That testimony was given in committee this morning by the lobbyist for that center...or that board, excuse me, and therefore, we want to go with the intent of the law."

Speaker Leitch: "Representative Lang."

Lang: "Nevertheless though, you would concede that if we concur in Senate Amendment #3 that we're weakening Senate Amendment #2. It'd be Senate Amendment #2 then becomes lesser. It includes less things despite the fact the initial proponents of this may not have wanted concealed carry to be part of this additional fee. The fact is, that passing or concurring of this Amendment would lessen that

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Amendment would it not?"

Speaker Leitch: "Representative Meyer."

Meyer: "Well, Representative, again this does not weaken it. What is does is to set the Bill...set the Amendment correct. It still raises \$2 to 3 million in addition...through additional fines by the second and third Amendment being both adopted. It's very important for the Membership to realize that any time a firearm is discharged illegally, it creates a fine of \$100 each time, and that is what the intent of the Amendment originally was. It's the discharge of the firearm that sends somebody to a Trauma Center and I think it's entirely consistent."

Speaker Leitch: "Representative Lang. Just a minute Representative, we still need to have some order in here. This is a very important Amendment. Could we have order? Proceed Representative."

Lang: "Thank you. Did anyone speak in opposition to the Concurrence Motion in committee?"

Speaker Leitch: "Representative Meyer."

Meyer: "No one spoke in opposition."

Speaker Leitch: "Representative Lang."

Lang: "Did any one speak in opposition to the Senate Amendment when it was put on the Bill in the Senate?"

Speaker Leitch: "Representative Meyer."

Meyer: "Representative, the package, the entire package of Senate Amendment #1, 2, 3 and 4 came out of the Senate with no dissenting votes. Fifty-six people voted in favor of it. There were no Senators voting 'opposed' to it or 'present'. Even in committee, there was no opposition. Again, it was taken as a package for something that we wanted to accomplish and therefore it was fully supported."

Speaker Leitch: "Representative Lang."

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Lang: "Was Senate Amendment #3 a Floor Amendment or Committee Amendment?"

Speaker Leitch: "Representative Meyer."

Meyer: "It went through committee."

Speaker Leitch: "Representative Lang."

Lang: "There were no opponents to this Amendment in committee?"

Speaker Leitch: "Representative Meyer."

Meyer: "That is correct."

Speaker Leitch: "Representative Lang."

Lang: "Thank you."

Speaker Leitch: "The Lady from Cook, Representative Schakowsky. For what purpose do you rise?"

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

Speaker Leitch: "He indicates he will."

Schakowsky: "So what we're doing in Amendment #3 is removing an additional fine for people who are guilty of the criminal offense of illegally carrying a concealed weapon, is that not true? These are people who are already going to pay a fine for this illegal act?"

Speaker Leitch: "Representative Meyer."

Meyer: "Representative, what we are doing is setting the legislation straight with the intent of the original Amendment as it was introduced, Amendment #2 as it was introduced. It became...people became aware that it was introduced incorrectly and this Amendment just sets it straight. It provides for what the Trauma Service Advisory Board wanted to accomplish, and that is to impose a \$100 fine on those types of things that send people to trauma centers. That's illegal discharge of a firearm, and that is where that fine should be allocated to and that is where Senate Amendment #2 and 3 will ultimately set that."

Speaker Leitch: "Representative Schakowsky."

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Schakowsky: "Well, that was a long way around answering my question which is that, as I understand it, that people who are found guilty of the crime of carrying a concealed weapon will not, under Amendment #3, have to pay an additional fee. You're claiming it to be merely a drafting error. And what I would like to argue here, is that we are unnecessarily weakening your Bill which would add money to the fund for trauma victims from people who are guilty of a weapons offense, that is carrying a concealed weapon. Now Representative, what if someone uses a weapon but misses? One could argue that they've discharged a weapon, but they in fact haven't actually shot anybody because they've missed, so heck, why shouldn't we excuse them from paying a fine, an additional fine under this legislation?"

Speaker Leitch: "Representative Meyer."

Meyer: "Representative, perhaps you're misunderstanding the legislation. If they discharge a firearm, this doesn't say 'illegal wounding of people' or anything else, it says 'illegal discharge', which means that if they illegally discharge, they're subject to a \$100 fine."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "That is precisely my point, Representative. That whether or not someone is injured, they will still pay because they have illegally discharged a weapon. I am saying that whether or not a concealed illegally, illegally concealed weapon is used, that the potential continues to remain that someone could get shot. They are illegally using that weapon, just as someone who has discharged a weapon but has not injured anyone is illegally using a weapon. I think that is a legitimate way for us to be raising money for the Trauma Fund. We are not trying to penalize people who legally carry a weapon, only those who

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illegally carry a weapon. I would urge a 'no' vote on Amendment #3. I would argue that it is not a drafting error, that is simply a give away to the Rifle Association that weakens our opportunity as a state to help heal people who have been hurt by weapons. I urge a 'no' vote on Senate Amendment #3."

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

Phelps: "Thank you, Mr. Speaker. I rise in support and just want to clarify that the Trauma Commission Advisory Board here had their wishes met and Mr. Lieberman testified in committee that it was not intended to have this particular item on the Amendment to doubly penalize the concealed weapon idea, but to keep the gun violations and the violation of cannabis or all of the other violations that are listed in the Bill to be on the same frame of the \$100 fine. So, it was inadvertently doubled the penalty for a concealed weapon which was not his intent and this is what this Amendment tries to clarify. So, I urge your support."

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

Schoenberg: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. I think at various times we've all faced the situation when we've been advancing legislation, that there are some technical errors which at times have been made, and times when technical errors have been made, we've sought a variety of remedies. A variety of options to rectify those technical errors. Unfortunately I have to say that this does far more than remedy a technical error. Just moments ago, we all voted to make...to add an additional fine, an additional fee to a variety of offenses, relating to drug possession, as well as offenses

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relating to the discharge of a firearm. Now, only moments later, we are going to reverse that very course of action which we just took. Now if we...most of us, if we were in a situation where we wanted to avoid a situation like this, the Gentleman very easily could have tabled the Amendment #2, tabled Amendment #3, and made the refined flawless, technically accurate version of the Amendment. That could have been Amendment #4 and then Amendment #4 could have been Amendment #5. However, that was not the case. I know that many Members earlier this year, breathed a sigh of relief when the Senate confronted the issue of concealed weapons and voted very narrowly to defeat a measure on the legality of possessing a concealed firearm. I know many Members publicly and privately expressed relief at the fact that that item did not come before this chamber. Well now, whether it's intentional or unintentional, those of us here in the House indeed have to confront this very issue. Less than 10 minutes ago we made the penalties tougher on those who are convicted of an offense with a concealed firearm. Now, we're being asked to do a complete reversal of that position, and on the basis of the fact that this position is incorrect, and on the basis of the fact that if indeed it was merely a technical error that other forms of action could have been taken to avoid this very vote that we're going to take now. On that basis, I'm urging all my colleagues not to concur in Senate Amendment #3. At the very worst my friends, all we would do is send this to a Conference Committee where the accurate version or so what's been represented as what the desired intention of the trauma centers can actually be voted upon. Thank you."

Speaker Leitch: "The Gentleman from Cook, Representative Dart, for what purpose do you rise, Sir?"

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

Speaker Leitch: "Indicates he will."

Dart: "Representative, just a couple of quick questions. What's the amount of money that this fine is going to raise?"

Speaker Leitch: "Representative Meyer."

Meyer: "Two to three million dollars annually."

Speaker Leitch: "Representative Dart."

Dart: "Where does that number come from? Where does the number come from?"

Speaker Leitch: "Representative Meyer."

Meyer: "Representative, that was based on the number of your convictions each year in the state for illegal discharge."

Speaker Leitch: "Representative Dart."

Dart: "So, was there a dollar figure that was attached to the Bill when it contained all of these measures including the unlawful use of a weapon as well?"

Speaker Leitch: "Representative Meyer."

Meyer: "We estimate there be no significant difference. The number is still between two and three million."

Speaker Leitch: "Representative Dart."

Dart: "Your information...Representative, I understand what is going on with the Bill. I understand what you are doing. The intention is excellent, it truly is. The fact of the matter is though, I commend you for what you are doing, the money is desperately needed. It's a great way to go about doing it, but I have a feeling those numbers have to be way, way out of whack, because I know from personal experience. I also know from statistical evidence I've looked at before, the different offenses that you've just listed now, the unlawful use of a weapon is an offense, at least in Cook County, that is quite often given out like parking tickets. There is uncounted times that is charged.

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That has got to be the disproportionate number of offenses that would represent the dollar amount. Those other offenses aren't charged as often. There's has got to be a tremendous hit in the dollar amount that we're talking now by excluding that. Is there any other figures you have that break it down per offense, because I know that the UUW by unlawful use of weapons is by far the predominate charge here, and that by cutting that out it's got to take a dramatic impact on the dollar. So, they had that broken out by offense though?"

Speaker Leitch: "Representative Meyer."

Meyer: "Well Representative, I don't have it broken out, but I can tell you this, the two or three million dollars that would be infused into the trauma centers is certainly a lot more money than they're now receiving and I think it's a good piece of legislation. Any legislation is better than none, and I be very happy to have your support on it."

Speaker Leitch: "Representative Dart."

Dart: "Representative, I couldn't agree with you more, and I understand how hard you've worked on this and how much you are concerned about this issue, and I appreciate that. I just find it troubling that we've cut out this one offense because the nature of the offense is not somebody who is legally possessing a gun. It is yet another red herring that the NRA is throwing out there. This is not law abiding gun owners we're talking about here. We're talking about the fine can only be assessed after there is a conviction. The conviction means someone did something wrong. It means there is someone unlawfully using a weapon, not lawfully. So, here we have bad people, not the lawful gun owners caught with it. We're putting a fine on them. The type of people that normally are charged with

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that offense, are gangbangers, drug dealers and the like. And frankly, I feel we should be charging those people an additional fine, cause those are the people who are shooting up our streets, those are the ones that are making neighborhoods unsafe, and those are the ones that are jeopardizing our childrens' lives. I understand what sometimes has to be done to get a piece of legislation through, and as I mentioned again, I know how hard you've worked on this. But I feel very strongly, but by cutting this offense out, you're going to dramatically decrease the amount of money that's going to come in, and in addition to it as well, you're also going to send out a message these people here who are gangbangers and are drug dealers, are not going to be held to the same standard as some of these other folks. So, for that reason I oppose it. As I say Representative, I know your motives here are great, I know how hard you worked on this, too. But I find it just unfortunate that this offense is being cut out, because these are not good people. These are not law abiding gun owners. These are unlawful use of weapon convicted felons, and they are people that shouldn't have the guns in the first place. So, that is the reason I rise in opposition to this."

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

Brunsvold: "Thank you, Mr. Speaker. I stand in support of the Amendment. The previous speaker on his remarks has indicated that only the criminal is going to do this. Well, there can be accidental misfirings of guns in homes that could be charged in this case. For heavens sake, a concealed weapon charge in this state as of two years ago, was a felony. It's a felony conviction. That was put into

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a Bill in the Safe Neighborhoods that has resulted in a lot of problems in the court systems in Chicago. With charges that really are unenforceable, and that's part of our problem here Ladies and Gentlemen. We can't enforce all the gun laws. If we enforced all the gun laws, we wouldn't have these problems. But now we got an error here and a \$100 from 200 to 100, an error made in the drafting of a Bill and we're not going to correct this because it might lower the charge or give a misconception about what we're doing. Well, it doesn't. The Class 4 felony ought to go. This ought to go. Please support this Amendment."

Speaker Leitch: "The question is, 'Shall the House concur with Senate Amendment #3 to House Bill 3309?' And on that question, 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 wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 95 voting 'aye', 17 voting 'nay', 2 voting 'present', and the House does concur in Senate Amendment #3 to House Bill 3309. Amendment #4, Representative Meyer."

Meyer: "Thank you, Representative. Amendment #4 sponsored by Senator Dillard in the Senate, was actually a Amendment that he sponsored on the request of Senators Geo-Karis and Senator Emil Jones. It amends the Illinois Health Facilities Act to repeal the Section that requires Health Facility Planning Board to deny applications to establish a new unit or existing unit or facility or new facility for the treatment of acute or chronic mental illness. Prior to this time, going back the late 1980's or 1990 prior to my coming to the House, a moratorium was placed on new beds being allowed for psychiatric treatment hospitals and this Amendment simply lifts that moratorium and allows Health

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Facilities Planning Board through certificate of need application to agree that additional beds will be granted or else it will be denied. Doctors Hospital in Hyde Park happens to be the facility that feels that they do have a need for establishing more beds. But again, this only lifts the moratorium and requires that the Health Facilities Planning Board actually go through a certificate of need. I just ask for your favorable vote."

Speaker Leitch: "The Gentleman from Vermilion, Representative Black. For what purpose to you rise?"

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

Speaker Leitch: "He indicates he will."

Black: "Yes, I apologize Representative, this was the Amendment that I got up earlier on and was chastised severely by the Chair. So I would...I'm not sure I understand this Amendment. A subject near and dear to my heart, and that's mental health beds. But as I understand this Amendment, if I had a surplus of a 100 beds in a mental health facility but I wanted to add more beds, I'm eliminating the Health Facilities Planning Board. Maybe you can get it through my head. I'm not sure this is the way we should do this."

Speaker Leitch: "Representative Meyer."

Meyer: "Representative, I would disagree with you on interpretation. If you are asking for more beds to be allocated to your hospital, you still have to receive a certificate of need and as a part of that process, they would not grant that certificate of need if you in fact had a surplus."

Speaker Leitch: "Representative Black."

Black: "So, the certificate of need process is not abrogated by this Amendment, that's what you're telling me?"

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Speaker Leitch: "Representative Meyer."

Meyer: "That is correct Representative. As a matter of fact, under the current law, you could not even apply for and have it be considered even if you feel you have a need."

Speaker Leitch: "Representative Black."

Black: "Alright, so then the thrust of the Amendment is, I can apply and if there is a surplus, a very obvious surplus of those kinds of beds in my district, then I would assume the Health Facilities Planning Board would not agree to that under the certificate of need and so we're still protected? I guess that's my concern, right?"

Speaker Leitch: "Representative Meyer."

Meyer: "You're entirely correct."

Speaker Leitch: "Representative Black."

Black: "My last question then. Then I assume with that basic protection, the Health Facilities Planning Board is not opposed to this Amendment?"

Speaker Leitch: "Representative Meyer."

Meyer: "They do not oppose the Amendment."

Speaker Leitch: "Representative Black."

Black: "Thank you very much Representative. I appreciate your patience and thank you for getting back to me, Mr Speaker."

Speaker Leitch: "The Lady from Cook, Representative Currie. For what purpose do you rise?"

Currie: "Thank you, Speaker. Will the Sponsor yield to a question?"

Speaker Leitch: "He indicates he will."

Currie: "Representative, the way I read this, this Amendment takes away from the Health Facilities Planning Board, the authority to say 'yes' or 'no' to beds that would be assigned to psychiatric patients, is that right?"

Speaker Leitch: "Representative Meyer."

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Meyer: "Representative, currently there is a complete moratorium on allowing for any additional beds for mental health patients. And all that this Bill does is lift that moratorium and allows for a facility that might request additional beds be given to them to have to go through this 'certificate of need process'."

Speaker Leitch: "Representative, did you hear the answer to that? It's getting very loud in here. Can we have some order please?"

Currie: "So, you're saying there's currently a moratorium on new psychiatric beds? This language takes away the moratorium. But in place of the moratorium, there still would be a requirement that if you want to add psychiatric beds or if you want to convert medical to psychiatric beds you would still go through the 'certificate of need process'?"

Speaker Leitch: "Just a minute, Representative Meyer. May we please have some order? Can we have some order please? Representative Meyer."

Meyer: "Representative, that is true and of course the Health Facilities Board is a cost containment type board and you'd have to go through that process to get a certificate of need."

Speaker Leitch: "Representative Currie."

Currie: "So, the answer to my question is, yes, there still would be a 'certificate of need process' for any conversion of a medical bed to a psychiatric bed or for any development of new psychiatric beds?"

Speaker Leitch: "Representative Meyer."

Meyer: "Yes."

Speaker Leitch: "Representative Currie."

Currie: "One final question. It's my understanding that this provision came at the behest of a particular psychiatric

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hospital, but yet you have drafted something that has statewide implications. Can I ask why the response was to cancel the statewide moratorium rather than to deal in some more specific way with a specific problem?"

Speaker Leitch: "Representative Meyer."

Meyer: "Representative, this does address a statewide basis. I think it's the fairest way to address it, as a matter of fact, and it takes a complete moratorium. In other words, there's absolutely no way that under the current law, a facility can have additional beds, and it requires that they go through still a control that process of obtaining a Certificate of Need. There's no guarantee that even in this case, this facility will be granted an increase in beds, but it gives the control. It's a realistic approach to legislation that allows for all parts of the state as...so much of our legislation is brought to our attention by individual constituents. So this was brought up by a hospital in...that Senator Jones has a contact with and I would support the Senator's Amendment."

Speaker Leitch: "Representative Currie."

Currie: "Can you tell me what the vacancy rate in respect to psychiatric beds statewide is today?"

Speaker Leitch: "Representative Meyer."

Meyer: "No I can't Representative, and quite honestly, I think that's why we need the Specialist Health Facilities Board to meet on this and look at the different data to decide is there truthfully a need there. I think it strengthens...it's a strong point of it."

Speaker Leitch: "Representative Currie."

Currie: "It would seem to me wiser for us to know what the vacancy rate is before we decide we don't any longer need a moratorium. I'm advised that the vacancy rate might be as

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high as 85%. Maybe that's a good reason for...occupancy is 85 which means that 15% of these beds are now not being used. Can you tell me what the occupancy rate is for the particular facility that requested this legislation?"

Speaker Leitch: "Representative Meyer."

Meyer: "No, I cannot tell you what the individual occupancy rate of that facility or any facility in the state is. Again, that's why I believe we have the professionals that are given the application, the facility has to appear before them either through the application or in person and request this, and I think that method well serves us."

Speaker Leitch: "The question is, 'Shall the House concur in Senate Amendment #4 to House Bill 3309?' And on that question, 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 on this question, there are 102 voting 'aye', 12 voting 'nay', 0 voting 'present', and the House does concur in Senate Amendment #4 to House Bill 3309. This Bill having received a Constitutional Majority, is hereby declared passed. Continuing on the same order of business, is House Bill 3520, 3520. Representative Clayton."

Clayton: "Thank you, Mr. Speaker. I wish to concur with Senate Amendment #1 to House Bill 3520. As you recall, this Bill amended the Comprehensive Health Insurance Plan to authorize the CHIP Board to establish conditions and procedures under which the CHIP Board may, if funds permit, discount or subsidize premium rates which are paid directly by senior citizens and other plan participants who meet means test and other qualifications. The Amendment...the Senate Amendment removes the reference to 'means test' and

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makes the Bill more specific with regard to who is affected by providing that it applies to senior citizens as defined by the CHIP Board and other plan participants who are retired or unemployed and meet other qualifications. It still rests with the CHIP Board. The Amendment also adds a change in the Retired Teacher Health Insurance Plan to expand eligibility for coverage to individuals receiving disability benefits and their survivors, regardless of their years of creditable service. As you know at the present time, it takes eight years for a teacher to be eligible. This would remove that and let a teacher who becomes disabled before he or she meets the eight year requirement to be eligible. This will affect very few people. As a matter of fact, in looking, CMS estimates that approximately 11 individuals will be affected at an annual cost of approximately \$50 thousand."

Speaker Leitch: "And on this Amendment, is there any discussion?"

The Gentleman from Bureau, Representative Mautino."

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

Speaker Leitch: "She indicates she will?"

Mautino: "Representative, the changes in the Bill only...am I correct in assuming that the only thing is that the words 'means testing' have been taken out of it and a definition has been put in which allows for the board to determine who's eligible?"

Speaker Leitch: "Representative Clayton."

Clayton: "That is correct. Additionally, 'the retired teacher' wording was put in there."

Speaker Leitch: "Representative Mautino."

Mautino: "Thank you. I just like to...I rise in support of the Lady's Motion. Representative Leitch and I sponsored a Bill very similar, almost identical to this last year.

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It's being put forward and will assist the CHIP Program which has helped quite a few people throughout the State of Illinois. There's 5 thousand people that are allowed to be enrolled in it and these are insurance for the uninsurable. I would just urge all Members to support the Motion to concur."

Speaker Leitch: "And a fine Bill it was. The Gentleman from Clinton, Representative Granberg. For what purpose do you rise, Sir?"

Granberg: "Will the Lady yield?"

Speaker Leitch: "She indicates she will."

Granberg: "Representative Clayton, I'm not quite sure if I understood why they took out the 'means testing' language with this Amendment. What was the intention of having the means tested language in the Bill in the Senate and why was it removed?"

Speaker Leitch: "Representative Clayton."

Clayton: "It's my understanding that the Senate wanted to be more precise in the wording."

Speaker Leitch: "Representative Granberg."

Granberg: "So, now we will give it to the discretion of the board to whom the benefits would be awarded as to a 'means tested' standard?"

Speaker Leitch: "Representative Clayton."

Clayton: "The CHIP Board will...it was now more defined in that the plan parti...the only people eligible would be people who, they are either a senior citizen, again in determining what a senior citizen is, and it is left to the CHIP Board, and also other plan participants who are retired or unemployed. Somebody not working."

Speaker Leitch: "Representative Granberg."

Granberg: "With the language that was stricken however, it had

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'means tested' in that. Would the board have been required to do...to implement 'means testing' for any survivor that would apply for those benefits?"

Speaker Leitch: "Representative Clayton."

Clayton: "Because the wording in the Bill is, 'and meets other qualifications', it does give the CHIP Board some latitude."

Speaker Leitch: "Representative Granberg."

Granberg: "Well what is, I'm not sure what is wrong with that 'means testing' factor if you have someone who is worth millions of dollars and the CHIP Board would still have the discretion to allow them to receive these additional benefits, Representative."

Speaker Leitch: "Representative Clayton."

Clayton: "This...the wording in the Amendment is a definition, is a definition of 'means testing'."

Speaker Leitch: "Representative Granberg."

Granberg: "Is there anything specifically in the Amendment that refers to a person's income or his or her worth?"

Speaker Leitch: "Representative Clayton."

Clayton: "No."

Speaker Leitch: "Representative Granberg."

Granberg: "Well then, apparently 'means testing' is not addressed by this new Amendment, because previously 'means testing' was the language that was put into the Bill. This would remove that requirement so there would be no consideration to the CHIP Board. They could in fact still award these benefits which are direly needed by survivors, but they could award these benefits even if that person was a millionaire or had a great deal of money or in fact, had no reason to use these benefits when other people who have no money or who are widowed or survivors are in dire need of

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these benefits?"

Speaker Leitch: "Representative Clayton."

Clayton: "The CHIP Board would be making that determination."

Speaker Leitch: "Representative Granberg."

Granberg: "Well Representative, I understand...what I'm afraid of is, you're not putting a limit on it. You're telling the CHIP Board that they could in fact, still award these benefits which are very, very needed. They could award these benefits to people who have a great deal of income. There is no prohibition doing that, if they do that. Then other people who don't have any money, would be denied because there is only so much money available. Correct me if I'm wrong."

Speaker Leitch: "Representative Clayton."

Clayton: "Under the current program, there is nothing with regard to income."

Speaker Leitch: "Representative Granberg."

Granberg: "Well Representative, I'm not going to belabor this, but I was just...I didn't want to see the survivors who are in dire need of these benefits to be denied if someone else who does not need the benefits is awarded that ability to do so. So my concern like yours, I think is, do we take care of people who really need these benefits. I have one last question. Have you talked to Representative Poe or Representative Klingler about putting this on their Pension Bill?"

Speaker Leitch: "Representative Clayton."

Clayton: "No, we feel it should be a stand alone Bill."

Speaker Leitch: "Representative Granberg."

Granberg: "Well, I didn't know if you...I'm sure that Pension Bill will resurface because they certainly wouldn't do that to state employees and try to create those expectations.

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But Mr. Speaker, I thank the Lady, and Mr. Speaker, I thank you and Representative Mautino for the time."

Speaker Leitch: "And the question is, 'Shall Senate Amendment #1 to House Bill 3520...shall the House concur in Senate Amendment #1 to House Bill 3520?' And on that question, all those in favor shall vote 'aye'; all those opposed shall signify by voting 'nay'. The voting is open. Have all voted who wish? Have all voted who wish? This is final action. Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 116 voting 'aye', 0 voting 'nay', 0 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 3520, and this Bill having received the required Constitutional Majority, is hereby declared passed. Appearing on the Order of Concurrence, is House Bill 3601. Representative Lou Jones. Representative Jones."

Jones, Lou: "Thank you, Mr. Speaker. I move to concur on Senate #1 to House Bill 3601. This was an Agreed Amendment put on by the Senate. This Amendment provides that those that are in charge of subsidized housing with an avenue to take action against tenants who do not allow officials to inspect their premises. It also includes subsidized housing, any Section 8 housing, any housing owned or operated by a Housing Authority or any housing financed by the Illinois Housing Development Authority, and all HUD property, and I ask for the Body to concur with me on this Amendment."

Speaker Leitch: "The Gentleman from Vermilion, for what purpose do you rise?"

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

Speaker Leitch: "She indicates she will."

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Black: "Representative Jones, in the Senate Amendment #1, I can't get anything on this computer except the analysis. It references the word 'landlord'. Now in the case of public housing, I would assume that definition of landlord would extend or would include the Housing Authority, or would it just mean landlord in the sense you and I would know landlord?"

Speaker Leitch: "Representative Jones."

Jones, Lou: "Yes Representative, it would include the Housing Authority."

Speaker Leitch: "Representative Black."

Black: "I finally have a copy of the Senate, if you would bear with me. I assume on page 2 of the Amendment, line 7, when it gets into 'any housing or unit of housing, a local housing authority', then I assume that that means that housing authority or anything in that four sentences would be 'landlord'. Would that be your interpretation?"

Speaker Leitch: "Representative Jones."

Jones, Lou.: "Yes."

Speaker Leitch: "Representative Black."

Black: "Would the...I don't think I have any problem with the Senate Amendment at all. I'm just curious. The Chicago Housing Authority alright with this language?"

Speaker Leitch: "Representative Jones."

Jones: "Yes, they are. In fact, they are the ones that along with a couple of other authorities that helped get this Bill together."

Speaker Leitch: "Representative Black."

Black: "As always Representative, I appreciate your forthright answers and your patience. Looks like a good Amendment to me. Thank you."

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

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This is a waived off recognition."

Speaker Letich: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 3601.' And on that question, all in favor shall signify by voting 'aye'; all those opposed shall signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on this question, there are 112 voting 'aye', 0 voting 'nay', and 1 voting 'present, and the House does concur in Senate Amendment #1 to House Bill 3601, and this Bill having received a Constitutional Majority, is hereby declared passed. The Gentleman from Clinton, Representative Granberg. For what purpose do you rise, Sir?"

Granberg: "Thank you. An inquiry of the Chair, Mr. Speaker. It's come to my attention that the State Senate has adjourned for the day. So I'm not sure why we're in or if our Leaders are meeting, but if that's the case, I want to ask Representative Moore if in fact the Senate took up the Ethics Bill Reform today? We're running out of time."

Speaker Leitch: "Well, having served in both Bodies Mr. Granberg, let me describe to you the Senate as a mortuary and this is the House of the People. And on this...let's see here, Supplemental Calendar #1, on the Order of Concurrence, appears House Bill 2294. Representative Persico."

Persico: "Thank you, Mr. Speaker, and Members of the House. House Bill 2294, I move to concur in Senate Amendments #1 and 3 to House Bill 2294. Basically, House Bill 2294 was a vehicle Bill that we sent out of this House last spring while the interested parties began to negotiate the rates that they needed to do to bring this water pipeline to the areas like Bolingbrook, and Homer Township. This Amendment

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will allow the Citizens Water Resources Company to become a common carrier by pipeline. Citizens Resources plans to install a large diameter pipeline beginning at the municipal limits of Bedford Park and extending some 15 miles. Citizens of Illinois will either purchase their water from Bedford Park and then sell such water on a wholesale basis to the citizens of Illinois and its customers in Homer Township and Bolingbrook into a number of municipalities or it will transfer water purchased by those entities. This wants to be...Citizens Resources wants to be a commissioned regulated utility, so it as to be eligible for eminent domain powers and also to be eligible for certain tax-free loans available to commissioned regulated utilities. There's no opposition to Senate Amendment #1 and the Illinois Commerce Commission is neutral on it. Senate Amendment #3 amends the Public Utilities Acts to require the commission to consider when determining the public convenience and necessity of a proposed pipeline or facility intended to transfer crude oil under certain criteria. And I ask for you to concur on Senate Amendments #1 and 3 to House Bill 2294."

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

Novak: "Yes. Thank you, Mr. Speaker. First of all, I would ask for the consideration of the Chair to divide the question. Take each Amendment separately."

Speaker Leitch: "Your point is well taken. We'll be voting on Senate Amendment #1 first. Mr. Clerk."

Novak: "Thank you. Thank you, Mr. Chairman. Representative Persico, I know we discussed this Bill in committee shortly, and I don't have any problems with it, but I just wanted to ask a question. The City of Chicago is neutral

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on this Bill? Since this water is going to be purchased from the city isn't that correct?"

Speaker Leitch: "Representative Persico."

Persico: "As far as we know Representative, they are neutral on this Bill."

Speaker Leitch: "Representative Novak."

Novak: "And there are no known opponents to this legislation?"

Speaker Leitch: "Representative Persico."

Persico: "No. As I mentioned in my opening statement, there is no known opposition and the Illinois Commerce Commission is neutral on this Bill."

Speaker Leitch: "Representative Novak."

Novak: "Can you just give us a little background on Citizens Water Resources? Who do they currently supply water to now?"

Speaker Leitch: "Representative Novak...Persico."

Persico: "Representative, they serve certain areas of Bolingbrook as well as the municipality of Bolingbrook also serves a certain segment of their society, and what they wanted to do with this particular Bill, is to have the authority to build a larger diameter pipeline in order to serve all the citizens of Bolingbrook and Homer Township as well as other areas of Will County."

Speaker Leitch: "Representative Novak."

Novak: "I just had a thought Representative. Has Representative Meyer tasted their water? I mean is it...just nod your head Jim, is it pretty good water from...okay, so I guess we can go along with that since that's his district. I certainly rise up and concur with this Amendment. I think it's logical and reasonable the running water lines from Chicago from Lake Michigan is a prudent thing to do in light of questions of public health matters with private

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well supplies, and so Lake Michigan's water is much, much better and has less minerals that cause the hard water taste. So I would encourage legislation like this to be passed in the General Assembly."

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

For what purpose do you rise? Representative Schakowsky."

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

Speaker Leitch: "He indicates he will."

Schakowsky: "Well as one who drinks Chicago water, I would attest to its wonderful taste, but I wanted to ask you just one question. Does this create a new kind of juris...expand the jurisdiction of the Illinois Commerce Commission and create a new definition now? Is this now common carrier for water companies just a totally new category now of regulatory authority for the commission?"

Speaker Leitch: "Representative Persico."

Persico: "No Representative, it does not. They can either be regulated as a common carrier or as a...under the Public Utilities Act. And what they're trying to do is become a common carrier pipeline. And the ICC has authority over both by statute."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "But I understand that we've never had common carriers for water before, is that true? Is this a first now? We've had it for gas, for gas pipelines."

Speaker Leitch: "Representative Persico."

Persico: "Representative, you are correct there. We've never had common carriers just for water."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "I was just wondering if there was a cost to this then for the Commerce Commission to newly regulate this category and if there was going to be any need for

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additional appropriations so that they can fulfill their obligations now under this Bill?"

Speaker Leitch: "Representative Persico."

Persico: "No Representative, I don't feel that they're going to need any further appropriations. They're able to handle it with their existing manpower."

Speaker Leitch: "Representative Schakowsky."

Schakowsky: "Well, I would support concurrence on this Amendment and I have no further questions."

Speaker Leitch: "The question is, 'Shall the House concur in Senate Amendment #1 to House Bill 2294?' And on that question, 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...Mr. Clerk, take the record. And on this question, there are 115 voting 'aye', none voting 'nay', 1 voting 'present', and the House does concur in Senate Amendment #1 to House Bill 2294. Mr Clerk, Senate Amendment #3. Representative Persico."

Persico: "Thank you, Mr. Speaker. Senate Amendment #3, amends the Public Utilities Act to require the commission to consider when determined the public convenience in necessity of a proposed pipeline or facility intended to transfer crude oil under certain criteria, and I'd be happy to answer any questions you might have."

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

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

Speaker Leitch: "He indicates he will."

Novak: "Representative Persico, can you outline currently, what the commission's responsibility or authority is with respect to granting certificates such as pipelines?"

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Speaker Leitch: "Representative Persico."

Persico: "Yes Representative. The commission shall grant an application for a certificate authorizing operations as a common carrier pipeline according to the following criteria: The application was properly filed; the public need for the service exists; the applicant is a fit, willing, and able to provide the service in compliance with this Act, commission regulations; and the public convenience and necessity requires issuance of this certificate."

Speaker Leitch: "Representative Novak."

Novak: "Thank you Representative. As I understand in looking at this Amendment, it seems as though this proposed pipeline from the Lake Head Pipeline Company from the Wisconsin/Illinois state line, all the way south to Joliet, has generated some type of controversy. But I think as a result of this controversy because maybe I think some residents or citizens were concerned about the pipeline going through their property or near their property, this Bill actually strengthens the due process or the hearings process and it gives the Commerce Commission more authority, more responsibility, and more considerations to peruse before they grant a certificate, is that correct?"

Speaker Leitch: "Representative Persico."

Persico: "Right. Representative, according to what we said before, you know, they had to follow a certain criteria. This strengthens those things by you know, looking at...IDOT would be looking at it, the Environmental Protection Agency would be looking at certain criteria, and so forth."

Speaker Leitch: "Representative Novak."

Novak: "So Representative, agencies such as the EPA and the

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Department of Transportation, Department of Natural Resources, DCCA, and any other state agency, do they have to sign off on this or are they required to submit comments about this proposed pipeline construction prior to the granting of a certificate for construction?"

Speaker Leitch: "Representative Persico."

Persico: "Representative, they don't have to agree, but they have to put into their findings whether they...the things that they need to do in order to improve it, and then they would submit that with this application and then it's going to be up to the ICC."

Speaker Leitch: "Representative Novak."

Novak: "I notice in our analysis that this pipeline is in Senator Klemm's district. Now, could you give us a little background? Does this controversy still exist concerning citizens opposing the construction of this pipeline up north?"

Speaker Leitch: "Representative Persico."

Persico: "Representative, as you are aware, there were some concerns in Senator Klemm's district as well as well as some other districts, and with putting in this certain criteria that has to be followed, this is beginning to address many of their concerns. And as I said, there is no known opposition to this particular Amendment."

Speaker Leitch: "Representative Novak."

Novak: "Thank you, Mr. Speaker. So Representative, this legislation actually encourages more public participation in the process, is that correct?"

Speaker Leitch: "Representative Persico."

Persico: "Without a doubt, you're correct there Representative."

Speaker Leitch: "Representative Novak."

Novak: "Do you have any idea when this pipeline is going to...the

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construction, when it's going to begin or has it begun?"

Speaker Leitch: "Representative Persico."

Persico: "Representative, I'm not sure, but my understanding is it's going to be within a year or so that they are going to begin construction of this proposed pipeline."

Speaker Leitch: "Representative Novak."

Novak: "Will it be an above ground pipe or below ground, or run along easements? Can you comment on that?"

Speaker Leitch: "Representative Persico."

Persico: "Representative, it is my understanding that the pipeline is going to go below the ground. We have less grief from concerned citizens when you put it out of sight."

Speaker Leitch: "Representative Novak."

Novak: "Yes, thank you very much. You did a find job Representative Persico."

Speaker Leitch: "The Lady of Kane, Representative Lindner. For what purpose do you rise? Representative Lindner."

Lindner: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Lindner: "Thank you. To the Bill. I rise in support of this Amendment. This is very important to my district in Kane County, in Western Kane County. Lake Head Pipeline Company has proposed a pipeline. This also affects McHenry and Kendall and Will Counties, and I think that you can see from what the law is presently, that the pipeline has a very light burden to meet before the ICC. And expanding it to consider economic affects public safety and conservation and environmental issues, will give the citizens in my area, a chance to really have some...put something into the process. So I think this is a very important Amendment and I would ask that everyone support it."

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Speaker Leitch: "The question is, 'Shall the House concur in Senate Amendment #3 to House Bill 2294?' And on this question, 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? This is final action. Mr. Clerk, take the record. And on this question, there are 116 voting 'aye', 0 voting 'nay', 0 voting 'present', and the House does concur in Senate Amendment #3 to House Bill 2294. And this Bill having received the Constitutional Majority, is hereby declared passed. On the same Order, appears House Bill 3128. Representative Brady."

Brady: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. House Bill 3128 passed out of here with 102 'yes' votes. Sent to the Senate and the Senate took this Bill which is a consumer protection Bill and adds consumer protection provisions to collateral protection insurance purchasing. The Senate added Amendment #2 and Amendment #3. Amendment #2, qualifies that the debtor must...notice must be sent to the creditor...by the creditor to the debtor within 30 days following the placement of collateral protection insurance. It also states that if the creditor provides proof within 30 days, that they had maintained insurance, it will not cost them anything for the insurance provided by the debtor. It also exempts short rating of that insurance, and it makes explicit that a creditor which has placed collateral protection insurance prior to July 1, '97, shall have all the rights afforded by this Act. Senate Amendment #3, adds to the qualification of notice the cosigner or the grantor of the loan. Representative Bugielski and I worked hard to explain to the Members what this all means. I think we've done so successfully. This

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passed unanimously out of committee this afternoon. I ask for your favorable vote."

Speaker Leitch: "Representative Hoffman. For what purpose do you rise, Sir?"

Hoffman: "Will the Sponsor yield?"

Speaker Leitch: "He indicates he will."

Hoffman: "Yes Representative, I know you that you were recently in financial institutions talking about this Bill. What is the exact need for it? I know that there is a need for it. Could you just explain why the financial institutions and the State of Illinois need this Bill?"

Speaker Leitch: "Representative Brady."

Brady: "Representative, presently there is no statute which provides for the provisions under which collateral protection insurance shall be provided. What this does, is it allows an avenue and a platform under which...for them to provide it. It protects the consumer. This is a...I believe that it is a provision which they're just looking for that helps them. There has been I believe, a court case somewhere that might have ruled in such way that this would help better define the way in which these organizations could provide that insurance. To protect both the consumer and their own security interest."

Speaker Leitch: "Representative Hoffman."

Hoffman: "It's my understanding that currently there is no law in the State of Illinois that addresses this issue. Therefore, really it is open to interpretation in order to insure, first of all, that the financial institution has some guidance, and also to protect the consumers. That's why this Bill is necessary, don't you believe?"

Speaker Leitch: "Representative Brady."

Brady: "Yes Representative."

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Speaker Leitch: "Representative Hoffman."

Hoffman: "Yes, I think this is a good Bill. I think that everybody on this side and on that side of the aisle should vote for it."

Speaker Leitch: "The question is, 'Shall the House adopt Senate Amendments #2 and #3 to House Bill 3128?' And on that question, 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 on this question, there are 116 voting 'aye', 0 voting 'nay', 0 voting 'present', and the House does concur in Senate Amendments 2 and 3 to House Bill 3128, and this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Concurrence, appears House Bill 545. Representative Stephens. Senate Amendments 1, 2 and 5."

Stephens: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I would move to nonconcur in Senate Amendments 1, 2 and 5 to House Bill 545."

Speaker Leitch: "Representative Woolard, for purpose do you rise?"

Woolard: "Thank you, Mr. Speaker. I would like to ask the Sponsor a couple of questions if I may. Before that, I would like to make a statement that I think that something happened in committee today that each and every Member of this Body needs to be aware of. We asked to divide these questions and were given consent by the Body and the Chair. We proceeded through the process and about halfway through, I think that there was a change of heart and then we were requested to act on each of the three Amendments collectively. You know, I think that we should continue to

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have an open process. That we should have access to each and every rule that is available, and I would hope that would continue in committees the same as it does on the Floor. I appreciate the fact very much that you have accommodated us in this way, and I appreciate very much, the fact that the Sponsor is choosing to nonconcur, put this back into a Conference Committee, and I'm sure that there will be a definite Resolution. I stated in committee and I state again, I support the concept, I believe that the approach is right, I commend the Sponsor, but more importantly, I commend him for taking it to nonconcurrency and hopefully we'll get Resolution in totality with that Conference Committee."

Speaker Leitch: "Are you con...the Lady from St. Clair, Representative Younge. For what purpose do you rise?"

Younge: "Thank you, Mr. Speaker. I agree that this should go to a Conference Committee. It should go...there should be a nonconcurrency because this is a very, very, very bad law. All the Amendments are quite bad. They will take away the rights of districts to have their own local autonomy. They will take away the rights of school districts to run their schools and it is just simply a bad Bill because it will take away the day to day running of the school board's affairs away from the local district. There was a lawsuit in which the panel in the East St. Louis school district ousted the board. The courts said that that was unconstitutional and what this effort here is, is to very rapidly by statute intervene in a matter that is on appeal in the court, and I think what ought to happen is that the court proceeding should be allowed to proceed and this matter should not be handled in the Legislature. I think that anybody that has a school on the Financial Watch List,

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should watch this Bill very, very carefully. Because what it means is, if there is a dispute and a disagreement and the school district is certified and needs a financial plan if an oversight panel is appointed and the financial plan is rejected, then under this Bill the financial panel can run the district. I think that one thing is very clear in our precepts about education is that there shall be local control and I think that each of the people here who have the problem of financial difficulty in their school districts, will find themselves on a 'slippery slope' towards losing control of their school district by supporting the concepts in this Bill. And it is for those reasons I agree there should not be a concurrence. That each person who has a financial watch situation, Representative Lawfer, Poe, Tim Johnson, Hannig, Myers, Jones, Phelps, everybody in this...half the districts in this state are in financial difficulty. The problem about this Bill and the way that the Emergency Financial Assistance Act is being handled, is that nobody is getting any emergency financial assistance. What they're getting is having their district taken away from them. This...the Fifth Amendment here would wipe out all collective bargaining rights under the Fifth Amendment to this Bill. The financial panel is not an educational employer, and therefore, any of the prohibitions of unfair labor practices will not apply here. So you're going to find that a group of people appointed are taking over all the power and control of the district and doing the collective bargaining. And I think that that is very, very bad, and for those reasons..."

Speaker Leitch: "Proceed, ma'am."

Younge: "Thank you. I think this should not be nonconcurrred to,

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and it should be amended and changed or if it can't be changed, to meet those principles, it should be defeated."

Speaker Leitch: "Representative Monique Davis, for what purpose do you rise?"

Davis, Monique: "Thank you, Mr. Speaker. I rise to support this Nonconcurrency Motion of House Bill 545 with Senate Amendments 1, 2 and 5. And I'd also like, Mr. Speaker, for us to consider the fact that in a committee as Representative Woolard stated, the Representatives were not allowed to separate these Amendments and vote on these issues separately. I believe that when Amendments come to a House Committee and the issues are different or one negates the other one, Legislators should be given the opportunity to vote separately on these issues. I am very concerned when in committee, people are being told, you must vote on 1 and 3 at the same time, or you must vote on 1 and 5. I believe that these issues being different and one really negating the other one, they definitely should have been voted on separately. This Nonconcurrency Motion simply says to us, that the agreements have not been reached, the people are still trying to come together and make some comfortable arrangements with each other, and I think that's what we should be about. I'm very concerned when one person thinks they can take away the rights of all other Members who sit on a committee, merely because they are the Chair of the committee. The Chair merely means you can duck the hearing. The hearing is the committee hearing. I believe it is significantly important that the children of St. Louis be given an opportunity to be educated by local educators, and I don't believe that it is fair to them to take away the local control. It behooves all of us to ask when will my district be next? You know

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there's a hungry monster who likes power and once they realize this could be done in more than one district, two districts, which district will be next? Perhaps if the district is so horrible, so bad off, we should consider consolidation. I know that Representative Younge certainly does not wish that to happen. But I think we should consider perhaps should the children if they're in terribly unsafe conditions, be transferred to surrounding or adjacent areas. Perhaps they should be bussed into areas where the conditions are not unsafe. If there are hazards to their health, we must consider getting them out of that kind of environment, and consider consolidation. I conclude by congratulating Representative Stephens, and saying, 'I too, nonconcur with these Amendments'. Thank you."

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

Holbrook: "Thank you, Mr. Chairman. To the Amendments. I also agree with nonconcurrency and I would support that having part of that district in my district also. I think this is...put us well on the way of solving some of the problems there. Thank you."

Speaker Leitch: "Representative Stephens has moved to nonconcur in Senate Amendments 1, 2 and 5. All those in favor shall say 'aye'; all those opposed shall say 'nay'. In the opinion of the Chair the 'ayes' have it, and the House does nonconcur in Senate Amendments 1, 2 and 5 to House Bill 545. Continuing on the Order of Concurrence, appears House Bill 2230. Representative Cowlshaw."

Cowlshaw: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I move to concur in Senate Amendments #2 and 3 to House Bill 2230. This is a Bill which has been produced

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over a three year period by the Illinois State Council on the Education of Handicapped Children. It passed the House by a vote of 103 to 4 to 5. When it got to the Senate, there were a couple of technical problems that emerged that they wanted to correct, and there was also a question about whether there might be an opportunity for a substitution of a hearing officer without anyone having to show any cause whatsoever, but simply as a right to have a substitution for a hearing officer. And so, Senate Amendment #2 becomes the Bill. It does everything that the Bill did when it left here on a vote of 103. However, it adds the date when the new process will begin to be July 1, 1997, rather than January 1. The date for the report to be July 1 rather than January 1, and it provides the language for a substitution of hearing officer. And I will read that, 'A party to a Due Process Hearing, shall be permitted one substitution of a hearing officer as a matter of right in accordance with procedures adopted by the State Board of Education. The State Board shall randomly select and appoint another hearing officer within 5 days upon receiving a proper request, and so forth.' Amendment #3, simply changes the citation. There was an incorrect citation as to a Section number of the legislation that was being amended. So, Amendment #3 is purely technical, #2 is generally technical except just that it does add this one substitution provision and also changes the language in one spot so that language is now in accord with the way that same kind of provision appears in all other state and federal statutes. That's what it does. I thank you very much for your support of this Bill in the past, and I ask to concur in Senate Amendments 2 and 3."

Speaker Leitch: "And on this question, is there any discussion?"

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The Gentleman from Cook, Representative Dart. For what purpose do you rise Sir?"

Dart: "Will the Sponsor yield?"

Speaker Leitch: "She indicates she will."

Dart: "Representative, Amendment #2 deleted everything, became the Bill, and you mentioned that it made only minor changes to the Bill as it left the House. There was numerous groups that had worked on this together. Is there any opposition left to this Bill?"

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "Representative Dart, I want to be as straightforward with you as I possibly can. When this Bill left this chamber with 103 votes, there was still one group, a comparatively small group to be sure, but there was one group that continued to oppose this. There were 21 groups in favor of it. All of those 21 groups have been consulted about these Amendments and are in accord with them. I think the substitution language was actually an attempt to be accommodating to that one group that had held out and even after we have done this to try to satisfy them, they still have not said they will actually support this. But, 21 to 1 it seems to me is a pretty good margin."

Speaker Leitch: "Representative Dart."

Dart: "It's not a bad number. What was the name of that group again though, I don't have the paper in front of me now? And what was their opposition again? I understand you've tried to make changes for them, if you can let me know what the gist of what their problem was?"

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "I believe Representative Dart, from my records, I believe it's called the Family Resource Center or some name very similar to that. The people who spoke to me who are

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associated with that group simply said they were opposed to a single level process of hearing officers, no matter what. Despite all of the attempts that were made over three years to make the process better, to make it easier on families and children, to make it fairer and to be sure that we have hearing officers who are really well-qualified and trained and whose performances actually objectively assessed, the concept of there being a one level process, simply they didn't like that and they still don't like it. And frankly since that's the whole principle upon which this legislation is built, it appears that there is nothing we can do to satisfy them."

Speaker Leitch: "Representative Dart."

Dart: "Thank you Representative. I found the name, it's the Learning Disabilities Association of Illinois is the letterhead that I have from the group here. I was just glancing over the letter as you were speaking, and it appears as if that is the crux of their opposition. They make reference to the fact that they feel that by making this one level as opposed to two, it was going to force families into unneeded expenses due to the fact that they are going to have to hire attorneys to go before these hearings. Their fear of costly legal fees is what they are afraid of apparently here. But from what you've said, it seems as if, at the heart of it, their opposition is based on the fact that they want it kept at two levels and this is going from one level, so there's really no room for the two parties to meet."

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "Indeed Representative Dart. That's precisely the point and I'm glad that I was able to explain it in a way that it was in accord with what they expressed to you. In

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general, I am told by the people who are here to help me right now, that in many cases currently when there is a two level system, many of these families hire an attorney right at the beginning. So they have to pay the attorney to get through two hearings rather than one, and I think in the long run, this much more streamlined program will probably save families money. But most of all Representative Dart, it will save them having this excruciatingly difficult thing extended over a long period of time. That is not fair to those people. It will make the process happen more quickly."

Speaker Leitch: "Representative Dart."

Dart: "Yeah Representative, I tend to agree with you there. And just for clarification then, I was going to call to have the question divided, but there's no point in that. The Third Amendment clarifies a technical mistake? Because I was looking at it, it makes reference to Amendment #2, and it just inserts two things at the very beginning and that is just purely technical in nature by covering those Sections?"

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "Yes. Apparently there was some flaw in a citation of a Section number, you know, the kinds of things that say 22-33.1(a) or something like that, and apparently they got the numbers transposed, so just to make sure that we're referring to the right part of the statutes, Amendment #3 simply changes that and makes it correct."

Speaker Leitch: "Representative Dart."

Dart: "Nothing further, thank you."

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

Currie, Barbara: "Thank you, Speaker, and Members of the House."

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I think there are two organizations who continue to oppose House Bill 2230. I wouldn't suggest that we make up our minds on measures like this depending on how many add up 'for' and how many add up 'against'. I think it's important to clarify the source of the opposition for both the Learning Disabilities Association and the Family Resource Center on Disabilities, two of the older of the advocacy groups for children with disabilities in the State of Illinois. Yes, they are concerned about losing the opportunity for a level two appeal. They are especially concerned that under this Bill, part-time school board employees and contractors to particular school districts, would be enabled to serve as hearing officers. Their concern is the clear potential for a conflict of interest between someone who is dependent on the school board for either the part-time job or the outside contract. I think these groups might agree that giving up the appeal, the level two appeal, is okay if they had confidence that the underlying Bill so reformed the system, that that second appeal would no longer be justified. And I think barring, barring the fact that these part-timers and contractors are enabled to serve as hearing officers, then they might agree that the level two appeal is unnecessary. Because certainly they agree that there are some very good ideas in House Bill 2230 and that the opportunity to ask for a substitute hearing officer which was provided to this Bill by the Senate, does make some improvements. But they must continue their opposition, and as I say, it isn't one, it's two, two of the more established older advocacy organizations for children with disabilities, and the nature of their opposition continues to be the loss of the second level appeal and the possibility that people who

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have a financial stake in working for or contracting with a particular school district, will be, in many cases, the people who are making the determination, what will happen will with this disabled child. So, Members should be on the alert that this is not a numbers game, but there are substantive issues in respect to House Bill 2230, and I would urge 'no' or 'present' votes on the Concurrence Motion."

Speaker Leitch: "The Lady from Cook, Representative Monique Davis. For what purpose do you rise?"

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

Speaker Leitch: "She indicates she will."

Davis, Monique: "Representative, those organizations that are still in opposition to the Bill, they are parent organizations, is that correct?"

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "The 21 organizations that are in support of this Bill, are all parent organizations, and the two that are opposed to it, are also parent organizations."

Speaker Leitch: "Representative Davis."

Davis, Monique: "I believe the majority of the 21 organizations, are administrative associations or organizations that have administrative functions and the groups that I have heard from, are groups that represent children who actually have disabilities and who would depend upon that second level in order for them to have a particular positive decision made in reference to their children. I think as Legislators, we should all listen up. And we should be very careful about removing due process opportunities. Now as a parent who differs with administrators, I may not have the wherewithal to take it to a court. I may not be able to afford an

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attorney, so having that second level that the state should provide, makes almost positive that some solution will be reached. Now, if we remove the second level of due process for our parents, some of them will be certainly at the mercy of whatever someone else has decided for their children. The very fact that this second level was put in place, it was placed there in order to make sure the person or the groups or the people were given that second chance and it would not be costly to those families. Most children or many children who attend the public school system, they really are hard-pressed to come up with dollars for an attorney and for continuances that courts can certainly provide, and that's one of the major reasons this second level of due process was put in place. I think it's critically important that Legislators realize that when you have children who have disabilities, that sometimes you are already...it is necessary that you spend additional dollars because there could perhaps be already medical costs. You may be using the services of a speech pathologist, you may be going to an orthodontist or someone who deals with children who needs crutches or you simply could be dealing with a child who has a lot of learning problems who needs a lot of additional resources. So your dollars are not there for attorney fees. I believe that keeping the second level for due process for parents of children with disabilities, it will help the state to provide protection for those who are least able to protect themselves. I think it is crucially important that that particular part of this Bill be removed before we can support it. As Representative Currie stated, there are some good things in here. But this one piece that denies due process to parents who need it most, these are the

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parents the state should be fighting to protect, parents of children with some disability. To remove this level, is simply saying, you leave the state, you go straight to court, whether you have an attorney or not, that's not our problem. And I think we don't want to say to people who need our help and our protection, that we cannot or refuse to continue to provide it. We cannot pass legislation that removes due process Level II. We must vote 'no' on this legislation and come up with something better perhaps. Or take this Section out and maybe we could pass the Bill with the other points in it. Thank you. I urge a 'no' vote."

Speaker Leitch: "Any announcements Mr. Clerk?"

Clerk McLennand: "Committee Notice. Rules Committee will meet at 5:45 or immediately in the Speaker's Conference Room. Rules Committee will meet immediately in the Speaker's Conference Room."

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

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

Speaker Leitch: "She indicates she will."

Novak: "Representative Cowlshaw, I have some parents in my district that are very concerned about this legislation, and I know I talked to Don Payton quite a bit and we shared some correspondence concerning the Due Process Hearings. Is there anything in this legislation that provides or promulgates any standards for the hearings officers and how they conduct the hearings?"

Speaker Leitch: "Representative Cowlshaw."

Cowlshaw: "There are some sort of general parameters Representative Novak, but the specifics of the rules and regulations as far as not only the qualifications but the generally standards by which those need to be weighed in

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selecting these hearing officers, is left to the rules and regulations to be promulgated by the State Board of Education."

Speaker Black: "Representative Black in the Chair. Further discussions Representative Novak?"

Novak: "So, would it be safe to say that the State Board will require training for these individuals that will perform as hearings officers? And do you have any idea of what type of training?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative, the Bill itself requires the State Board of Education to provide training. It does not specify precisely what kind of training program has to be put in place, but I would point out to you in response to something one of the prior speakers mentioned, there is already in place and has been for the past 12 years, a remediation process that happens before the Level I hearing even happens. The State Board over a 12 year period, has had great success with that remediation program and the State Board has trained the people who handle those remediation meetings which are very nonconfrontational, and fortunately for the parents and the children and everyone, a lot of these things are resolved before they ever even get to the Level I Hearing. So they are not unaccustomed to dealing with the training of people who have to deal with these sensitive issues."

Speaker Black: "Representative Novak."

Novak: "Thank you Representative Cowlshaw. You mentioned some time ago, there was 20 some odd groups and associations that supported this Bill originally. Out of that group of associations, were there any parent groups in there that supported this? Parent groups that had children with

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disabilities?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes, there are several, Sir. In fact, if you want me to, I can read the whole list, but I would like to point out for your benefit as well as all my colleagues, this Bill is the product of the Illinois State Advisory Council on Children with Disabilities. There are a required number of parents of children with disabilities on that council. This Bill has been put together over a 2 year...over a 3 year period by two men on that council, both of whom are there because they are parents of severely disabled children. As a father of one those children, I do not believe that either of those men would do anything that would put any child or any family at risk."

Speaker Black: "Representative Novak."

Novak: "So Representative, would it be safe to say that the underlying essence of this Bill is to make sure that the best interests of the child are adhered to in all cases dealing with Due Process?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Representative Novak, I'm glad you asked that, because the gentlemen with whom I worked, who were on the State Council as I mentioned, that is all their goal ever was. To be sure that the children are well served. That the programs provided for them are appropriate and adequate. And if there is any kind of dispute, that it be solved by people who are well-trained and competent and that it be done as quickly as possible because of the fact that the longer that is carried forward, the longer it is prolonged, the tougher it is on that child and his or her family. That was the only goal."

Speaker Black: "Representative Novak."

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Novak: "Very good Representative. Thank you. No further questions."

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

Hoeft: "Thank you, Mr. Speaker. A little history here folks. In 1975, the federal law which changed dealing with Special Education, 94142, and in that 20 year period, one of the only things that has been consistently said about this and the process is, that the Hearing Process, the Due Process System is cumbersome, it is expensive and very, very difficult for both the school district, the parents and also the State Board of Education. This is a group who has gotten together and come up with an excellent compromise that meets the needs of these three different, separate groups. Let's think about this for awhile. If I'm a parent, and I go into a two step process and I win that first process, the school district can still come back at me and beat me in the second process. This is a pro-parent Bill because we're taking out one level of failure, we're taking out one level of expense, and we're talking about reforming from beginning to end, this process. There is a reason why 21 groups in this state support this. The reason is because this is needed, the change is going to help virtually every level, this is only sane, this is only appropriate, and if you are looking for efficiency, you're looking for help for the parent of a Special Ed child, this is an excellent 'yes' vote."

Speaker Black: "With no one else seeking recognition, the Lady from DuPage, Representative Cowlshaw to close."

Cowlshaw: "Thank you very much, Mr. Speaker. I have been assisted here by a long time friend of mine who knows a great deal more about Special Education and the laws that

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apply to it then I will ever know. And I am told that I should mention that in the Level I hearings, more parents than school districts lose. In Level II Hearings, far more parents lose. The Level II Hearing is no service to parents. And as I've said, it prolongs things and it costs people who simply can't afford those kinds of things, a great deal of money. I think this makes sense not only from the point of view of being a reasonable response to a situation that everybody admitted needed to be improved, but it is a compassionate solution. And for that reason, I ask you to join me in the concurrence in Amendments #2 and 3 to House Bill 2230."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendments 2 and 3 to House Bill 2230?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 100 voting 'aye', 11 voting 'nay', 4 voting 'present', and the House does concur with Senate Amendments 2 and 3 to House Bill 2230, and this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the same order of business, Supplemental Calendar #1, appears House Bill 2529. Please read the Bill."

Clerk McLennand: "House Bill #2529, a Motion to Concur has been approved for consideration."

Speaker Black: "And on that, the Gentleman from Peoria, Representative Saltsman."

Saltsman: "Thank you, Mr. Speaker. I move to concur with Amendment #1 and nonconcur with Amendment #2 so we can send this to Conference Committee for a small technical change in Amendment #2."

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Speaker Black: "You heard the Gentleman's Motion. And on that, is there any discussion? The Gentleman has moved to concur with Senate Amendment #1 to House Bill 2529. No one seeking recognition, the Gentleman...the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2529?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'nay', 1 voting 'present', the House does concur with Senate Amendment #1 to House Bill 2529. The Gentleman from Peoria, Representative Saltsman, what's your pleasure on Senate Amendment #2?"

Saltsman: "On Senate Amendment #2, I vote to nonconcur like I said, for a technical change and have it go to a Conference Committee and bring it back in the right order."

Speaker Black: "Representative Saltsman has moved to nonconcur in Senate Amendment #2 to House Bill 2529. All those in favor will signify by saying 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur in Senate Amendment #2 to House Bill 2529. Mr. Clerk, on Supplemental Calendar #2, there appears House Resolution #125. Please read the Resolution."

Clerk McLennand: "House Resolution #125, renames the portion of U.S. Business Route 20 around the northern portion of the City of Belvidere, the Jim Gang Memorial Bypass. Rules recommends 'be adopted'."

Speaker Black: "And on the Resolution, the Gentleman from Boone, Representative Wait is recognized."

Wait: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yes, House Resolution 125, is to name a portion of the E

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Bypass, that's a bypass we put around Belvidere. Jim Gang who was a County Engineer for some 36 years, was very instrumental in that. He retired a couple of years ago, and unfortunately just passed away this year, and the local county board has asked us to help to rename this in his honor as a memorial to all he's done for our county, and I'd appreciate your support on this Resolution."

Speaker Black: "The Gentleman has moved for the adoption of House Resolution #125. And on that, is there any discussion? Seeing none, I assume you're ready to vote. All those in favor of the adoption of House Resolution #125, signify by saying 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House has adopted House Resolution #125."

Clerk McLennand: "Introduction of Resolutions. House Resolution #127, offered by Representative Hoffman, was referred to the Rules Committee. Committee Report. Committee Report from Representative Churchill, Chairman from the Committee on Rules, to which the following Joint Action Motions were referred, action taken on May 20, 1996, reported the same back 'do approve for consideration' to the House Floor: Conference Committee Report #1 to House Bill 2349; House Resolution #126, a Motion to Concur, approved for consideration: Senate Amendments #1 and 2 to House Bill 548; and Senate Amendment #2 to House Bill 2695. Reported out to the Order of Nonconcurrency, Senate Bill 454, Senate Bill 542, Senate Bill 825, Senate Bill 1414, Senate Bill 1465, Senate Bill 1544, and Senate Bill 1696. Members should run an update on their computer system."

Speaker Black: "Yes, the Gentleman from Cook, Representative Lang. Are you seeking recognition?"

Lang: "Thank you, Mr. Speaker. We've been at ease for quite

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awhile now. I can't imagine there's very much to do. In fact, I have polled all 54 Members on our side, and none of us have any Bills we think are coming up this afternoon. And so why not send us all to dinner and we'll start fresh tomorrow, Mr. Speaker? I'm sure you don't have any fresh information for us on the budget. I'm sure there's nothing so earth shaking we can't handle it tomorrow morning. The Senate went home. I'm sure we're not going to get a report from Representative Andrea Moore regarding the Ethnicity Bill, so why do we have to be here, Sir? We don't have any Bills on this side of the aisle. I don't think there's any Bills on that side of the aisle that can't wait a few hours. So, why don't you send us home?"

Speaker Black: "Representative Lang. Let me take your very cogent points under advisement. I am prepared to make an announcement shortly, but your light has been on so long, and created so much heat, it has wiped out the computer system. As soon as we fix that, we'll review the Bills on the Calendar and get right back to you. Yes, Representative Lang."

Lang: "Well, just to let you know Sir, that I can create a lot of heat with or without my speak light. Thank you very much."

Speaker Black: "Yes, the Lady from Lake, Representative Moore. Are you seeking recognition?"

Moore, Andrea: "Thank you, Mr. Speaker. I wish to report to the Representative, that the Senate Sponsor of 1288, has informed me that he has filed a Motion to Concur with our ethics package."

Speaker Black: "Yes, thank you so much for that Representative Moore. Yes, Mr. Clerk, on the Order of House Calendar, Supplemental #1, there appears House Bill 2695. Please read the Bill."

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Clerk McLennand: "House Bill #2695, a Motion to Concur in Senate Amendment #2, has been approved for consideration."

Speaker Black: "And on that, the Lady from McHenry, Representative Hughes is recognized."

Hughes: "Thank you, Mr. Speaker. I wish to move to nonconcur in Senate Amendment #1 to House Bill 2695. This Amendment has several provisions which I believe watered down the Bill considerably. As you may recall, the underlying Bill which passed out of the House overwhelmingly, provides that where a non-referendum or limited bond issue will have an impact on property taxes, there will be notice and a hearing prior to the issuance of those bonds. So, I would move to nonconcur in Senate Amendment #1."

Speaker Black: "Representative Hughes has moved to nonconcur in Senate Amendment #1 to House Bill 2695. All those in favor of the nonconcurrency Motion signify by saying 'aye'; opposed say 'nay'. In the opinion of the Chair the 'ayes' have it, and the House does nonconcur in Senate Amendment #1 to House Bill 2695. The Lady from McHenry, Representative Hughes, on Senate Amendment #2 to House Bill 2695."

Hughes: "Thank you again. I would move to concur in Senate Amendment #2. It is a technical Amendment. It references several statutes which refer back to this Bond Notification Act, so that when a municipality is dealing with those other statutes wherein they might be considering bonds, there is specific reference back to this Act. It was a concern of the Municipal League that communities might miss this provision as an oversight, so they are attempting here to make sure it's referenced in other codes, and I again would move to concur in Senate Amendment 2 to House Bill 2695."

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Speaker Black: "Representative Hughes has moved that the House concur in Senate Amendment #2 to House Bill 2695, and on that, is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Hey Bill."

Speaker Black: "With no one seeking recognition, Representative Hughes moves that the House concur in Senate Amendment #2 to House Bill 2695. The question is, 'Shall the House concur with Senate Amendment 2 to House Bill 2695?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted wish? Mr. Clerk, take the record. On this question, there are 115 voting 'aye', 1 voting 'nay', 0 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 2695. Mr. Clerk, on the same order of business, House Calendar, Supplemental #1, appears House Bill 548. Please read the Bill."

Clerk McLennand: "House Bill #548, a Motion to concur in Amendments #1 and 2, were approved for consideration."

Speaker Black: "The Gentleman from Cook, Representative Saviano is recognized."

Saviano: "Thank you, Mr. Speaker, Members of the House. I would ask that the House move to concur with Senate Amendment #1. Senate Amendment #1 is the language from House Bill 3348 which we previously passed out of this chamber addressing the funding for the Violent Crime Victims Act which was a mechanism to streamline the funding for that fund. It passed out of here unanimously at 115 to 0, and I would ask that we concur with Senate Amendment #1."

Speaker Black: "You've heard the Gentleman's Motion, and on that, is there any discussion? The Gentleman from Madison,

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Representative Hoffman is recognized."

Hoffman: "Yes, will the Sponsor yield? I believe...just an inquiry of the Chair. We're only talking about Senate Amendment #1 right now, is that correct?"

Speaker Black: "Mr. Clerk. Mr. Clerk. The only Motion before us is to concur in Senate Amendment #1 to House Bill 548, is that correct?"

Clerk McLennand: "The Motion we have is to concur in Senate Amendments #1, 2, and 3."

Speaker Black: "Representative Saviano. What's your pleasure? Are you doing Senate Amendment #1 only at this time?"

Saviano: "I'm moving to concur with Senate Amendment #1 and 2."

Speaker Black: "Representative Hoffman, does that answer your question?"

Hoffman: "Yes, I just wanted the board to reflect that was indeed the case. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Yes, Representative, with regard to Senate Amendment #1, I believe that Representative (sic-Senator) Cronin had an Amendment that would remove misdemeanors from those convictions for which defendants sentenced to imprisonment must attend educational courses towards a GED. It also limits imprisonment as used in previous sentences to the Illinois Department of Corrections. What exact changes does that have or does that make to your Bill? The first Bill. I think it's a positive change, but I just want to make sure that you're in favor or it."

Speaker Black: "Representative Saviano."

Saviano: "Just to clarify this Representative, Senate Amendment #1 just addresses the funding mechanism for the Victims Assistance Fund. Senate Amendment #2, is the GED language which was in the original underlying Bill, House Bill 548,

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which we passed out of this chamber last year, okay? That's the difference. They're separated. Senate Amendment #1, addresses the Victims Assistance Fund, Senate Amendment #2 addresses the GED language that originally passed out of here in House Bill 548."

Speaker Black: "Representative Hoffman."

Hoffman: "Yes. I see nothing wrong with these Amendments, and I would concur with Representative Saviano's Motion to concur."

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

Saviano: "Thank you, Mr. Speaker. I would ask that the House concur with Senate Amendments #1 and 2. Thank you."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 and 2 to House Bill 548?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 114 voting 'aye', 0 voting 'nay', 1 voting 'present'. The House does concur with Senate Amendments #1 and 2 to House Bill 548. The Gentleman from Cook, Representative Saviano, on the other Senate Amendments to House Bill 548."

Saviano: "Thank you, Mr. Speaker. I would move that we nonconcur with Senate Amendments #3 and 4."

Speaker Black: "Representative Saviano has moved to nonconcur in Senate Amendments #3 and 4 to House Bill 548. And on that, all those in favor signify by voting 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it, and the House does nonconcur in Senate Amendment #3 and 4 to House Bill 548. Mr. Clerk, Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #3 is being distributed."

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Speaker Black: "Mr. Clerk, on the Order of House Calendar, Supplemental #3, under the Order of Business Conference Committee Reports, there appears House Bill 2349. Please read the Conference Committee Report."

Clerk McLennand: "House Bill #2349, First Conference Committee Report has been approved for consideration."

Speaker Black: "And on that, the Gentleman from Winnebago, Representative Winters is recognized."

Winters: "Thank you, Mr. Speaker, Members of the House. Conference Committee Report #1, I would move that we adopt that. It deals with the Nursing Act by requiring that any nurse within three years of the first time they take the Nursing Exam, if they have not passed that, they will have to go back to take their entire educational program over. Be happy to answer any questions."

Speaker Black: "The Gentleman has moved that we adopt the First Conference Committee Report on House Bill 2349. And on that, the Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Representative, is the only thing this Bill still does, is deal with this issue of taking the exam within three years?"

Speaker Black: "Representative Winters."

Winters: "That is correct. The other provisions were taken out in the Conference Committee."

Speaker Black: "Representative Lang."

Lang: "Why did this have to go to a Conference Committee to accomplish all of that? Why didn't we just get it done? We're left with a pretty simple, I agree, important Bill, but a pretty simple Bill. Why didn't we just get those guys to recede from their Amendment, so that you could just

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get it done? Why do we have to go to a Conference? Why are we still here on this Bill?"

Speaker Black: "Representative Winters."

Winters: "Representative, once again, the mind of the Senate is beyond me. I can't tell you why they would not recede."

Speaker Black: "Representative Lang."

Lang: "Well, so you asked the Senators to recede and they wouldn't do so? Did you go to the Senate Sponsor and ask them to take the Amendment off the Bill?"

Speaker Black: "Representative Winters."

Winters: "The controversial Amendment that they put on was later adopted in a different Bill that we've already passed out and put on the Governor's desk. But that was not known at that time."

Speaker Black: "Representative Lang."

Lang: "Well, did you have an opportunity to discuss this with the Senate Sponsor to determine whether they could help you remove that language from the Bill so we wouldn't still be here debating a Conference Committee Report?"

Speaker Black: "Representative Winters."

Winters: "The Sponsor of that Amendment never spoke to me."

Speaker Black: "Representative Lang."

Lang: "Well, didn't you have some duty to discuss it with the Sponsor in the Senate? I assume that when you sponsored this Bill, you wanted it to become law. Did you not feel some obligation to discuss with the Senate Sponsor what you wanted this Bill to look like when it went to the Governor's desk?"

Speaker Black: "Representative Winters."

Winters: "I did speak to the Senate Sponsor, not of the Amendment, of the controversial Amendment, and I did agree that that could go on at that point. But then when it came

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back over here for Concurrence, decided that we were not willing to accept it at that point."

Speaker Black: "Representative Lang."

Lang: "Were the nurses in favor of the Amendment that they took off in Conference?"

Speaker Black: "Representative Winters."

Winters: "The Nurses' Association did not take a position on that second Amendment that's been removed."

Speaker Black: "Representative Lang."

Lang: "Well, I have no further questions. I'm going to support the Conference Committee Report, but I have some grave reservations about the process. It seems to me that there is an Amendment here that somehow jeopardized the Bill. It would have been a simple matter for the Senate to recede from it. If Mr. Winters would have pushed a little harder, perhaps they would have done that and we wouldn't still have this Bill to deal with today at the eleventh hour. There's no purpose in having Conference Committee Reports that are unnecessary. In my view, this was an unnecessary Conference Committee Report and with a little harder work, this might not be in the condition it's in today. But I'm going to support it because the merits of this are such that it should be supported."

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

Skinner: "I wonder if the Gentleman could tell us why he wants to discriminate against women who go home to raise kids after going to a couple of years of Nursing School first?"

Speaker Black: "Representative Winters."

Winters: "The wish is not to discriminate against women who wish to raise their children. The point is that we felt that before a woman or a man should be licensed as a nurse, that

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they should have current medical knowledge. That if they're not able to pass the test within three years of taking the training, that their training may not be current."

Speaker Black: "Representative Skinner."

Skinner: "Well, then they won't pass the test, will they?"

Speaker Black: "Representative Winters."

Winters: "I'm sorry, I don't follow your question."

Speaker Black: "Representative Skinner."

Skinner: "Well, if they haven't kept up with the changes in medicine, then they won't be able to pass the current test. And if they have kept up with it, it means they'll probably make a good nurse for life because they've probably established the habits of reading the journals to keep up with the things that nurses have to keep up with."

Speaker Black: "Representative Winters."

Winters: "I believe the argument is, that they can take the test on a periodic basis and continue under present regulations, they could slip through the cracks, take it in another state, try to learn the information or at least how to pass the exam, and then finally come into Illinois after taking it a number of times, but actually not be well-trained nurses."

Speaker Black: "Representative Skinner."

Skinner: "Mr. Speaker, for over 20 years, I've been not real happy with licensing Bills in the State of Illinois. The basic goal of a licensing Bill is to restrict competition. It's to keep people out of the marketplace. And I think this is another example of unnecessary regulation. Only this time, it's on women. This time it's on mothers who have gone to Nursing School and they've decided to raise their kids at home and then they want to take the test, and

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they're capable of passing the test, but we're not going to let them take the test. We're going to make them go back to Nursing School, where of course, members of the Illinois Nursing Association can teach the courses and get paid for teaching the courses. I mean, that explains why the Nurses Association are in favor of this. I just think this is a...I mean, I don't know where the members of the Women's Caucus in this House are, but I expect them to stand up and say something."

Speaker Black: "Further discussion. The Lady from Cook, Representative Mulligan is recognized. Representative Mulligan, your light is on. Are you seeking recognition?"

Mulligan: "Did you call...yes, thank you, Mr. Speaker. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Mulligan: "Representative Winters, can you tell me how many chances you have to pass the Bar Exam or the CPA and for how long?"

Speaker Black: "Representative Winters."

Winters: "Over a three year period, you would have 12 chances to pass the exam."

Speaker Black: "Representative Mulligan."

Mulligan: "And then would you have to go back to law school if you flunked?"

Speaker Black: "Representative Winters."

Winters: "We would ask them to go back to study nursing, not to study law."

Speaker Black: "Representative Mulligan."

Mulligan: "What about the CPA? I mean, the laws change and you have to stay current in order to pass either a CPA or a Bar."

Speaker Black: "Representative Winters."

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Winters: "I believe we have continued education credits. Once you are accredited in those professions, there are additional continuing education credits. The Nursing Exam does not. Once you're licensed as a nurse, you would remain licensed because most of their knowledge would be kept current in the job market."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, in continuing legal education in the ICO courses, I don't think that, I mean, you can take them if you don't pass the Bar. If you have a firm, paralegals can take those too, but I don't think that necessarily makes a difference in, I mean, if you're going to pass, you're going to pass, and if you're going to flunk, you're going to flunk or you can go take a review course. Is the Illinois Nurses Association, have they looked at this Conference Committee Report and are they backing it?"

Speaker Black: "Representative Winters."

Winters: "The Conference Committee Report is basically what we passed out of here virtually unanimously, with their strong support. So the Nurses Association has no problems with the way this Conference Committee is coming back in."

Speaker Black: "Representative Mulligan."

Mulligan: "But don't you think it's rather extreme to have to go back and take the whole course over again? Isn't there some type of a review class or something that they could take? It seems a little expensive and a little out of the norm to make someone take the whole course again."

Speaker Black: "Representative Winters."

Winters: "This Bill simply clarifies the way we have always dealt with it. It's cleaning up a small loophole where nurses seeking to take the exam would simply go into another state. The clock would not start running until they took

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their first exam in Illinois. It makes sure that if they go across the state line in Indiana or Wisconsin, that the clock starts running at that point. This could be life and death. I don't think we need to weaken the way that we license nurses when they're dealing with medications and other life-threatening problems. I don't think attorneys are facing maybe life and death or CPA's, life and death decisions in their field of practice where they can kill their clients."

Speaker Black: "Representative Mulligan."

Mulligan: "Well, perhaps not, but they certainly could cause significant damage if they don't know what they're doing. I have colleagues here who are asking me to ask about how long it takes for a doctor to pass his Boards, how long they have?"

Speaker Black: "Representative Winters."

Winters: "I'm sorry. That's not really in the purview of this Bill. I have no idea how long it is."

Speaker Black: "Representative Mulligan."

Mulligan: "Representative, do you also feel that adjoining states have very lax licensing procedures if someone were to go there and be able to pass an exam there? I suppose we shouldn't be reciprocal then, should we?"

Speaker Black: "Representative Winters."

Winters: "I don't believe it's a question of lax or examinations. But the idea that they can go to the adjoining states and start to get the test taking skills. See, if you take a test often enough, eventually you're going to remember the answers. And if they can't pass it in 12 attempts, I think maybe they do need some reeducation."

Speaker Daniels: "Representative Mulligan."

Mulligan: "Representative, I'm sure you're well intentioned in

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this and I have not been lobbied for or against this by any nurses. It just seems out of the ordinary to me and I really can't think of another instance where we require this, and it does seem a little extreme. I just don't understand this."

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

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

Speaker Black: "He indicates he will."

Granberg: "Representative Winters, I'm normally confused around here, but you've really made me confused. Let me just ask a couple of questions to make sure I understand this. So, I graduate, somebody graduates from nursing school. They take certain parts of the test so they can receive their state license. If they do not pass all of the portions of the test within three years, then they have to go back and study, go back and do all their studies again?"

Speaker Black: "Representative Winters."

Winters: "There are not separate portions of the licensing exam. It's a single unitary exam. But that is correct. If they fail it 12 times over a three year period, they would have to take the entire nurse's training. That has been the way that we have done it for years in this state. This legislation is simply trying to reset the time so that they cannot go into another state, take the exam. That's when the clock would start running. We have always had the provision that if they cannot pass it over a three year time period, that they repeat their education."

Speaker Black: "Representative Granberg."

Granberg: "So, my wife or someone might graduate from nursing school, and say, they become seriously ill where they are unable to take the test for three years, then they are not

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permitted to take the test? They would have to go back and go through all their studies once again, without even having the opportunity to take that test?"

Speaker Black: "Representative Winters."

Winters: "They have three years after they first take the exam. Now if you picture a scenario where this person takes the exam and flunks, has to retake it and in the intervening time period, becomes ill and is unable to take it again, I believe you would have a correct scenario. But they would have already flunked it at least one time. If they passed the first time, they don't have to take it again."

Speaker Black: "Representative Granberg." 0

Granberg: "So what happens if they never have the opportunity to take the test? The statute, the time period starts running from the time they fail the test? Is that correct?"

Speaker Black: "Representative Granberg."

Granberg: "Representative Winters."

Winters: "The time period starts when they first take the exam. So if they had went through nurse's training, but never took the exam, they could come back. And if they pass the exam, they'd be licensed. What we don't want them to do is to take it and fail, and realize, oh my gosh, I failed the exam, I'm going to wait four or five years. We feel the education is not current at that point."

Speaker Black: "Representative Granberg."

Granberg: "So, let me compare some other professions. So, if you go to law school and you graduate from law school and you wait three years, you cannot take the Bar Exam? So you'd have to go back through the three years of law school?"

Speaker Black: "Representative Winters."

Winters: "That is not the way we set the law school exams up, but this is the way that we have been dealing with nurses.

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This is not changing the examination and the need to retake the examination or the retake the education. If you want to change that, it's an entirely different Bill."

Speaker Black: "Representative Granberg."

Granberg: "So my friends in this House, if they graduate from law school, let's say they failed to pass the Bar, and my friends, some of them have done that because they are working, trying to support a family and they didn't have a chance to take it again for three years. Under our law, they can take it. What you're saying is, they should have to go back to law school for three more years in order to take the Bar Exam again."

Speaker Black: "Representative Winters."

Winters: "I can't speak to the legal exams. That's not a point of this Bill."

Speaker Black: "Representative Granberg."

Granberg: "I'm looking for some equity, Representative. We don't do that with people who take the Bar Exam, we don't do that with lawyers, so why should be do it with nurses? Why would we prohibit them from doing this? This doesn't make sense to me. Are lawyers a rich upper class? Why would we give them the benefit of the doubt and not give nurses? I think nurses should be entitled to take the exam during that certain period of time or out in fact, past that time limit. They might have problems at home. They might have a family to raise. They might have to do other things, much like people in law school. Why would we draw this distinction? You keep telling me that there's a historical difference. Well, maybe it's time we change history and bring it up to the 20th century and allow them to do this. I don't know why we would limit this."

Speaker Black: "Representative Winters. Is that a question,

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Representative Granberg? Representative Winters, perhaps you could respond."

Winters: "I think the distinction again is, that a lawyer is not dealing with life or death matters. Now there may be grave economic differences, but at least you have a second chance. You can appeal your case. If you have a lousy attorney that shouldn't have passed his Bar Exam, you can appeal your case. But if a nurse makes a mistake and you're dead, that's it."

Speaker Black: "Representative Granberg, your time is about to expire. Bring your questioning to a close."

Granberg: "Thank you, Mr. Speaker. I believe one of my friends is going to yield me their time, if that is permissible? Well, let me do this then, Mr. Winters. What about doctors? So if you don't take the Medical Exam, then they are prohibited and they would have to go back through Med School?"

Speaker Black: "Representative Winters."

Winters: "I don't know what the licensing is on M.D.'s."

Speaker Black: "Representative Granberg."

Granberg: "So life and death situation, a nurse affects someone's life. A doctor would not have to go through this requirement because doctors are different. Doctors can take the Medical Practice Exam whenever. But they don't affect people's lives. Lawyers, we don't have to do it either because we might defend somebody on Death Row, but, 'eh', they get another chance. But with nurses, we're going to make them do these things and go back all the way to school. They might have some problem with their family at home. And now we're going to say, 'no, that's too bad'..."

Speaker Black: "Oh, gosh, Representative, your time has expired."

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The Lady from Cook, Representative Monique Davis, are you seeking recognition?"

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

Speaker Black: "He indicates he will."

Davis, M.: "Representative Winters, what about the nurse who has stopped working for 20 years and stayed home and then goes back to work? Does that nurse have to take any courses or anything?"

Speaker Black: "Representative Winters."

Winters: "If she has not practiced for more than five years, she would need to do an update, but she would not have to pass the exam. She would already have passed it and been qualified as a R.N."

Speaker Black: "Representative Davis."

Davis, M.: "Let's say that that R.N. passed the exam, worked for 10 years, and then stayed home for 15 years and then went back to work. Now that person would not be required to take anything and that would be the one I'd be more concerned about. I remember legislation that we have supported in this Body that never passes, and it's one called, Pay Equity. When we talk about Pay Equity, we bring in those areas where they're dominated by women. The nursing profession is a profession where women dominate the field. So you're asking this Body to say that only this field that is truly dominated by women will have to return to school for four years in some cases at a dynamite expense to someone, because they didn't pass perhaps only a portion of an examination. Now, all of us know that most professional examinations...how many times can the nurse take the exam per year? Is there a limit? Whatever professional level anyone seeks, normally there are no restrictions in reference to how many times they take the

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exam. We may say to them, 'you can only take the exam once per year', but we never say to anyone, Representative Winters, that you must go back to school and take the entire course of study over again. Now I would better...I could easily swallow that if you were saying a person had been out of the profession for 20 years or 25 years, because that's the dangerous person. It is not the person who has perhaps failed a small portion. It could be that whatever happened on that day, they need to retake a particular portion of that exam. I'm really concerned, Representative, when we choose a profession that's dominated by women and we say to those in that profession, that if you fail a portion of this exam or you don't complete it in three years, that you are totally sent back to college. Who's going to pay that college tuition for four more years? Most people who go into the nursing profession can barely afford to pay the tuition for the four years that they go. Surely our health is involved, but nurses and nurse's aides are under the guidance and the direction of a physician. Now, this physician is not limited on how soon he must complete his exam. This physician is not limited on when and how often he can retake it. But the poor lowly nurse's aide, the underpaid nurse will be told, if you don't pass it within three years, then you probably will never practice nursing, because they usually can't afford it. This Bill is discriminatory towards women. Most women go into the nursing profession. If we're going to start this in Illinois, let's start with the profession dominated by males. Vote 'no'."

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

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

Speaker Black: "He indicates he will."

Ronen: "No, I think you wanted Representative Winters...I think I support your Amendment here and I just want to make clear some points. Right now, current law, as the statute exists, nurses are required to complete the exam within three years, isn't that correct?"

Speaker Black: "Representative Winters."

Winters: "That is correct. They already have this three year time frame. All we're doing is setting the initial clock on when it starts, whether it's in our state or another state. We're not changing anything else about how long they have to pass the exam."

Speaker Black: "Representative Ronen."

Ronen: "I think that's an important point for us all to hear very carefully. That all we are doing in this Amendment is adding some clarifying language. Those of us who might have some concerns with the underlying Bill, this is not a vehicle to be discussing that. The only thing that we're talking about right now, is making more clear when the three year clock starts ticking. The other point I'd like to make is, it seems that the Illinois Nurses' Association is supportive of this. Is that true, Representative Winters?"

Speaker Black: "Representative Winters."

Winters: "That is absolutely correct."

Speaker Black: "Representative Ronen."

Ronen: "Thank you very much. And the other point I'd like to make and question I'd like to ask is, are we treating the nursing profession any differently in these regulations than we are treating others? Do we have these same kinds of standards that apply to other professions? Could you

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answer that?"

Speaker Daniels: "Representative Winters."

Winters: "There are other cases. I don't have the reference, but there are other professions where if they fail the exam a certain number of times, they retake their training."

Speaker Daniels: "Representative Ronen."

Ronen: "So I would just say, this has been a very confusing discussion of this matter. But it would seem to me that the matter before us is whether we approve clarifying language that makes clear the three year time period, that the three year time period would be after the first time he or she took the exam in any jurisdiction. On that basis and on the basis that the Illinois Nurses seem to be supportive of this, I would ask my colleagues to support the Representative's Amendment. Thank you."

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

Wennlund: "Thank you, Mr. Speaker. Since I can smell my steak burning, I move the previous question."

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

Winters: "Thank you, Mr. Speaker. This passed out of the House with 106 positive votes, 0 votes against it, passed the Senate 56-0, and simply starts the date in other states as well as it would in the State of Illinois. Has nothing to do with the retraining that's always been a part of our state statutes. It's simply setting the time. It's a technical Amendment. I would appreciate a positive vote."

Speaker Black: "The question is, 'Shall the House adopt

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Conference Committee Report #1 to House Bill 2349?' All those in favor signify by voting 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 99 voting 'aye', 15 voting 'nay', 2 voting 'present'. The House does adopt Conference Committee Report #1 to House Bill 2349, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the order of House Calendar, Supplemental #3, there appears House Resolution #126. Please read the Resolution."

Clerk McLennand: "House Resolution #126, recommends certain Senate Bills to the Rules Committee. Rules recommends 'be adopted'."

Speaker Black: "And on that, the Gentleman from Lake, Representative Churchill."

Churchill: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This Resolution simply clears the Calendar of Senate Bills that did not pass out of the House by the deadline date."

Speaker Black: "You've heard the Gentleman's Motion, and no one seeking recognition, I assume you're ready to vote. All those in favor of the Resolution signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and House Resolution 126 is adopted. Mr. Clerk, on House Calendar Supplemental #1, there appears House Bill 431. Please read the Bill."

Clerk McLennand: "House Bill #431, a Motion to nonconcur with Senate Amendments #1, 2, 4, 5, and 6 has been filed."

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

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Murphy, Maureen: "Thank you, Mr. Speaker. I move to nonconcur on Senate Amendments 1, 2, 4, 5, and 6 to House Bill 431."

Speaker Black: "Representative Murphy has moved to nonconcur in Senate Amendments 1, 2, 4, 5, and 6 to House Bill 431. All those in favor say 'aye'; opposed say 'nay'. In the opinion of the Chair, the 'ayes' have it. The House does nonconcur in Senate Amendments 1, 2, 4, 5, and 6 to House Bill 431. Mr. Clerk, on the Order of Concurrence, page 6 of the Calendar, appears House Bill 3670. Please read the Bill."

Clerk McLennand: "House Bill #3670, a Motion to nonconcur has been filed."

Speaker Black: "And on that, the Lady from Sangamon, Representative Klingler."

Klingler: "Mr. Speaker, I move to nonconcur in Senate Amendment #1 to House Bill 3670."

Speaker Black: "Excuse me, the Gentleman from Cook, Representative Dart. Why are you seeking recognition?"

Dart: "I was trying to get an explanation from the Sponsor as to why we're nonconcurring in this Bill? I thought this dealt with the Sex Offender thing?"

Speaker Black: "Representative Klingler, on the question of why."

Klingler: "Representative Dart, we're moving to nonconcur so that the issue of the Child Murderer Notification can be added to the Bill. It was the only provision that was in House Bill 3670 and the Senate Amendment was for the Child Sex Offender Notification."

Speaker Black: "Representative Dart, does that answer your question?"

Dart: "I think so. Didn't the Bill that we passed last week, that I think may be on the Governor's desk, that did not have them just sort of correct it?"

Speaker Black: "Representative Klingler."

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Dart: "That did not have the murderer provisions in there?"

Speaker Black: "Excuse me Representative Dart. Representative Klingler."

Klingler: "Representative, that Bill which was Senate Bill 1459, which had both the child murderer and the child sex offender is in Senate Rules Committee. And we want to be certain that we get both Bills out and we feel that this is the best way to proceed."

Speaker Black: "Representative Dart."

Dart: "Well, is this Amendment though that we're nonconcurring in, this does not have the murderer provisions in it, is that correct?"

Speaker Black: "Representative Klingler."

Klingler: "That's correct. The Senate Amendment to House Bill 3670, does not include the Child Murderer Notification Provision, and we've talked with Senator Fitzgerald who indicates that he will take this back and add that provision to this Bill."

Speaker Black: "Representative Dart."

Dart: "No further questions."

Speaker Black: "No one seeking recognition, Representative Klingler has moved to nonconcur in Senate Amendment #1 to House Bill 3670. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and the House does nonconcur in Senate Amendment #1 to House Bill 3670. Majority Leader Churchill now moves that the House stand adjourned until Tuesday, May 21, 1996, at the hour of 10:00 a.m. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair the 'ayes' have it, and allowing for Perfunctory time for the Clerk, the House now stands adjourned until Tuesday, May 21, 1996, 10:00 a.m."

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Clerk McLennand: "House Perfunctory Session will now be in order.

Being no business, House Perfunctory Session stands
adjourned and the House will reconvene in full Session on
Tuesday, May 21st at the hour of 10:00 a.m.

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