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Speaker Madigan: "The House shall come to order. Mr. Granberg shall be in his chair. The House will come to order. The Members shall be in their chairs. We shall be led in Prayer today by Reverend Larry Schultz of the First United Methodist Church in Golconda. Representative Schultz (sic-Reverend Schultz) is the guest of Representative Fowler. The guests in the gallery may wish to rise and join us for the invocation and the Pledge of Allegiance."

Reverend Schultz: "Join me now in prayer. O God, as You anointed leaders and called prophets of old, led us to recognize our true representatives and authentic leaders, men and women who love Your people and can walk with them, who feel their pain and their joys, who dream their dreams and strive to accompany them in their common goal. In Your fire with Your spirit embolden and commission us to transform our political system to serve Your people and to bring real glory to Your name. For it is in Jesus' name, we all pray, Amen."

Speaker Madigan: "We shall be led in the Pledge of Allegiance by Representative Silva."

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

Speaker Madigan: "Roll Call for Attendance. Representative Currie."

Currie: "Thank you, Speaker. Please let the record reflect that Representatives Flowers and Sharp are excused today."

Speaker Madigan: "Mr. Poe. Mr. Bost. Bost."

Bost: "Thank you, Mr. Speaker. All the Republicans are present today."

Speaker Madigan: "For what purpose does Representative Currie

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seek recognition?"

Currie: "My colleagues inform me the Representative Flowers, in fact, is here so take her off the list."

Speaker Madigan: "Mr. Clerk, take the record. There being 117 Members responding to the Attendance Roll Call, there is a quorum present. Mr. Clerk. The Chair recognizes Mr. McKeon."

McKeon: "Thank you, Speaker Madigan. May I be recognized for a point of personal privilege?"

Speaker Madigan: "McKeon could you repeat that?"

McKeon: "May I be recognized for a point of personal privilege?"

Speaker Madigan: "Would the... Members should please give their attention to Mr. McKeon. Mr. McKeon."

McKeon: "Thank you, Speaker Madigan. I'd like to introduce and welcome to the House gallery this morning, my alderman from the 47th Ward of Chicago, Alderman Gene Schulter."

Speaker Madigan: "Is Mr. Rutherford in the chamber? Mr. Rutherford. Did you wish to call your Motion on Senate Bill 423? Mr. Rutherford on Senate Bill 423."

Rutherford: "Thank you, Mr. Speaker. Senate Bill 423 is legislation which set up statewide standards for vegetation management. It also set up a requirement for the Illinois Commerce Commission to promulgate rules with regards to this. Bottom line is, we've had a number of issues throughout the state and this by no means is restricted to rural areas, but as well as urban areas, with regards to, very simply, tree trimming by the utility companies. There is no standard out there. This would statutorily require that it be done, the Commerce Commission to promulgate the rules. The Governor did amendatorally veto it. And I am asking for an override."

Speaker Madigan: "The Gentleman has filed a Motion to Override

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his Governor. The Chair recognizes Mr. Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. To the Bill. I am as shocked as the Speaker that the Gentleman has chosen to override the Governor on this issue. And I would hope that all Members in the Body would look very carefully at this. You know we stand here on the 1st of December with a State Disbursement Unit ..."

Speaker Madigan: "Mr. Black."

Black: "Yes, Sir."

Speaker Madigan: "Could I interrupt you for just a minute ..."

Black: "Absolutely."

Speaker Madigan: "... And could we stand at ease just for one or two minutes?"

Black: "Of course."

Speaker Madigan: "Mr. Black."

Black: "Yes, Mr. Speaker."

Speaker Madigan: "Mr. Rutherford has given me good advice. And we want to welcome you this morning, Mr. Black."

Black: "Thank you, thank you."

Speaker Madigan: "Could you proceed?"

Black: "Well, I can proceed now?"

Speaker Madigan: "Yes."

Black: "I see. Thank you very much, Mr. Speaker. Again, Ladies and Gentlemen of the House, I want you to look at this Motion to Override the Governor's Amendatory Veto very closely, because some of you are going to be impacted by this. If you have a community and there are many around the state who proclaim themselves and have earned the designation of 'Tree City, U.S.A.' and many communities have arborists on their payroll, they're very proud of the fact as to how they maintain their boulevards in their

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community, and how they maintain trees in their community. And so if you look at this Motion very carefully, if you side with the Gentleman who's made the Motion and, in fact, override the Governor any standards that your community has on how trees are to be trimmed and maintained, they're out the window. There will be no more local standards on how trees are to be trimmed. So, if you have an arborist on the payroll you might as well get rid of him or her, because you won't need an arborist. You won't need a parts department. You won't need a 'Tree City, U.S.A' designation, because we don't care. We're saying if we override the Governor's Veto we don't care what standards your community has on how to maintain trees in your property. What we're telling you here, is that you will have a statewide standard. Now, this standard of how trees are to be maintained will be brought to you by the same entity that brought you the State Disbursement Unit. Now, there's something that has worked really well, hasn't it? I'm sure none of you have heard any complaints from custodial parents about child support checks being late, child support checks not arriving at all, or child support checks being delivered in the wrong name or in the wrong amount. So, again the same people who brought you the statewide disbursement unit are now going to bring you, if you vote for this override, a statewide standard of how trees will be trimmed on utility right-of-way. Well, for heavens sakes, I'm a little disappointed that we're going to override the Governor's Amendatory Veto on this. Because all the Amendatory Veto said is, that if you have a community who's hired an arborist over the years and you have an established practice of how these trees will be trimmed in order to beautify your community or enhance the

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viability of your trees, that doesn't make any difference. 'Cause now your gonna go to a statewide standard. And I was thinking last night of a scenario. I have a beautiful sycamore tree in my backyard. It's about 90 feet tall, and it's getting close to branching out into a utility line. So, I would anticipate in three or four years, the forestry people from the utility will want to trim that tree. Now, all it's gonna really take is one branch. It just needs one branch, is all that will have to be removed to get it away from the utility line. I don't know what the statewide standard will be. The statewide standard may say, 'No, all trees will have to be crowned to a uniform height, not to encroach within 12 feet of the line, or 20 feet of the line', or whatever. So, rather than being able to use a little common sense and lop off one branch, under this Bill whatever standards my community had, are no good. They're not grandfathered in. I will have to put up with whatever the statewide standard is. Well, I have had about enough for one Session of statewide standards. I don't know if you have or not. But this is one case where I think if you'll read the Governor's Amendatory Veto language, it makes good sense to uphold the Governor's language, that simply says, you know there may be communities out there who know better how to trim trees than some statewide standard, that I don't even know who is going to establish the standards. Maybe it'll be the company that the utilities hire to trim trees. And if you have ever had a utility company come into your town, oh, they do a wonderful job. A tree may not even look like a tree once they're through with it. But we're gonna go with a statewide standard, the heck with what your community has. I don't know how that's good public policy, to tell a

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community who may have invested 50 years of effort and energy and expense into coming up with a plan on how to keep trees in their community and how these trees shall be trimmed and maintained. Nope, nope, we're gonna go to a statewide standard. Well, I can tell you, that just doesn't make any sense to me whatsoever. And this is one time I'm extremely proud to stand with my Governor and say that the Governor's Amendatory Veto language makes eminent good public policy in allowing for the fact that some communities may already have very workable standards and would resist a statewide standard. And of all the issues that we have to face today, assuming that we adjourn today of the Veto Session, of all the issues left unresolved on the Calendar, I'm gonna go home and say, well, we didn't get to this and we didn't get to that, but by golly we established a statewide tree-trimming standard. The future of Illinois hinges on this vote. What a joke. Vote 'no' and uphold the Governor."

Speaker Madigan: "Mr. Lang."

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

Speaker Madigan: "Sponsor yields."

Lang: "Representative, were you intending to invalidate home rule on issues involving tree trimming?"

Rutherford: "It's my understanding that the question with regards to home rule, in regards to tree trimming, is already vested under the responsibility of Illinois Commerce Commission. And for that reason, they have already got the ability to regulate that. One of the, if I could, to respond to that though is today there are no standards. It is arbitrarily decided by the utility how they go about trimming trees. And in specific areas of the state, we have seen the butchering of trees and that's what

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precipitated this legislation. To answer ... Representative Lang, I can answer parts and points made there and I do want to answer all your questions..."

Lang: "Take your time."

Rutherford: "The question is, how will these standards be set? They're actually set in the statute that they'll be set by the International Society of Arboriculture. So, it is not an arbitrary standard to be set by any utility. Let me highlight one more thing, if I could Representative Lang, then I'll move to your other questions. This piece of legislation was agreed upon by Illinois Municipal League, the utility companies, the Illinois Commerce Commission. We all met to try to come to a concurred upon, agreed upon, piece of legislation and that's what we sent to the Governor."

Lang: "What do we with municipalities that already have tree-trimming standards?"

Rutherford: "It depends if what kind ... how those standards were set. If the standards were set by ordinance than this statewide standard would circumvent that. If the standards were set by mutual agreement or licensing franchise agreement, those will maintain and stay in place. That is very specifically outlined in the statute. If I could respond to the reason, that the problem with regards to the ordinances, is we have patchwork examples of it around the state. And if I could highlight one community in my very specific area, the city of Normal, is one of those that had an ordinance in place that was very much a part of this process to negotiate this. It was their desire to have a statewide standard set by the Arboricultural Association as opposed to the legal battle that they have had to go through with the utility companies."

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Lang: "Isn't the logical extension of this though, to go to statewide standards on other things, statewide zoning, statewide planning, statewide width of sidewalks? I mean how far will we go to tell a municipality what they can and cannot do?"

Rutherford: "No, I don't agree with you. We're already under a regulated process for utilities and that's the reason it's under the auspices of the State Commerce Commission."

Lang: "Thank you. To the Motion, Mr. Speaker, Ladies and Gentlemen. This is probably not the most earthshaking or earth-shattering Bill we're going to have in this Body. And despite the fact that apparently the Municipal League signed off on this legislation, I think the Governor made a good Amendatory Veto here. I find myself in the position of agreeing with Mr. Black, so I think we ought to mark this date on the calendar. The fact is that this Bill will tell local municipalities what they can and can't do relative to this issue of tree trimming. And I don't think we ought to be about the business of doing that in this General Assembly. I would recommend 'no' votes."

Speaker Madigan: "Mr. John Turner."

Turner, J.: "Thank you, Mr. Speaker. I have an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Turner, J.: "Mr. Speaker, Representative Black intimated or suggested a moment ago that we would be adjourning today. My inquiry is, will we be here tomorrow?"

Speaker Madigan: "Yes."

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

Speaker Madigan: "Sponsor yields."

Turner, J.: "Representative, you indicated a minute ago that the Illinois Municipal League was supportive of this measure,

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as it originally passed out of the House and out of the Senate. Of course, now it's been amendatorally vetoed by the Governor. So, my question to you is where is the Municipal League as to the Amendatory Veto?"

Rutherford: "By staff analysis, I've not been approached by the Municipal League, personally. By staff analysis I'm told that they support the Amendatory Veto."

Turner, J.: "Your staff analysis indicates that the Illinois Municipal League does support the Amendatory Veto?"

Rutherford: "That is correct."

Turner, J.: "And, therefore, would oppose ..."

Rutherford: "The reason I believe they did is because one of their municipalities had contacted the Governor about doing this Amendatory Veto."

Turner, J.: "All right. Just for my clarification, 'cause I get mixed up pretty easy on these Motions. The Municipal League then would oppose your Motion, correct?"

Rutherford: "That is correct."

Turner, J.: "The questions raised by Representative Black do concern me, the question of local control. Is this, if we pass it, if we go along with your Motion, is this usurping local control with regard to trimming of trees?"

Rutherford: "What this does, it basically, implements for the utilities a standard on how they can trim trees. Today, there is not a standard in place telling a utility how to go about trimming a tree. Statutorily, we would set it up under the Arboricultural Society's guidelines. What this does, and keep in mind the responsibility, and this is the part that I think if... Mr. Speaker, can we have some attention? Can I have some attention?"

Speaker Madigan: "Ladies and Gentlemen, if you could please give your attention to Mr. Rutherford."

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Rutherford: "Thank you, Mr. Speaker. You know the comment about usurping home rule and the local communities' ability to regulate trimming trees, I'm going to highlight one more time, and this is the important factor to this. Today, the Illinois Commerce Commission has the authority over home rule, with regards to the ability to determine the process for trimming trees. That is the way it is, period. What has not happened though, the Illinois Commerce Commission has not taken on the responsibility to define how to trim a tree. So, what's happening is they're going into the City of Normal, they're going into the City of Schaumburg, their going into other cities in the state, and they're butchering the trees. What we're trying to do is set a statewide standard that the Commerce Commission has not taken the attitude to go forward and define it. Today, the Arboricultural Society standards will be the standards for the state. Now, for a town to come out and say that they oppose this Amendatory Veto because they have an ordinance, knows that what's gonna happen is that they're going to court, just like Normal did, and they're going to have to battle this thing out. In the meantime, they're butchering trees in Pontiac, Illinois. They're butchering trees in Fairbury, Illinois, that's the part I'm upset about. Go out there, set the standard, tell the Commerce Commission to set it and trim the trees the proper way. Now come back here and say that we're usurping home rule, that's bunk. The Commerce Commission can do it, but they haven't set down those guidelines. This legislation will do that."

Turner, J.: "Wow. Well, Representative, I didn't mean to upset you. I didn't ask a question about usurping home rule authority."

Rutherford: "I know, but I figured that was important to get on

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the record."

Turner, J.: " I don't have any home rule units or counties or cities in my particular area, as you know. My question is whether or not if a municipality has passed an ordinance which does regulate the trimming of trees. If we go along with your Motion, does that negate that ordinance passed by the local authorities? That's my question."

Rutherford: "If the ordinance is more severe than those set, if the ordinance is more severe than those set by the standards in this legislation, it will negate that ordinance. If the procedure for trimming a tree is set through a franchise or mutual agreement, it will not negate that."

Turner, J.: "Thank you, Representative."

Rutherford: "You're welcome, Representative."

Turner, J.: "Well, thanks again."

Rutherford: "You're welcome, again."

Speaker Madigan: "Mr. Steve Davis."

Davis, S.: "Yes, thank you, Speaker. Will the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Davis, S.: "Representative, I think that we're missing a very important aspect of this Bill, and I think it's a safety issue. The reason that we have to have these standards is to trim these trees, have a uniform code for tree trimming because there has been problems with kids climbing trees, getting into the power lines. And some of these city codes don't address that problem. They're more worried about keeping their trees looking pretty than they are childrens safety. So, isn't it a fact, really one of the true reasons for this legislation is a safety factor and to protect children?"

Rutherford: "You're absolutely right, Representative."

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Davis, S.: "My other question is, if I'm wrong correct me, but I thought that this Bill passed out of the House... out of committee, out of the House with no opposition votes, is that correct?"

Rutherford: "You are absolutely right. And as I said ..."

Davis, S.: "Passed out of the Senate with no opposition votes, 59 to 0."

Rutherford: "I believe that is... I know there is no opposition."

Davis, S.: "So, I think, everybody in the House and everybody in the Senate made the right decision in the first place. And everybody who voted 'yes' for the Bill originally, should vote 'yes' to override the Governor's Veto."

Rutherford: "Thank you, Representative."

Speaker Madigan: "Representative Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative Rutherford, could you tell me what the Amendatory Veto actually did to the Bill?"

Rutherford: "The legislation set up a requirement for the Commerce Commission to promulgate rules for a statewide standard of tree trimming following the arboricultural's national standards. The legislation said, 'that if there was an existing franchise agreement or a mutual agreement for a local community that would have more strict standards than what was set, they would stay in place.' What the Amendatory Veto did it said, 'that if a city had an ordinance with stricter standards that those would not be in effect.'"

Mulligan: "So, the Amendatory Veto takes away the municipality's right to set a stricter ordinance?"

Rutherford: "That is correct."

Mulligan: "Why would the Municipal Conferences then be in favor

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of the Amendatory Veto, since it would appear to me to usurp their power?"

Rutherford: "I'm sorry?"

Mulligan: "The Municipal Conference seemed to be in favor of the Amendatory Veto, but from what your telling me the Amendatory Veto would take away their power if they have a stricter ordinance."

Rutherford: "No, the Amendatory Veto would allow for their ability to have a stricter ordinance."

Mulligan: "All right. So, the original Bill would not allow that?"

Rutherford: "That is correct. And if I could highlight the reason that the Municipal League was involved with the early discussions and concurred to that, was to be able to have uniformity across the state."

Mulligan: "All right. Originally, in looking through the original Bill that you added an Amendment to this Bill that stated it was only directed at public utilities, specifically electric companies."

Rutherford: "I believe that's correct."

Mulligan: "I'm just wondering if that's... I mean I've had this happen in my own backyard, that's why I'm asking. The electric company comes in and they just take away trees that are really expensive, you know, 65-foot pine trees that they just cut any way that they want, rather than around where... which probably would take the tree contractor a little longer time to do it in a better fashion which means they makes less money on their contract..."

Rutherford: "Exactly."

Mulligan: "... So, the heck with your tree in your backyard if it recks it."

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Rutherford: "And that's... your point is exactly well-taken and that's what caused this legislation to come forward."

Mulligan: "So what this would do they would also have to notify municipalities. And would they have to then notify the individual homeowners, 'We're going to be on your block?'"

Rutherford: "Very good point, Representative. This legislation would require that the utility notify the community under a certain number of days. It would also require the utility to notify the homeowner where they were going to look at trimming the trees. It would also require the utility to provide a toll-free telephone number or some access to the utility company to respond to questions they would have about trimming the tree, prior to trimming that tree. And none of those, Representative, none of those things exist today. That's the reason this legislation is important."

Mulligan: "I think that, I think there needs to be some concern over this, the expense of a tree, or the length of time it takes to grow, for them to just come in and be able to cut it anyway they want. I've been in the backyard where I've argued with them about cutting a tree. They've said they're going to cut it a certain way. I leave, I go back to my office, I come back and they've cut it the way they originally planned on cutting it and the tree is totally ruined. I don't understand why this would not be acceptable to municipalities. The municipalities in my area are trying to get some control over this because the homeowners are irate about what's happening here. I think it's a good Bill."

Rutherford: "Thank you, Representative."

Speaker Madigan: "Mr. Rutherford to close."

Rutherford: "Thank you, Mr. Speaker. I think the thing that's important to note here is we do not have standards to be

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able to determine and tell a public utility how to trim a tree. This legislation would provide for that. This legislation would also provide, so that we would have a statewide procedure as opposed to a quilt, patchwork effort towards that. And I would appreciate an 'aye' vote."

Speaker Madigan: "The Gentleman moves to override the Governor. The question is, 'Shall this Bill pass the Veto of the Governor, notwithstanding?' The Motion requires 71 votes. This is final action. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? This is final action. Please record yourself. Roll call is open. Would someone record Mr. Tim Johnson as 'no'? One more person to vote. One person has not voted. One person has not voted. Mr. Clerk, take the record. On this question, there are 40 'yes', 74 'no'. The Motion fails. The Chair recognizes Representative Connie Howard for the purpose of an announcement."

Howard: "Thank you, Mr. Speaker. There are members of the Digital Divide Coalition that have joined us here today. They're sitting in the gallery. Would you please help me to welcome them to Springfield."

Speaker Madigan: "The Chair recognizes Representative Cowlshaw for the purpose of an announcement. The Lady indicates she's not ready. Mr. Clerk, for the purpose of an announcement."

Clerk Bolin: "Attention Members, the Rules Committee will meet immediately in the Speaker's Conference Room. The Rules Committee will meet immediately in the Speaker's Conference Room."

Speaker Madigan: "Representative Hamos. Is Representative Hamos in the chamber? Mr. Black, do you wish to take House Bill

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428 on the Order of Second Reading? Mr. Clerk, on page 2 of the Calendar, on the Order of House Bills-Second Reading, there appears House Bill 428. Mr. Black."

Clerk Bolin: "House Bill 428, a Bill for an Act to amend the Illinois Pension Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, on the same order, there appears House Bill 2869. What is the status of House Bill 2869?"

Clerk Bolin: "House Bill 2869, a Bill for an Act to amend the Illinois Pension Code. Amendment #1 was adopted in committee. No Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, on page 2 of the Calendar, on the Order of Senate Bills-Second Reading, there appears Senate Bill 877. What is the status of that Bill?"

Clerk Bolin: "Senate Bill 877, the Bill has been read a second time, previously. Amendment #1 was adopted in committee. Floor Amendment #3, offered by Speaker Madigan, has been approved for consideration."

Speaker Madigan: "Mr. Schoenberg, on Senate Bill 877 there is an Amendment that you can offer. Mr. Schoenberg on the Amendment."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Floor Amendment #3 modifies the Illinois Procurement Code to enable private, worthwhile private investment in the redevelopment of oases within the Illinois Toll Highway Authority System. Under the reformed Procurement Code, which the Toll Highway Authority now must adhere to, there is currently a 10-year limitation on the length of leases. This would lengthen that to 25, so that

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there could be significant private investment to redevelop these oases, rather than pay for the redevelopment out of tolls or other public funds. I urge your support for this Amendment, which would become the Bill. I'd be happy to answer any questions."

Speaker Madigan: "Mr. Cross."

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

Speaker Madigan: "Sponsor yields."

Cross: "Representative, I know that... I apologize for this, its been like this for the last couple days and even the prior week we were here. It's tough to understand or hear on the floor. This deal... we're dealing with just Floor Amendment #3, is that correct?"

Schoenberg: "That's correct."

Cross: "Can you again, so we can hear, 'cause I know this is a pretty important Amendment, tell us what it does, Jeff? Frankly, no one heard over here."

Schoenberg: "What this Amendment does is lengthen the ceiling, lengthen the number of years that the Toll Highway Authority can enter into a lease for real property. In this case, it's limited to exclusively to oases. It would allow them to lengthen that from 10 years to 25 years. There have... the underlying Bill when it was originally proposed sought to have a much broader definition. Those of us who were concerned about this said, we want to attract private investment to redevelop these outdated and often decrepit facilities. But in order to do that, to make it worth the while for companies to invest millions of dollars into this, we need to lengthen the ceiling on the lease so it does sell from 10 to 25 years."

Cross: "Will the Sponsor yield?"

Speaker Madigan: "Gentleman yields."

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Cross: "Representative, have there... is there or are there any bids out on these particular projects dealing with the oases?"

Schoenberg: "The project is currently under negotiation. The Authority has been very forthcoming in sharing the names of the... publicly sharing the names of those companies which are interested. I believe there are seven or eight currently, who are interested in making a major investment in the physical structures of the oases in the... on the Tollway System."

Cross: "Since, we're talking... so they're public record. Can you tell us who they are? Well, I mean, not can you, will you tell us who they are?"

Schoenberg: "You know, Mr. Cross, I don't have that here readily at my disposal. I'd be happy to enter that into the public record."

Cross: "Well, can you hold off on this Amendment, take it out of the record? We need to... I think if we're going to talk about the bidding process, we're talking about extending the life of the tollway. If I read this correctly, now we're going to have a tollway system that goes at least 25 more years, because we're going to extend these contracts for at least 25 years. We ought to at least know who they are."

Schoenberg: "Well, the premise of your argument, Sir, is if you're reading it correctly and you're not, because this is by no means extending the length of the tollway system. This has absolutely no impact on Governor Ryan's public plans to reevaluate the role of the tollway system. All this simply does is enable private investment... worthwhile private investment, into the redevelopment of the oases. Mr. Cross, I am sure that you, as well as most everyone

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else here, would be very concerned about the fact if we took money out of the tolls that hard working people pay at the toll booth or Motor Fuel Taxes or any other public money to use that to upgrade these facilities which are less than outstanding and don't generate anywhere the kind of sales tax revenue that we're looking for, that we would use up public funds to do that rather than private investment. I think that we all agree that private investment for upgrading these facilities is the route that we wanna go. And I would refer you also to your own internal analyses. I believe your caucus analyses does spell out the names of those companies which are currently seeking to be part... enter into this business relationship with the Tollway."

Cross: "I guess I'm puzzled, Representative. You've got a piece of legislation that's before the body today. And am I hearing you correctly there are already negotiations going on for these contracts for this period of time? Seems like we're doing this backwards. Am I correct? Are... there are bids out there, there's some RFP's already that are out? Is that correct?"

Schoenberg: "I don't believe that that's the case. There have been discussions for quite some time about the need and the desire to upgrade these facilities. And if you have gone to any of these oases, along the tollway system, many of them haven't been upgraded since the 1950's. When I revised... authored the comprehensive reform to the Illinois Procurement Code a couple of years ago, and included the Toll Highway Authority and other quasi public agencies into these tougher ethical and bidding requirements, there had been discussions in those negotiations over recognizing these unique circumstances

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and extending this to 25 years. Unfortunately, when the Toll Highway Authority initially came forward with language to make the change it was too broad and would have dealt with a variety of other real estate issues. That should not be the case. This deals only with oases. Those of us who've worked hard on procurement reform support this and I urge you to do so, as well."

Cross: "All right, I guess we got off track a second and I want to get back to it, Jeff. Can you tell us, or maybe I can help you if you don't know, list the names for this body that are currently under negotiations for some of this oases work, do you know those?"

Schoenberg: "I do not have that available here on the floor with me. I would be happy to enter that into the public record. And if you have that information at your disposal, which I suspect you might, I would certainly encourage you to tick off those names for the record, or to have a staff member to walk that across the floor to me, so I can submit it to the Clerk into the official record, because I'm sure your listing is accurate."

Cross: "All right. Well, let's let this young staff person, he's walking down the aisle now, not the wedding aisle. No, he's going to take them over and Jeff's going to read them in. And we may have some questions after that. Now, Jeff let's go back to this other issue though, for a second. Why would I enter into a contract for 25 years if I thought the tollway was going to be disbanded?"

Schoenberg: "Mr. Cross, regardless of what our Governor, George Ryan, seeks to do in better coordinating the roadway systems here in Illinois, between the Department of Transportation and the Toll Highway Authority, regardless of what Governor Ryan wishes to do to make sure we get more

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efficient and effective use of our transportation dollars, those roadways are still going to be there. The purpose, Mr. Cross, is... the real question here is, do we want to use money from tolls or Motor Fuel Taxes or any other public funds? Do we want to use public funds to upgrade these structures... when we have the opportunity for private investment, do we want to do that? I think that's the real question here. And regardless of where you are on the tollway issue... tollway reform issue, I don't think anybody wants to dip into that public money. We already don't have enough money for our transportation needs."

Cross: "So, Jeff, I guess you're going to commit to us that in a year from now, or six months if there's legislation to get rid of the tollway, you're not going to sit there and go, 'We can't get rid of the tollway, we just entered into contracts with these 8 groups' that you're about to name for us, 'for 25 years.'"

Schoenberg: "Mr. Cross, those roads are going to be there, whether they're toll roads, whether they're free roads, they're going to be there no matter what. We're not going to do anything but have roads there. And let me read into the record..."

Cross: "But, wait, Jeff, one second. But, what you're doing now is securing a lease for a period of up to 25 years to benefit those companies, and they're going to be coming to us, they're going to enter into a contract or lease with the tollway. And they're going to say, 'Don't eliminate the tollway system, because I have a contract with the tollway system, and once you eliminate the tollway system I no longer have a contract.' So, I just want to make sure we all know what we are doing here."

Schoenberg: "Mr. Cross, I would submit to you that that's a

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rather creative and irrelevant stretch."

Cross: "Wait, it's irrelevant?"

Schoenberg: "It's irrelevant because like many of the other functions of the Toll Highway Authority, if Governor Ryan wishes to get more efficient, more effective use of our transportation dollars through a better integrated approach in providing roadways in Illinois. If he were... whatever they would do, this would be one of several variables that would be factored into this consolidation. And as long as I have the opportunity, while you're consulting on the side, let me read into the record those of the vendors who've been identified who have requested to receive the RFP for the oases redevelopment: BP Amoco, Host Marriott Services Group, McDonald's Cooperation, Mesirow Stein Development Services, Mobil Oil Cooperation, Trammel Crowe Company, US Equities Development, Wendy's, and I believe the last one is, Wilton Powers."

Cross: "So, we'll be able to see pictures of Dave on the side of the road, next to the Wendy's signs on the tollway now, ads to get a Wendy's burger from Dave?"

Schoenberg: "You wouldn't see pictures of Big Boy if Dave, indeed, was the successful bidder."

Cross: "I don't see Burger King on here."

Schoenberg: "Nor would you see pictures of... I can't make any promises. But, I would guess that neither Dave nor Ronald McDonald are going to be part of the bid proposal."

Cross: "Representative, you have some young kids as I do. You don't put a Burger King on the tollway, there'll be no Pokemons. And is that what you're after? Is that what you want to do?"

Schoenberg: "Mr. Cross... "

Cross: "Your silence, I think, says it all."

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Schoenberg: "Mr. Cross, I don't fall for those ruses from my children as readily as you do."

Cross: "Well there's some of us that like Pokemon. Representative, where's this Mesirow Stein Development Company located?"

Schoenberg: "I believe their primary offices are in Chicago."

Cross: "And what would their work be with the tollway?"

Schoenberg: "Their work would be... the business that I understand that this affiliate of Mesirow Stein would be in, would be the redevelopment of the site."

Cross: "So, they wouldn't have a facility there like the Wendy's would or McDonald's? Redeveloping the current sites?"

Schoenberg: "I don't believe, Mr. Cross, that they would be dispensing any products."

Cross: "All right. I don't have any other questions, Mr. Speaker. We request a roll call on this Amendment."

Speaker Madigan: "Mr. Skinner."

Skinner: "Mr. Speaker, would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Skinner: "Mr. subsponsor, can you tell me why we are only dealing with the tollway?"

Schoenberg: "I'm sorry, I couldn't hear the question."

Skinner: "Why are we only dealing with rest stops on the tollways? If this is good enough for the Chicago area, why shouldn't we let McDonald's, and Wendy's, and Burger King make the downstate rest stops tax free? Why should we have to divert Motor Fuel Taxes to provide a rest stop at Pontiac, for example? Why don't we put it out for bid? Let McDonald's set up a little shop and run the whole thing."

Schoenberg: "Mr. Skinner, as you know, and we have both been, despite our partisan differences, we've both been rather

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critical of the Toll Highway Authority. I think we would also both agree that if there's to be any redevelopment of these oases which haven't been... facilities which haven't been upgraded since the 1950's, that if we wanted to do that that it would be the far more desirable alternative to have that investment be private investment, rather than public investment. And what this does is extend the limit for the number of years that a lease agreement could be entered into, not on a very broad level for all kinds of real estate transactions in the state or for the Toll Highway Authority, but specifically narrowed to address very real and discreet and reasonable issue. I believe that we should not divert Motor Fuel Taxes, we should not divert tolls, we should not divert any public funds to redevelop this. I believe that this should be private funds and in order to get the type of redevelopment we need done, you're going to need to expand this limit on the number of years for the lease. It's good business."

Skinner: "Well, Representative... "

Schoenberg: "And I can't understand the opposition on the Republican side, given that this is such a sound business practice."

Skinner: "Well, Representative, you didn't answer my question. Would you like to try again? Why are you limiting this just to the Chicago area? Those of us who chafe under the tollways double burden of our motorists are chafing mainly because we are being treated differently from people in the rest of the state. People in the rest of the state have freeways. We have tollways. People in the rest of the state have Motor Fuel Taxes spent to develop their rest stops. We privatize it. Why can't we have equal protection under the law throughout the entire state,

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Representative? Why doesn't your... "

Schoenberg: "Mr. Skinner, at all the rest stops along the highways that are administered by the Illinois Department of Transportation, they do not have the elaborate range of concessions. They don't have gas pumps. They don't have milkshakes. They don't have hamburgers, french fries, Pokemon. They don't offer any concessions the way that we see at the tollway facilities."

Skinner: "Why not?"

Schoenberg: "I certainly wouldn't find any opposition to it, as long as public funds, whether it's Motor Fuel Taxes or any other public funds, were not diverted from the maintenance and upgrading of our existing roadway system in order to achieve that."

Skinner: "You are perpetuating with this Amendment a separate but equal policy in the State of Illinois. I'm really surprised that you're doing that. You have the opportunity to withdraw this Amendment and to broaden it, to allow free enterprise to reign unfettered in all of the free rest stops downstate, that are now paid for with Motor Fuel Taxes. I urge you to do so in order to provide equal protection of the law to all Illinois residents, and to end the double taxation, at least in this instance, to the Chicago Metropolitan Area motorist. Would you do that, Representative?"

Schoenberg: "I support many of those objectives, but the bottom line with this modest change in the law is, many of these oases are dumps and have not been fixed or upgraded since the 1950s. Needless to say, there's not going to be as much activity, commercial activity, at these oases unless they're fixed. And if you want to spend public... I don't want to spend public money in order to upgrade these,

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regardless of what happens with the tollway system, these need to be repaired. In order to get the private investment we need to make this change in the law. And this change in the law, frankly, would have occurred long ago had the initial proposal from the Toll Highway Authority not been so inclusive, so as to invite potential abuses such as those which you and Mr. Cross are suggesting."

Skinner: "Well, Representative, you and Governor Ryan are vying for the role of Moses in the Chicago Metropolitan Area. Both of you want to let our people go on freeways and here you are perpetuating the same system. I just don't understand why you won't step out into the desert, you don't have to stay there 40 years. Step out into the desert, and see if we can find some privatized 'manna' in these downstate rest stops. I mean, why should one have to drive off Route 55 to old 66 in Pontiac to get a hamburger? Why not allow McDonald's to develop right there at the rest stop?"

Schoenberg: "Mr. Skinner, this is like a mortgage and for the taxpayers of Illinois, the 25-year-term is better than the 10-year-term, because the private investment to upgrade these facilities won't be there."

Skinner: "Well, why not make it 99 years?"

Schoenberg: "I believe that that would be excessive. I think 25 years is a reasonable limit."

Skinner: "Well, you're absolutely right. That would be excessive and we have evidence that that's excessive. The evidence is sitting right next to the State of Illinois Building. It's an empty building the State of Illinois owns which was leased at sweetheart deals to some politically connected person certainly, 30 to 40 years ago, probably longer. And

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it's now sitting empty. So, what makes you think that the people running the tollway won't cut sweetheart deals for 25 years?"

Schoenberg: "Mr. Skinner, under the Comprehensive Purchasing Reform Law, that you supported and which I authored, I thought that it was a major accomplishment to guarantee that the quasi-public agencies like the Toll Highway Authority and many other authorities had to fall under the same tougher contracting and ethical standards that we were imposing upon state agencies that are directly overseen by our annual appropriations process. I think that this is good business sense. It's a modest change and as I said before, it would have happened much sooner had the initial proposal not been so far overreaching."

Skinner: "Well, Representative, I think you're giving away leverage. I think you're giving away leverage to the Tollway Authority, which could be used in our joint fight to get rid of the tolls. And I don't think you should do that."

Speaker Madigan: "Representative Andrea Moore."

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

Speaker Madigan: "Sponsor yields."

Moore: "Representative, I need some assurances on a couple of issues. I do favor private investment like this, and we also, we can all vouch for the fact that these oases need to be upgraded. One of my concerns has to do with the extension of these leases to 25 years, and whether or not there was really serious evaluation made as to the need to extend it. All I'm getting in my analysis is that there's a projected \$15 million worth of investment. But in order to decide whether or not extending it to 25 years makes any sense, we ought to know what kind of income they're

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proposing. Was there a through study done, as far as projected income?"

Schoenberg: "Representative, I would expect that there would be, however, I cannot guarantee you that, at this moment."

Moore: "But you can see my point, certainly. If we're going to extend this lease for 25 years, we know how much the building's going to cost, but it's a very captive audience there. And so if the income is justified in 10 then maybe, we don't really need to extend it to 25. I mean this could be one of those abusive kind of things that we sometimes get ourselves into, inadvertently."

Schoenberg: "Representative Moore, I'd be happy to, if such an analysis exists, I'd be happy, and I would hope that it did, I'd be happy to enter it into the record. But, I seem to recall that you were a cosponsor of the comprehensive purchasing reforms that we did, a major component of which dealt with state leases. And as I indicated before, this recognizes a very distinctive and discreet situation where the alternative is either letting these facilities continue to deteriorate or to upgrade them through investment. And then if you're going to upgrade them so that you have more people using the concessions, the question is, do you want that money to be public money or do you want that private investment?"

Moore: "Well, no, that wasn't really my question. My question was we need to know how much income they're projected in receiving, to know whether they actually do need the extension of the leases from 10 to 25 years. And without that factor, I don't think we can really make a serious determination as to the need for extension. Number two, my other issue is that, Representative, I keep hearing you refer to the oases as being the purpose of this Bill. And

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either I've punched up the wrong language or I am misunderstanding, so I need you to help me. How would you define 'store'?"

Schoenberg: "Are you going to ask me to tell you what the word 'is' means next?"

Moore: "I am going to ask you what you think a 'motor fuel service station' is? Because these are items that are included in the 25-year extension. This is not just for the oases. This is contractual arrangements that the Tollway Authority can make for the service stations, that currently are held by Amoco. Are they going to go out for new bids now, so that others can bid that out for 25 years, and do they need to do it for 25 years? My point is we've got more than oases in the Bill."

Schoenberg: "Right. What you have are long-time vendors who wish to reinvest private funds in order to upgrade facilities which include, food concessions, rest rooms, gas stations, these facilities... it's not worth their while to invest the kind of money that's necessary, if indeed, they can only do so over a 10-year-period."

Moore: "Well, we don't know that unless we know the income that these facilities are going to produce. We have not checked to see what kind of income is coming in, and unless we do, we don't know that we really need to extend it. And it is not just for the oases. It's for the service stations, it's for the facilities, which is a very broad term, garages, stores, or other restaurants. And so, it's not just for the current oases. I mean, Representative, there may, in fact, be a need for this legislation but I don't think we've done the proper background work to be able to approve this with some certainty. And before you and I, who got involved in that Procurement Code and worked hard

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at trying to make it a good thing, before we get involved in extending leases to 25 years, I think we really need to do some more serious background research. I would urge a 'no' vote."

Speaker Madigan: "Representative Mulligan. Mulligan."

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

Speaker Madigan: "Sponsor yields."

Mulligan: "Representative, is there a dollar amount to trigger the 25-year-provision?"

Schoenberg: "I'm sorry, I can't hear the question."

Mulligan: "Is there a dollar amount of investment that would trigger the 25-year..."

Schoenberg: "No."

Mulligan: "So, it could be 10 thousand or one million?"

Schoenberg: "Pardon me?"

Mulligan: "Could be 10 thousand or one million?"

Schoenberg: "There's no dollar figure tied to it. The change in the law is being made exclusively to address the length of the lease and to limit it exclusively to all the facilities that are associated with tollway oases. Nothing more, nothing less."

Mulligan: "This Amendment deletes everything that was in the Bill, prior to this?"

Schoenberg: "Previously, the Bill, I found the previous Bill to be far too broad and far too ripe for potential abuse. In the case of unique contractual relations, such as this one, or whether or not the University of Illinois can enter into a long-term lease for a nuclear telescope with some counterpart schools on the West Coast, these are not common situations. And one-size-fits-all, I think we all know when it comes to procurement issues is not a sound approach. If you're asking me, am I taking a permissive

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and liberal approach, no. This a tough approach, in order to track private investment for one purpose and one purpose only."

Mulligan: "No, I'm asking you if the underlying Bill, which is Senator Rauschenberger's and Senator Link's, is being gutted by this Amendment?"

Schoenberg: "The Amendment becomes the Bill, yes."

Mulligan: "All right. Have you talked to either Senator Rauschenberger or Senator Link about accepting this Amendment?"

Schoenberg: "They're in agreement. This is an agreed to Amendment."

Mulligan: "So, they're in agreement in doing what you wanted to do. When it goes over to the Senate, it's gonna fly out of the Senate."

Schoenberg: "There's agreement. There had been concern expressed about the initial proposal to write the language in far too broad a manner. That has been addressed. So, Senator Rauschenberger was my chief Senate cosponsor on the Comprehensive Purchasing Reform Bill. And he's in agreement that this is a narrow and finite purpose that we ought... change that we ought to make."

Mulligan: "So, he's in agreement to gut the underlying Bill."

Schoenberg: "Correct. My anticipation would be that this would be accepted without nearly the kind of opposition, real or imagined, that we're seeing right now."

Mulligan: "Thank you."

Speaker Madigan: "Mr. Biggins."

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

Speaker Madigan: "Sponsor yields."

Biggins: "Representative Schoenberg, would you tell us the amount

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of taxpayer dollars that will be used to construct these new oases along the tollway?"

Schoenberg: "I'm sorry, I couldn't hear you. Could you repeat that, please?"

Biggins: "Would you tell us the amount of taxpayer dollars that will be used to construct these new oases along the tollway?"

Schoenberg: "None."

Biggins: "Okay. Thank you, very much for that answer. This will all be privately funded, then?"

Schoenberg: "That's correct."

Biggins: "And once it's funded, assuming we pass this Bill, and I'm gonna vote for this Bill, because I believe it is very good public policy. What control will the General Assembly have over the operation of these oases?"

Schoenberg: "The most important control that the General Assembly will have is the result in the change of the law a couple of years ago, which means the the Toll Highway Authority and other quasi-public agencies now have to adhere to the new procurement laws. Whereas, historically, they took a very independent approach. So, they would have to do their contracting by law, not by policy, but by law, more stringently with more public scrutiny and under better business practices."

Biggins: "Well, I guess my question meant, I know you all along been a proponent of General Assembly control of the Toll Authority. I just wondered if we passed this Bill today, and if these oases are constructed, what oversight will the General Assembly have over the entire process of the awarding of the contracts, the constructions of the oases and the management of them?"

Schoenberg: "It would be the same as any other state contract,

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unless of course, Mr. Biggins, in the interim we pass legislation that makes the Toll Highway Authority part of the annual appropriations process here at the General Assembly, which would mean that we would have the chance on an annual basis to require the Authority to come in and be part of our budgetary process."

Biggins: "Okay, thank you. Mr. Speaker, to the Bill. I am voting in support of the Amendment to Senate Bill 877. But I would like to duly note that for a change there are some proponents of some tollway legislation, that have been really ardent opponents of the Toll Authority, including the Sponsor, as he's speaking and Representative Gash, who have consistently stated over the years that the General Assembly should have oversight over tollway operations. And yet, here they are today, proposing a massive piece legislation, that I think is good legislation, but it gives the sole authority of the issuance of the proposals, the receptions of them, the voting on who gets to build the oases, the management of them, the entire operation, over to the Toll Authority. Once again, I find that ironic, but it's glad to see that they're changing their opinion on these things. So I would encourage everyone to vote 'aye'."

Speaker Madigan: "Mr. Schoenberg to close."

Schoenberg: "I urge your support for Floor Amendment #3 to Senate Bill 877."

Speaker Madigan: "Mr. Durkin."

Durkin: "Brief question, Mr. Speaker. I had a question of the Sponsor."

Speaker Madigan: "The Sponsor yields."

Schoenberg: "Unless it's about Pokemon, 'cause I really don't know anything about Pokemon. My home is a Pokemon free zone."

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Durkin: "Anyway, real quick. Representative, under these 25-year-grants which we are making a considerable jump under the Procurement Code, under what conditions would a party, either the state or the private vendor be able to rescind this contract?"

Schoenberg: "First of all, its not a grant."

Durkin: "Pardon me?"

Schoenberg: "Its not a grant. I think you indicate in your question, '25-year-grant'. It's not a grant."

Durkin: "Grant... 25-year... "

Schoenberg: "It's a 25-year-lease."

Durkin: "Correct."

Schoenberg: "Yeah. Okay."

Durkin: "Twenty-five year lease. Under what conditions would a party, either the state or private vendor, be able to rescind the agreements?"

Schoenberg: "The same as any other contract that we have under the new procurement laws."

Durkin: "Well, is there any type of performance requirement that is required under the Procurement Code for these vendors, in which the state could move in and try to rescind the agreement they have with the vendor?"

Schoenberg: "There is a procedure where the state, like in any other contract, if the state is not satisfied with the performance of a vendor, the state does have recourse. So this would be, because this is subject to the direct provisions of the new change in the Procurement Code. It's like any other state contract, whether it's here with the Toll Highway Authority, whether it's the Department of Corrections or anything else."

Durkin: "All right. Just my concern is that I didn't want the state get locked in for a 25-year-agreement with a vendor,

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who is perhaps not maintaining the property in a proper way and there are a variety of complaints, which may come against them and may have not, deemed fit to correct those. I mean, those are the situations which you would envision the state would have the ability to rescind the contract, correct?"

Schoenberg: "Correct. Same as any other contract."

Durkin: "Right. Thank you very much."

Speaker Madigan: "The question is, 'The adoption of the Amendment?' Those in favor of the adoption of the Amendment will vote 'aye'; those opposed will vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 73 'ayes', 43 'noes'. The Amendment is adopted. The Chair recognizes Mr. Beaubien."

Beaubien: "Yes. I rise on a point of personal privilege. I would like the House to recognize their annual trek of the Grayslake seniors and their teacher, Mike DiMatteo. Please give them a round of applause and welcome to the General Assembly."

Speaker Madigan: "Representative Zickus."

Zickus: "Thank you, Mr. Speaker. I rise on a point of personal privilege. I would like to introduce to you Eileen Walsh. Eileen is an 8th grade student at Conrady Junior High in Hickory Hills and is participating in Youth Turnabout Day. She is my counterpart. So, please welcome our colleague counterpart, Representative Eileen Walsh, to Springfield. Thank you."

Speaker Madigan: "Representative Cowlshaw. Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I would appreciate it if the Clerk

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would please read House Resolution 498."

Speaker Madigan: "Mr. Clerk."

Clerk Bolin: "House Resolution 498

WHEREAS, The members of this Body are happy to recognize the excellence of athletes and wish to congratulate the Naperville Central High School Redhawks on winning the Illinois High School Association's Class 6A Championship; and

WHEREAS, The team was led and inspired by Head Coach Joe Bunge along with Assistant Coaches John Urban, Dave Dillon, Steve Kenyon, Mike Stock, John Gutrich, J.R. Rexilius, Bob McDougal, Tim Boeker, Mike Stine, Pete Kramer, Kevin Bell, Andy Nussbaum, Jeff Nudera, Mark Kolkman, Greg Bodine, Tom McGrath, and Jay Blankenship; and

WHEREAS, The members of the 1999 Naperville Central Redhawks were Brad Spencer, Don Baskin, Dave Hildebrand, Geoff Pearson, Ty Macko, Doug Rehor, Pat Hinsberger, Owen Daniels, Kevin Noel, Jon Mulholland, Kyle Adams, Ryan Clifford, Ken Kottke, Luke Summers, Joe Alvarez, Scott Urban, Drew Kocsis, Ryan Amberson, Matt Poremba, Joe Haavig, Brett Anderson, Brian Uhlir, Gerald Clark, Mitch Nowicki, Ken Spanton, Dan Prazak, Rob Stern, Eric Carncross, Paul Gluck, Morgan Laird, Tim McMahon, John Sladek, Doug Brashler, Matt Vitiello, Kevin Bunge, Paul Matthews, Spencer Palmer, Jordan Mazur, Brandon Carroll, Tom Wholley, Ryan Lown, Brad Fuller, Clay Yonker, Pat Spaeth, Matt Yellin, Kevin Keating, Nick Zaranti, Dan Hemmens, John Napolitano, Tyler Martin, Kevin Yeazell, Carl Chiesa, Pat Daly, Chris Arges, Ted Merkin, Mike Wilson, Josh Gaeth, Steve Cha, Jeremiah Zigterman, Tom Rainey, Dylan Lerch, Kyle Ferenc, Atta Mehraban, Joe Hickok, Mike Paulin, Marc Poulos, Joe Mathews, Sean Brennan, Jeff Johnson, Chris Lee, Jeff Hanes, Dave Springborn, and Steve Pacenti; and

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WHEREAS, The team was supported by Athletic Trainers Bill Hughes and Jennifer Schlissel; Student Athletic Trainers, Dana Allen, Megan Bidwell, and Lindsey Woodward; and Team Managers Matt Briggs and Brian Stulpings; and

WHEREAS, The numerous achievements of the Naperville Central Redhawks football team confirm our belief that hard work and dedication are effective when you set your goals and strive to achieve them; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we heartily congratulate the Naperville Central High School Redhawks football team on winning the I.H.S.A. Class 6A State Championship; that we commend the coaches on their leadership; and that we extend our best wishes to them for continued success in their future; and be it further

RESOLVED, That suitable copies of this resolution be presented to each person mentioned in this resolution."

Speaker Madigan: "Representative Cowlshaw."

Cowlshaw: "Mr. Speaker, I move that we adopt House Resolution 498."

Speaker Madigan: "The Lady moves for the adoption of the Resolution which congratulates the championship football team. Did you wish to speak to the Resolution, Representative?"

Cowlshaw: "I do. Thank you, Mr. Speaker."

Speaker Madigan: "Please proceed."

Cowlshaw: "This is the first time in the history of Naperville Central High School, that it has ever one a state football championship. And although, the entire team was unable to be here today, I am very pleased to tell you that the head coach Joe Bunge, the assistant coach John Urban, and the

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four students who are the co-captains of that prize-winning, top-flight football team are with us today: Ryan Clifford, David Hildebrand, Gerald Clark and Scott Urban. Scott has the distinction of being the son of the assistant coach. There is a lot of talent beside me here today, both academic and athletic. And because, not only do I have great admiration for these students, but also for their school, from which all three of my children were graduated. But I also want to mention, the cooperation and help that these young people have received from the School Superintendent Dr. Donald Weber and from the Principal of Naperville Central High School, Tom Paulsen. Ladies and Gentleman, these are the kinds of young men, that we try in every way that we can, to encourage and to provide the best possible education, as well as, the opportunities for athletics, to promote a sound mind in a sound body. They have already achieved that. I hope you will join me in a round of applause. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Resolution is adopted. And congratulations to the team. Mr. Clerk, what is the status of Senate Bill 877?"

Clerk Bolin: "Senate Bill 877, the Bill's been read a second time, previously. No further Floor Amendments. No Motions filed."

Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk Bolin: "Senate Bill 877, a Bill for an Act to amend the Illinois Procurement Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Schoenberg."

Schoenberg: "Thank you, Mr. Speaker and Ladies and Gentleman of

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the House. We already had extensive debate on House Amendment #3 to Senate Bill 877, which becomes the Bill. I'd urge your support. And I just wanna make one clarification. I have been advised that we do have Pokemon in my house. So I wish to strike that earlier statement from the record."

Speaker madigan: "The Gentleman moves for the passage of the Bill. The Chair recognizes Mr. Black."

Black: "Mr. Speaker, if I could an inquiry of the Chair. I stand in support of the Bill, but I do have an inquiry of the Chair."

Speaker Madigan: "State your inquiry."

Black: "Under the applicable rules, don't you have to waive the rules on a Amendment that was just adopted 30 minutes ago and now we move to Third Reading?"

Speaker Madigan: "Parliamentarian responded, 'no'.

Black: "Was the Amendment on the Calendar yesterday? If the Amendment came out of Rules today and appears on the Calendar today or a supplemental, and the Amendment was acted on today, I just wanna make sure that we are within our authority to move the Bill on Third Reading today. And, again it's not intended to delay or harass, I stand in support of the Bill, voted for the Amendment. But I wanna make sure that we don't get caught up on a technicality, where we do something that's later ruled that we acted... not in accordance with rules, and then we lose the Bill. I think it's a good Bill."

Speaker Madigan: "The Parliamentarian would like to take your inquiry under advisement."

Black: "Fine. Thank you. I'd appreciate that."

Speaker Madigan: "The Chair recognizes Mr. Cross."

Cross: "Thank you, Mr. Speaker. Representative Schoenberg ..."

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Speaker Madigan: "Sponsor yields."

Cross: "Can you tell us... the Sponsor does yield? Can you tell us what Pokemon you have at home?"

Schoenberg: "Mr. Cross, I personally think that Pokemon is a little..."

Cross: "I bet Representative Hoffman knows the names of some of the Pokemon. Don't you, Jay? See? He's shaking his head.

Schoenberg: "Well, then I'd like to defer to Representative Hoffman if you have any further questions on Pokemon."

Cross: "There are 150 Pokemon. Pikachu is probably one of my favorites. You don't know any of them, Jeff?"

Schoenberg: "That's the only one that I know and that is indeed, the one that we have. And I will hasten to add, Pikachu, our possession of Pikachu in our home, is in no means have anything to do with existing procurement or ethic laws in the State of Illinois.

Cross: "So, this Bill will not prohibit any Pokemon from being on the tollway, will it? They can still travel?"

Schoenberg: "As long as it pays it, if the Pokemon pays its tolls and has a valid driver's license, no."

Cross: "Well, I'm for this Bill and I supported the Amendment. I want to applaud Representative Schoenberg for doing what he can to benefit the tollway system in the State of Illinois. This obviously will strengthen the tollway. And, Jeff, you're to be commended for the actions you're taking not only in the Amendment but in this Bill. I'm assuming it will pass, in benefiting the tollway system. I applaud you. Thank you."

Parliamentarian Uhe: "Representative Black, on behalf of the Speaker, in response to your inquiry. The Bill has been read a second time. That is Senate Bill 877 and it was read a second time on May 12th. The Amendment was adopted,

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recommended to be adopted in committee yesterday. And it appeared on the Calendar, today's Calendar, therefore, the Amendment is in order and the Bill may be called on Third Reading."

Speaker Madigan: "The Bill is on the Order Third Reading. Mr. Schoenberg has moved for the passage of the Bill. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 73 'ayes', and 43 'noes'. This Bill having received the Extraordinary Constitutional Majority is hereby declared passed. Mr. Clerk."

Clerk Rossi: "Committee Reports. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on December 1, 1999, reported the same back with the following recommendation/s: 'Amendatory Veto accept motions approved for consideration' Senate Bills 451, 818, 1085; 'to the floor for consideration' House Joint Resolution 36; and Floor Amendment #1 to Senate Joint Resolution 45. Introduction of Resolutions. House Resolution 494, House Joint Resolution 37 and Senate Joint Resolution 41 are assigned to the Rules Committee. Supplemental Calendar #1 is being distributed."

Speaker Madigan: "Is Mr. Dart in the chamber? On page 2 of the Calendar, on the Order of Senate Bills, there appears Senate Bill 1020. Mr. Clerk, what is the status of that Bill?"

Clerk Rossi: "Senate Bill 1020 has been read a second time, previously. No Committee Amendments. No Floor Amendments have been approved for consideration."

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Speaker Madigan: "Third Reading. Mr. Clerk, read the Bill."

Clerk Rossi: "Senate Bill 1020, a Bill for an Act amending the Illinois Pension Code. Third Reading of this Senate Bill."

Speaker Madigan: "Mr. Dart."

Dart: "Thank you, Mr. Speaker, Members of the House. Senate Bill 1020 is the judges' pension Bill. It does three things in particular, provides an incentive for new judges by a change that would lower the age of service to retire from 28 years to 26 years. The... It would reduce the penalty by five-twelfths of one percent. The second provision of it is geared toward judges being allowed to buy into the system. It's for a small percentage of judges who had not entered the system. And the third provision deals with the issue of judges who are individuals who have maxed out on their pension and who have been leaving the bench. It's been pointed out by numerous people from around the state that we've been losing a lot of our better judges because of this. And this would allow them to base their pension on future salary increases. This is a Bill that is literally neutral as far as the cost is gonna be. And I would appreciate an 'aye' vote."

Speaker Madigan: "Mr. Parke."

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

Speaker Madigan: "Sponsor yields."

Dart: "Sure."

Parke: "Representative, how many judges would this affect?"

Dart: "I'm unaware of the number."

Parke: "Let's make a presumption there's a hundred judges. In the last five years, what do you think the percentage of judges have we lost because of the current inadequate pension system that you're trying to enhance?"

Dart: "I... think it would be next to impossible, frankly, to try

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to come up with a number. And this isn't trying to play word games with you, but the fact of why a judge left the bench, it would be very difficult. But I can tell ya anecdotally, I know, that there's been quite a few judges and some of the ones that are probably more respected judges, who have left the bench because of the fact that they've maxed out on their pension and in effect, they're actually losing money by staying there. So, I... apologize. I don't have a real number, but I don't know whether or not I could get ya one."

Parke: "Who will pay the increased cost that... somebody has to pick up because the judges are not making the contribution?"

Dart: "This would be coming out of the judges' retirement system."

Parke: "I appreciate that, but who pays that in? Is it... is it an allocation and a General Assembly allocation to judges or is it Cook County or is it every county in the state?"

Dart: "I believe it's all the judges that'll pay into that."

Parke: "I know, but does it come out of the Gen... the judges' pension system, the State of Illinois?"

Dart: "Yeah. I presume it does."

Parke: "Perhaps... "

Speaker Madigan: "For what purpose does Representative Andrea Moore seek recognition?"

Moore: "Mr. Speaker, I require assistance. Either... I'm not doing it right or our computers have not been updated. I do not have a copy of the Amendment."

Dart: "There is no Amendment. It's a Bill."

Speaker Madigan: "Mr. Clerk, can you correct that?"

Moore: "It's not on our computers, here, so... The Amendment itself."

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Dart: "It's not an Amendment."

Speaker Madigan: "Representative, I don't think there's a House Amendment to this Bill."

Moore: "There is not a House Amendment?"

Speaker Madigan: "Mr. Clerk, are there any House Amendments to the Bill?"

Clerk Rossi: "No Amendments have been adopted to the Bill."

Moore: "Have... Were... Was there... Then there was not one filed on it?"

Clerk Rossi: "Floor Amendment #1 was filed to the Bill and it remains in the Rules Committee."

Moore: "Thank you very much, Mr. Speaker."

Parke: "I think, Representative, I think it comes out of the judicial judges, I mean, the judges' retirement system."

Dart: "Yeah. I believe so, yes."

Parke: "Yeah. And so it... and so it's... General Revenue Fund money that goes into this system. So, would we have to increase the allocation from the General Revenue Fund into the judges' pension system to pay for this?"

Dart: "My understanding is that the judges will be paying this out. I'll try to get a more specific answer for you, but the... the numbers that I've been supplied with from the Pension Law Committee, in review of this, has shown that it's gonna be virtually revenue neutral. And that in the first year, for example, they're predicting the cost would be approximately \$39,000, somewhere in that area."

Parke: "So, it's your opinion that we should allow this, that we should cast our vote to increase the incurred liability to the judges' retirement system, according to our notes, for \$372,000. And if we spend this taxpayers' money, we're gonna have the rep... we're gonna retain quality judges who make the decisions that affect all of our lives. I mean,

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is that the bottom line, here?"

Dart: "The bottom line is any incurred cost would be minimal and it would... the thrust of any of the incurred cost would be, for basically, what you just said, Representative, would be for a retention of judges in an encouragement for other judges who maybe down the road that might be coming in because of the financial stability of the pension system."

Parke: "Well, I'm all for retaining quality people. I think you have to pay people to do a good job and especially, if they're good then... then the general public wants them, also. I mean, private law firms would want 'em. But what happens if next year they come back and say, 'Well, that just wasn't enough.' We gotta give 'em more. Do they... Have they done this in the past?"

Dart: "No. In my understanding, this has been something that they've been looking to do for a while, now. I know, I've been getting' phone calls on it for quite a while on this and I've been workin' with Senator Geo-Karis on it for quite a while. And so it's been in the works for quite a while. As far as the history of it though, I can't tell ya how far back it was the last time it was increased. I do know that myself and other folks would probably, including yourself, would be hesitant to put it lightly about do... making an increase after doing this one, anytime in the near future."

Parke: "Well, let me... Mr. Speaker, to the Bill. On the face of it, I guess, this doesn't seem to be that bad of an idea. The amount of money that's involved is... compared to many of the other things that we do is minimal. What bothers me is the amount of unfunded liability or accrued liability that we keep putting on our pension systems, that we keep

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increasing benefits, yet the contributions are not, are not increased to the systems. Overall, our pension systems are woefully underfunded even though we have a system of repayment that, eventually, is gonna be very expensive to all the people of the State of Illinois. But in this particular case, I'm willing to try it and see if we are retained... Somewhere in here, I would like to have somebody report back to us two years from now or three years from now and say, this idea worked, that we're just not increasing the salaries... the contribution to the system by the judges. And it just helps them and we're not retaining judges, that the intent is to retain judges. I'd like to know that we're doin' it. So, I guess, I'll vote for it, but I sure would like somebody to report back to us to let us know that this, actually, works. Thank you."

Speaker Madigan: "Mr. Hoffman. Jay Hoffman."

Hoffman: "Will the Sponsor yield?"

Speaker Madigan: "The Sponsor yields."

Hoffman: "Representative, what is the cost of this Bill?"

Dart: "The estimated cost increase in the first year is about \$39,000."

Hoffman: "So, essentially, it's very, very minimal, is that correct?"

Dart: "Yeah, given the numbers, frankly, we work with around here on a regular basis, minimal, yeah."

Hoffman: "All right. I rise in support of the Bill. First of all, not only is it a very insignificant cost, but what we're talking about here is insuring that we retain and keep and have the best and the brightest in... on the judiciary. Many times people find that they can, obviously, make more money in the practice of law as opposed to becoming a judge. This pension Bill is

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something that's been a long time coming. It's making sure that we have another benefit that's gonna allow us to maintain, keep and also, to attract the best and the brightest people who practice law to become judges. It's, obviously, an extremely, extremely important position and we need to make sure that we have these types of incentives to insure that the best and brightest remain and are attracted to the judiciary."

Speaker Madigan: "Mr. Skinner."

Skinner: "In... Mr. Sponsor (sic-Mr. Speaker)."

Speaker Madigan: "Sponsor yields."

Skinner: "In years past, after we raised judicial's salaries, the judges retired the next week. And so, we passed a law that said a judge had to serve at least a year under a given salary level in order to qualify for the increased pension. Is that changed at all in this Bill?"

Dart: "That hasn't changed. Any provisions like that were not affected by this."

Skinner: "Okay. Thank you."

Speaker Madigan: "Mr. Lang."

Lang: "Thank you, Mr. Speaker. I simply rise in support of this good Bill. This will enable us to keep the best and brightest judges. It will enable judges to retire with dignity and retain a standard of income upon their retirement that would convince people to want to become judges. The judicial system requires that we make sure that the best and brightest attorneys avail themselves of the opportunity to provide public service and Senate Bill 1020 will take us one step closer to improving our judiciary, not only now, but into the future. Please vote 'aye' on this good Bill."

Speaker Madigan: "Mr. Dale Righter."

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Righter: "Thank you, Mr. Speaker. Mr. Speaker, I'd ask the record reflect that I'll be voting 'present' on Senate Bill 1020 for reasons of a potential conflict of interest."

Speaker Madigan: "Mr. Dart to close."

Dart: "Thank you, Mr. Speaker, Members of the House. This is a Bill that's been worked on for about two years or so now, which has got a twofold purpose which is to encourage judges to... individual lawyers to come forward and be judges, but more importantly, to retain the judges that we have right now, who have been leaving the system. And I'd appreciate a favorable vote."

Speaker Madigan: "The Gentleman moves for the passage of the Bill. Those in favor of the passage of the Bill vote 'aye'; those opposed vote 'no'. This will require 71 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? One person has not voted. The Clerk shall take the record. On this question, there are 110 people voting 'yes', 6 voting 'no'. This Bill having received a Super Constitutional Majority is hereby declared passed. Supplemental Calendar #1, on the Order of Amendatory Veto Motions, there appears Senate Bill 451. Representative Hamos. Representative Hamos, on Senate Bill 451."

Hamos: "Thank you, Mr. Speaker. I was calling a judge I know to tell him about the last Bill. Ladies and Gentlemen, this is an Amendatory Veto accept... a Motion to accept the Governor's Amendatory Veto of Senate Bill 451. This is a Bill that only affects the Cook County Clerk's Office. Apparently, a few years ago it was determined that it would make sense to update all the records in all the counties, to bring forward the tax delinquent records and make them current as of a date certain. The... in the spring Session

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the Cook County Clerk asked for some procedural changes in that statute that would make it simpler to do that, he also asked for a five-year extension. The Governor determined that a one-year extension should be adequate to get this job done. And the Cook County Clerk's Office is certainly willing to go along with that and to make sure that this very monumental task of bringing forward delinquent, 30 years of records on 1.6 million properties gets done by the end of December 31st, 2001 year. So, I do ask for... I'm sorry I think it's year... yes, year 2001. So, I ask for your favorable vote on this Amendatory Veto Motion."

Speaker Madigan: "Lady moves to accept the Governor's specific recommendations for change. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action. This will require 71 votes. Those in favor signify by voting 'aye'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk, shall take the record. On this question, there are 116 people voting 'yes', 1 voting 'no'. This Motion, having received the required Constitutional Majority, the House does accept the Governor's specific recommendations for change. And the Bill is hereby declared passed. Senate Bill 818, Representative Sommer."

Sommer: "Yes, Mr. Speaker, Ladies and Gentleman of the House. I move that we accept the Governor's Amendatory Veto on Senate Bill 818. This legislation outlines the procedures for reporting of domestic abuse of adults, and disabled adults. The Governor's Veto simply changes the effective date from January 1 to July 1. The reason being is so that the program can be funded in the coming budget. It was not funded for this year. I'd be happy to answer any

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questions."

Speaker Madigan: "The Gentleman moves that the House accept the Governor's specific recommendation for change. The question is, 'Shall the House accept the Governor's specific recommendations for change with respect to this Bill?' This is final action. The Motion will require 60 votes. Those in favor signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. The Motion having received the required Constitutional Majority, the House accepts the Governor's specific recommendations for change regarding the Bill. And the Bill is hereby declared passed. Senate Bill 1085, Representative Wojcik. The Motion to be handled by Mr. Black."

Black: "Thank you very much, Mr. Speaker. Because my seatmate Representative Wojcik has laryngitis, an illness that I know you wish I had on more than one occasion, Representative Wojcik has asked me to make the Motion that we accept the Governor's Amendatory Veto."

Speaker Madigan: "The Gentleman has moved to accept the Governor's Amendment. And the question is, 'Shall the House accept the Governor's specific recommendations for change?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The Motion will require 60 votes. Have all voted who wish? Have all voted who wish? Have all voted who wish? One person has not voted. The Clerk shall take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. The Motion having received the required Three-Fifths Majority... This Motion, having received the required Constitutional Majority, the

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house accepts the Governor's specific recommendations for change and the Bill is hereby declared passed. On the Order of Resolutions, there appears HJR 36. Mr. Hoffman. Is Mr. Hoffman in the chamber? Hoffman. Jay Hoffman. Mr. Clerk for a Committee announcement."

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

Speaker Madigan: "On the Order of Resolutions, there appears HJR 36. Mr. Jay Hoffman."

Hoffman: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Joint Resolution 36, basically reestablishes a task force to look at the issue of school safety. We passed House Bill 878, which established the task force however, the Attorney General made recommendations for some additional members. The State Board of Education wanted to be a member and we needed to make sure that we did a adequate job of looking at the issue. So we needed to extend the deadline from January 1st reporting, to July 1st reporting time. With that, I ask that we adopt House Joint Resolution 36."

Speaker Madigan: "Mr. Black."

Black: "Thank you very much, Mr. Speaker. An inquiry of the Chair. This came directly from Rules Committee to the floor. I don't have a copy, we're trying to bring it up on the system. Is it on the system?"

Speaker Madigan: "Mr. Clerk."

Black: "Yes it is, I have it. Hello. Hello. Was that the end of the quarter? That noise... did the Blackhawks score a goal, what was that?"

Speaker Madigan: "That was somebody with laryngitis."

Black: "I feel so badly for her. Would the Sponsor yield on the

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Resolution?"

Speaker Madigan: "Sponsor yields."

Black: "Thank you. Representative, you said the Resolution simply adds to the language of a Bill that we've already passed by adding additional people to the task force. Those additional people, very briefly, the appointment process evenly divided between these caucuses, or who are you adding here? I'm trying to read as I go along."

Hoffman: "We're not adding anybody with regard to the caucuses. What we're doing is we're adding, I believe, a representative from the Sheriff's Association, specifically a representative from the State Board of Education. And we're extending the deadline for the report, which was January 1st, which is the main, really the main point."

Black: "So in effect... Okay. So the Resolution just adds two people to the task force specifically?"

Hoffman: "Mr. Speaker. Mr. Speaker. I got to get my notes. Could you take this out real quickly? Thank you."

Speaker Madigan: "Take it out of the record. Mr. Clerk."

Clerk Rossi: "Rules report. Representative Barbara Flynn Currie, Chairperson from the Committee on Rules, to which the following measure/s was/were referred, action taken on December 1, 1999, reported the same back with the following recommendation/s: 'to the floor' Senate Joint Resolution 41, 'approved for consideration' Floor Amendments 6 and 7 to House Bill 709."

Speaker Madigan: "Is Mr. Woolard in the chamber? Mr. Woolard. On Supplemental Calendar #2, there appears HJR 41 (sic-SJR 41). Mr. Woolard."

Woolard: "Thank you, Mr. Speaker, Ladies and Gentleman of the House. This Resolution deals with the education waivers and the denial of same. We actually have six different

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component parts but there's actually only three different items for discussion. Freemont District 79 and Woodlawn Community District #50, which is appealing the State Board of Education's determination that its original request to waive a portion of the School Code pertaining to charter school funding is ineligible under the existing waiver law. The next item is Collinsville Community District #10 which is seeking authorization to count as full days of attendance for purpose of calculating general state aid for sessions of not less than 3 clock hours. The State Board of Education is seeking to correct this through legislation which is House Bill 2917. Representative Holbrook will be presenting and we'd like to see this denied as well. The last three items which is Schaumburg District 54, Palatine District 211 and Rock Island/Milan District 41 which is seeking to employ certified substitute teachers for more than 90 days in any school year. And we would like to see these three denied as well. So let me remind you that a 'yes' vote is a denial of these waiver exceptions. So we would encourage a 'yes' vote. This passed out of the Senate with 57 voting 'yes', earlier today. Representative Mitchell and I are presenting this together."

Speaker Madigan: "Mr. Mitchell. Jerry Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in support of my colleague's Resolution. And I think the all important thing on this is to simply remember that a 'yes' vote denies the waivers. Okay? If you vote 'no' that means you say, no you are saying that you are going to allow the waiver of the School Code. In this situation, that would allow school districts for several of the waivers to hire substitutes on a permanent basis, which we don't feel is a good idea or something that should happen at this time. We

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do realize that there is a problem with substitutes and the number of substitutes. However, there are still a lot of teachers out there, and we don't believe that hiring substitutes on a full-time basis, going beyond the 90 days, is a good idea. Therefore, remember that if you're going to vote to deny the waivers, it's a 'yes' vote; a 'no' vote allows the waivers. Thank you."

Speaker Madigan: "Mr. Woolard and Mr. Mitchell move for the adoption of the Resolution. Those in favor of the adoption of the Resolution signify by voting 'yes'; those opposed by voting 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Two people have not voted. Have all voted who wish? One person has not voted. Mr. Clerk, take the record. On this question, there are 95 'ayes', 22 'noes'. The Gentleman's Motion to adopt SJR 41 is adopted. Mr. Hoffman on HJR 36."

Hoffman: "Thank you, Mr. Speaker. Previously, I was asked a question regarding the additional members to this House Joint Resolution, regarding school safety. There are actually four additional members that were contained in House Bill 878, and they are: member of the Office of the Illinois Attorney General, Chiefs of Police, a member from the State Police and a State Superintendent of Education or the superintendent's designee. And, then we also will extend the deadline. That's all this House Joint Resolution does."

Speaker Madigan: "Mr. Black."

Black: "Yeah. Thank you very much, Mr. Speaker. Okay, now the board is correct. Would the Sponsor yield?"

Speaker Madigan: "Sponsor yields."

Black: "Thank you. Representative, I appreciate your indulgence and getting your notes. As I read this Resolution and what

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has me a little confused, I don't know if the language is duplicative of what's in the House Bill. But I noticed that there's not equal representation. The task force on school safety will consist of two Members of the Senate, appointed by the President of the Senate, one Member of the Senate, by the Minority Leader, two Members of the House by the Speaker, and only one Member of the House appointed by the Minority Leader. I think we've always had an equal representation. I just, I'm a little concerned about that."

Hoffman: "For whatever reason, Representative, that's the exact language that was in 878 (sic-House Bill). Jerry Mitchell, I believe, is your designee from your side of the aisle. It's consistent in the House and the Senate so that's what was in 878 (sic-House Bill), we didn't change it."

Black: "If... If we were to ask that this be amended..."

Hoffman: "Representative, it's still three Democrats and three Republicans."

Black: "Okay. Well, sometimes Senate Republicans are more equal than House Republicans."

Hoffman: "I understand."

Black: "I mean, only in the broadest in sense of you know where I'm coming from. If we were to suggest an Amendment making this equal, it would probably be redundant and wouldn't do us any good if what you say is true. If it's in the underlying Bill, than I guess this is what we're left with, right?"

Hoffman: "Yeah. I wouldn't have any problem with adding an additional Member. We're running into time problems because of the rules. I got a suggestion though, I believe that there are some individuals that have to be appointed through the state superintendent of schools. What I would

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be willing to do, if you have a Member that you would like to be on there, I would be willing to contact the state superintendent and say, this Member, 'Would you consider appointing this Member from your side of the aisle as one of your Members?' If that's okay with you?"

Black: "All right. There may be Members on my side of the aisle who want to speak to this who are more conversant with the underlying issue than I am, quite frankly. I guess my concern is, is there any intent in this Resolution to make these school safety plans part of the public record? I mean, obviously, there are some schools who have a highly developed safety and emergency plan, who for obvious reasons don't want it to appear in the paper or on the Internet. That would kind of destroy the rationale behind the safety plan. And some of our Members indicated to me that there might be something that could be construed in this that the safety plans would suddenly become public record or open to discussion."

Hoffman: "That's certainly not the intent. The intent of this task force is to look at the issue of school safety throughout the state, try and identify the various programs, look at issues and study alternative education programs and their current status, waiting lists and the capital needs. And try to make recommendations for change that would allow us to coordinate the efforts regarding school safety, statewide."

Black: "Okay. Jay, what I am having a little difficulty with, and I supported the Bill and I certainly don't have any concept, obviously, with what we have gone through as a society in the last two or three years. I guess I'm just a little uncomfortable with the Resolution. Is there any intent or language in the Resolution that's somehow going

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to usurp the local control of schools, particularly as it involves alternative education?"

Hoffman: "Not at all, no."

Black: "Let me just ask you a question because I know that some people are concerned about it. And let's just get it out in the open, rather than the rumor system. The Bill has passed and I think has been signed, correct? The underlying House Bill?"

Hoffman: "Yeah. The underlying Bill was passed and signed. The reason we're doing a Resolution to be quite frank with you, is there wasn't sufficient time to really look at this issue and we're waiting on some additional Members..."

Black: "Okay. All right."

Hoffman: "...to be appointed. So we want to extend this."

Black: "All right. Okay."

Hoffman: "It's an important issue as I think you agree. And we want to extend it to make sure we got all the members appointed."

Black: "All right."

Hoffman: "And really had time to thoroughly and thoughtfully look at this."

Black: "All right. Hi, Governor. Jay, just for the record, is there anything in this Resolution that could be construed by any locally elected school board that this is opening up the situation in Decatur to some kind of statewide scrutiny?"

Hoffman: "No, this has nothing to do with that."

Black: "All right. Fine. You've always been a man of your word and I appreciate that. Thank you."

Speaker Madigan: "Mr. Mitchell."

Mitchell, J.: "Thank you, Mr. Speaker. I rise in support of Representative Hoffman's Resolution. School safety is

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probably one of the most important issues that we have facing us today and he's absolutely right in the fact that the time line was quite short anyway. Making sure that everyone had their members appointed has been a problem and I realize. But it is such an important issue, that we really need to take the time to take the testimony, to have people explain their programs and highlight the best school safety programs out there. I don't think our intent is to regulate school safety or come up with any statewide one-size-fits-all plan. That's not our intent at all. But our intent is to keep this entire topic out in front of the public to make everyone aware that everyone in the State of Illinois is or should be concerned with the safety of our school children. I think it's a very, very important issue and I think it's one we should go ahead and act on quickly, and get the task force moving, and take testimony all over the State of Illinois. Thank you, Mr. Speaker."

Speaker Madigan: "Representative Bassi."

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

Speaker Madigan: "Sponsor yields."

Bassi: "Thank you. Representative Hoffman, what was the original time line of the task force?"

Hoffman: "It was supposed to be done by January 1st of 2000. So, this coming January. So, we're moving it to July 1st, giving us six months. It's my intent since we will be here in the capitol for spring legislative Session, then the people who are involved with it, will be able to do it here. Obviously, during the break it's because of the fact that some of the task force members weren't appointed yet, and people were all in their districts, it was difficult to get it moving. So, we're going to start right away."

Bassi: "When was this originally supposed to have started? When

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was this supposed to have started? The task force?"

Hoffman: "Well, we passed the Bill and I think that the Governor actually signed the Bill, maybe could be in August or so."

Bassi: "In August, okay so and... did this... "

Hoffman: "The Bill wasn't signed until August, my staff just said. So the Bill was signed. The Bill did many other things Representative, but one of the things was this provision. And obviously, even if all the task force members would have been immediately named, it would have been very difficult to get a thorough and comprehensive look into these issues in that limited amount of time."

Bassi: "Okay. And the intent of this has nothing to do with the preemption of local control or allowing local school districts to maintain and/or implement their own safety programs."

Hoffman: "No, has nothing to do with it."

Bassi: "Okay. Has this expanded the number of people that were on the task force, the original number?"

Hoffman: "Yes, what happened was, I made an agreement with the Governor's Office. The Attorney General had sent a letter regarding, prior to the Bill signing, saying that they wanted some additional members and they were, I guess, either inadvertently or... be quite honestly we hadn't thought of it. A member of the Attorney General's Office wasn't specifically spelled out in the Bill and I think that makes sense that there be one, a member of the state police, and then the school superintendent of schools, specifically, the state school superintendent of schools."

Bassi: "Why..."

Hoffman: "...Although they had appointments, it didn't specifically say that he would be on here, that was added, too. So, I had made an agreement prior to the signing of

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the Bill with the individuals from the Attorney General's Office, as well as the Governor's Office, to come back and do something like this to reflect their concerns. And, so that's what this is."

Bassi: "Okay. Thank you, thank you, Mr. Speaker."

Hoffman: "Thank you."

Speaker Madigan: "Mr. Hoffman to close."

Hoffman: "Thank you, Ladies and Gentlemen of the House. House Joint Resolution 36, basically, as has been indicated simply extends the deadline and adds a few additional members to the School Safety Task Force that was created in House Bill 878. We all know some of the terrible tragedies that have occurred in other states and other areas of this nation. Hopefully, this will lead the way in ensuring that we are on the forefront of school safety issues and make our schools as safe as they possibly can for our children. I ask for an 'aye' vote."

Speaker Madigan: "The Gentleman moves to adopt HJR 36. Those in favor vote 'yes'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? One person has not voted. One person has not voted. Mr. Clerk, take the record. On this question, there are 117 voting 'yes', 0 voting 'no'. The Motion to adopt the Resolution is adopted. On page 4 of the Calendar, on the Order of Resolutions, there appears SJR 45. Representative Slone. Mr. Scully."

Slone: "Thank you, Mr. Speaker. Ladies and Gentlemen of the House, this is yet another Growth Task Force Resolution. This passed the Senate last week at the request of Senator Maitland, who is the Senate Sponsor and the chair of the committee of the task force. And the purpose of the Resolution, it makes a few minor technical changes in the

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task force. It creates a little advisory committee and a couple other things along those lines. Floor Amendment 1 would simply make sure that the same appointees who are on the current task force which was adopted under House Joint Resolution 10, will be reappointed to the same task force under SJR 45. So, I would urge your favorable consideration of the Amendment. Thank you."

Speaker Madigan: "The Lady moves to adopt the Amendment. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it, the Amendment is adopted. Representative Slone on the Resolution."

Slone: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We would appreciate your favorable support of SJR 45, which in essence replaces or supersedes the task force already in existence under HJR 10, that you all voted for fairly recently. Thank you."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. The Chair recognizes Mr. Cross."

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

Speaker Madigan: "The Sponsor yields."

Cross: "Representative, I know, I assume most everybody supports the idea of smart growth, but I'm puzzled by this. We have House Resolution 10 and then we have Senate Joint Resolution 45, is that correct?"

Slone: "Right."

Cross: "Why, it seems like we're doing a lot of work and doing a lot of paperwork to try to accomplish one thing, is that correct? Why do we have two different Resolutions?"

Slone: "I think because as we got underway under HJR 10, the task force chair, Senator Maitland, observed that there were some, there were just some language in there that needed some cleaning up, and SJR 45 attempts to do that cleanup."

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It changes, officially changes the name of the task force, notice it doesn't say 'smart' anymore. And it also creates an advisory committee because we had a lot of requests of people wanting to be involved in the work of the task force. But that wasn't authorized..."

Cross: "Okay. Thank you, very much."

Slone: "Thanks."

Speaker Madigan: "The Lady moves for the adoption of the Resolution. Those in favor say 'aye', those in favor vote 'aye'; those opposed vote 'no'. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 people voting 'yes', 0 voting 'no'. The Resolution is adopted. Mr. Clerk, for the purpose of an announcement."

Clerk Bolin: "The following committees will meet at 2 p.m. today: the Executive Committee will meet in Room 118 Statehouse, the Local Government Committee will meet in Room 122B of the Statehouse, the Registration and Regulation Committee will meet in Room D-1 Stratton, and the Transportation Committee will meet in Room 114 of the Statehouse. Again, the following committees will meet at 2 p.m.: Executive Committee in Room 118, Local Government in Room 122B, Registration and Regulation in D-1 and Transportation in 114."

Speaker Madigan: "Mr. Clerk, Agreed Resolutions."

Clerk Bolin: "House Resolution 490, offered by Representative Howard; House Resolution 491, offered by Representative Howard; House Resolution 492, offered by Representative Howard; House Resolution 493, offered by Representative Howard; House Resolution 495, offered by Representative Fowler; House Resolution 496, offered by Representative Garrett; House Resolution 497, offered by Representative

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Bill Mitchell; House Resolution 500, offered by Representative Ryder; House Resolution 501, offered by Representative Tom Johnson; House Resolution 502, offered by Representative Scully; House Resolution 503, offered by Representative Cowlshaw; House Resolution 504, offered by Representative Feigenholtz."

Speaker Madigan: "The Clerk has read the Agreed Resolutions. Representative Currie moves that the Agreed Resolutions be adopted. Those in favor say 'aye'; those opposed say 'no'. The 'ayes' have it. The Agreed Resolutions are adopted. Ladies and Gentlemen, we're prepared to adjourn the House. We shall adjourn today upon the adoption of a Death Resolution for a former Speaker of the House. The Chair would like the staff to retire to the rear of the chamber. Hartke. Mr. Clerk, read the Resolution."

Clerk Bolin:

HOUSE RESOLUTION 486

WHEREAS, The members of the Illinois House of Representatives are saddened to learn of the death of former State Representative Arthur Telcser of Chicago; and

WHEREAS, Arthur Telcser served in the Illinois House of Representatives from 1967 to 1983; while serving in the House, he supported Governor Ogilvie's state income tax, gun control, bilingual education, merit selection of the judiciary, and public access for the disabled; and

WHEREAS, Arthur Telcser was appointed House Majority Whip in 1969, Assistant Majority Leader in 1973, Assistant Minority Leader in 1975, Minority Whip in 1977, Assistant Minority Leader in 1979, and Majority Leader in 1981; Representative Telcser was elected to fill the Speaker's Chair upon the election of Speaker George Ryan

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to the Lieutenant Governor's position; and

WHEREAS, In 1991 he served as director of the Department of Securities in the Secretary of State's office; in 1998 he served as co-chairman of the transition team for Governor Ryan; from the late 1950's to the present day, he was the owner and operator of Wilart Drugs in Chicago; and

WHEREAS, Arthur Telcser was a graduate of the University of Illinois College of Pharmacy; he was active in the Kiwanis Club, the Lake View Citizens Council, the Illinois Pharmaceutical Association, and the Congregation of Anshe Mizrach; he was the recipient of such awards as Outstanding Business Man of the Month, Lake View Man of the Month, and Most Effective Legislator; and

WHEREAS, Arthur Telcser is survived by his wife, Dorothy; his daughters, Karen Garrick and Sharon Telcser; his brother, Donald Telcser; and a granddaughter; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn, along with all that knew and loved him, the death of former State Representative Arthur Telcser; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Arthur Telcser, along with our sincere regards.

Speaker Hartke: "The Chair recognizes the Gentleman from DuPage, Representative Daniels."

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House. Once in awhile, an individual comes along that's special in every way; special in his approach to friendships, special in his approach to family and special in his approach to government service. Most of you, in this chamber, didn't have the opportunity like... had to serve with Art Telcser. To me, he was one of our Leaders on the Republican side of

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the aisle, but he has as many friends on the Democrat side of the aisle as he had on the Republican side. He was a unique Legislator 'cause he was one of those Legislators that came through the system of accumulative voting. A Minority Legislator in a Majority Democrat district representing the City of Chicago as a Republican, came to Springfield and argued profusely for the interests of Chicago and the people that he believed in. He took up many causes while he was here, whether it was the disabled, whether it was causes that dealt with education, revenue enhancement for the State of Illinois or improvement in our overall governmental system. But we quickly learned that Art Telcser was the kind of person that we wanted to become associated with and get to know better because he was bright, caring and compassionate. Now, I became one of the assistant leaders under Speaker George Ryan and served with Art Telcser who was our Majority Leader and I found that experience to be rewarding in shaping my career here in the Illinois General Assembly, but I watched Majority Leader Telcser work hard on behalf of all of us as he moved legislation through the General Assembly. But I also saw a special and unique relationship that he had with our Governor. For when you serve as Speaker of the House you need the counsel of many, many individuals and George Ryan sought that counsel of Art Telcser and Pete Peters and many of the other leaders in the House. He also sought the development of a friendship that we saw kindle and become meaningful that would be lifelong, for Art Telcser was one of the consultants to our Governor, very close personal friend and somebody that meant an awful lot to him. He joins me today because he joins in respect for this very unique and special person. Art was a family man. Art was

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a husband. Art was married to Dorothy and had two daughters, Karen and Sharon. Sharon was the light of his life and absolutely was one that he always bragged about and talked about here in Springfield and we were delighted always to hear those stories. But you know, Governor, I remember some of the special times the two of you had. I remember the Jell-O that you two would share. That was a famous thing within our own Leadership meetings; the Jell-O that would come out. I'd remember the statements, 'Well, what movie are we gonna see tonight?' The rest of us would be planning another meal. And you know, Governor, I don't miss many meals, but I know that you and Art and Pete would go to many meals on many occasions. And I remember the things, 'Are we getting the steam, tonight?' Because when they would go work, whether it was in the movie or whether it was to dinner or even get a steam at the YMCA, it was always talking about what they could do to help the people of Illinois. That's why this man is Governor because he's always worked on our behalf. But that's why Art Telcser was special and unique to framing and focusing what's so special in Illinois. So when I have a chance to speak about him, I speak with a great deal of respect and lifelong memories that I'll care forever as many of you that knew him. But those of you that didn't, let me assure you that if he were here today, you would seek his counsel, you'd seek his friendship and you would seek a long-lasting ability to talk to somebody that you knew that had the compassion to care for people that are less fortunate. I respected Art Telcser. I loved Art Telcser and he will be a special and unique person in my mind that has served this General Assembly and the people of Illinois so well. He's now in that final resting place

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and I'm sure he's looking down on us today, on this Assembly and the work we do. But you can rest assured that one of your forefathers served in the best tradition of the Legislature that anyone could ask for. So I would ask you, Mr. Speaker, if we could take that final step, because when I look at the board, I see former State Representative Art Telcser. It's not what he really was. Former Speaker Art Telcser, because he was our Speaker, may be short as it was, when George Ryan was elevated to Lieutenant Governor, but we did formally, this Body, elect him as our Speaker. And I would just ask if you could change that tote board and just say, 'Mourns the death of former Speaker, Art Telcser.' which is truly the deserving honor that he has. And with that, I would ask that you remember that he is a man that we will hold in high esteem in this Body. Thank you."

Speaker Hartke: "Mr. Clerk, would you change the board? The Chair recognizes the Gentleman from Cook, Speaker Madigan."

Madigan: "Mr. Speaker and Ladies and Gentlemen. My compliments to Representative Daniels on his eloquent remarks concerning Art Telcser. My sympathy to the Governor upon his loss. Art was a Member of the House when I arrived in 1971. He was a master of the legislative process, understanding clearly how to pass Bills, adopt Amendments, advance issues in a House which was greatly different than the Body that we serve in today because of the multimembered district structure in those days. But given the conditions that existed, he was clearly a master and in those days, one of the top three or five people serving in the House of Representatives. In addition, he was a master at human relations, the type of person who could work in an environment of conflict here in the House, but never leave

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any of the Members of the House feeling that he had any animosity toward them or that he left any ill will with them as he would work through the various issues that would come before the Legislature. He didn't always agree with you, because of his work many times you would lose on a particular issue. But as I said before, given Art's personality, given his feeling for other people, you always walked away with a good feeling about Art and about what you were doing here in the House. His family clearly has suffered a great loss. Governor Ryan has suffered a great loss. We have all, especially those who knew him, suffered a very, very great loss. Thank you, Mr. Speaker."

Speaker Hartke: "Thank you. To the Body, all Members shall be added to the Resolution. All those in favor signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And the Resolution is adopted. Speaker Madigan in the Chair."

Speaker Madigan: "Ladies and Gentlemen, the House shall stand adjourned until 9:00 a.m. tomorrow morning, 9:00 a.m. tomorrow morning. Thank you. Allowing Perfunctory time for the Clerk."

Clerk Rossi: "The House Perfunctory Session will come to order. Committee Reports. Representative Skip Saviano, Chairperson from the Committee on Registration and Regulation, to which the following measure/s was/were referred, action taken on December 1, 1999, reported the same back with the following recommendation/s: 'be approved for consideration' Motion to concur with Senate Amendment #1 to House Bill 539. Representative Jay Hoffman, Chairperson from the Committee on Transportation, to which the following measure/s was/were referred, action taken on December 1, 1999, reported the same back with the following recommendation/s:

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'be approved for consideration' Motion to concur with Senate Amendments 1,2 and 4 to House Bill 809. Representative Frank Mautino, Chairperson from the Committee on Local Government, to which the following measure/s was/were referred, action taken on December 1, 1999, reported the same back with the following recommendation/s: 'be approved for consideration' Motion to concur with Senate Amendments 1 and 2 to House Bill 1276. Introduction and First Reading of House Bills. House Bill 2981, offered by Representative Granberg, a Bill for an Act to amend the Election Code. House Bill 2982, offered by Representative Tim Johnson, a Bill for an Act making an appropriation. House Bill 2983, offered by Representative Winkel, a Bill for an Act making an appropriation. House Bill 2984, offered by Representative Julie Curry, a Bill for an Act making an appropriation. House Bill 2985, offered by Representative Crotty, a Bill for an Act to amend the School Code. House Bill 2986, offered by Representative McKeon, a Bill for an Act to amend the Illinois Human Rights Act. House Bill 2987, offered by Representative Mautino, a Bill for an Act to amend the Rural Bond Bank Act. First Reading of these House Bills. Introduction of Resolutions. House Resolution 499, offered by Representative Mitchell, and House Resolution 505, offered by Representative Hannig, are assigned to the Rules Committee. Being no further business, the House Perfunctory Session stands adjourned."