

NO. 128731

**IN THE
SUPREME COURT OF ILLINOIS**

SHAWNEE COMMUNITY UNIT)	
SCHOOL DISTRICT NO. 84 and	)	Appeal from the Appellate Court
JACKSON COUNTY BOARD OF	)	Fifth Judicial District
REVIEW,	)	Case No. 5-19-0266
)	
Petitioner-Appellants,	)	Appeal from the Property Tax Appeal Bd.
	)	Docket Nos. 14-03445.001-I-3 through
vs.	)	14-03445.009-I-3 and
	)	15-00452.001-I-3 through
ILLINOIS PROPERTY TAX APPEAL	)	15-00452.010-I-3
BOARD and GRAND TOWER	)	Trial Judge Hon. Edwin E. Boggess, ALJ
ENERGY CENTER, LLC	)	Notice of Appeal Date: July 1, 2019
)	Judgment Date: June 18, 2019
Respondent-Appellees.)	

REPLY BRIEF OF PETITIONER-APPELLANTS

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ARGUMENT ON REPLY

The combined efforts of Grand Tower, the Property Tax Appeal Board (“PTAB”), and their *Amicus Curiae*, the Civic Federation (collectively “Respondents”), failed to turn up a single instance where an Illinois taxpayer was given the opportunity to pursue a property tax refund after withholding taxes from local taxing districts. Respondents have offered no genuine precedent or statutory language that supports their proposed conclusion that the term “any” in Section 23-5 of the Property Tax Code (the “Code”) does not mean “any” in its plain, ordinary and literal sense. 35 ILCS 200/23-5. They do not even bother with an argument that legislature intended to allow anything resembling the set of facts that present themselves in the instant case to occur. Respondents go to great lengths to dissect certain passages of the Code in a vacuum, but each attempt fails to show that lawmakers, in legislating the PTAB into existence, revoked the payment under protest requirement that has been a defining characteristic of Illinois property tax law since the Great Depression. See *People ex rel. Sweitzer v. Orrington Co.*, 360 Ill. 289 (1935). As the School District has shown, all authority on this point leads to the contrary conclusion. Respondents resist the clear statutory command for payment under protest by offering an alternative, tortured reading of selected provisions, none of which contradict or undermine Section 23-5’s sweeping mandate. For these reasons, this Court should reject Respondents’ arguments.

I. The Standard of Review is *De Novo*.

As a threshold matter, the PTAB and School District agree that this appeal involves questions of law and no questions of fact, and the Court therefore reviews these issues *de novo*. *Nelson v. Kendall Cnty.*, 2014 IL 116303, ¶ 22, 10 N.E.3d 893, 898; See also PTAB Response (hereafter, “PTAB Resp.”) at 12. The PTAB’s “determination of the scope of its

power and authority” has been found by the courts to be a question of law. See *Geneva Cmty. Unit Sch. Dist. No. 304 v. Prop. Tax Appeal Bd.*, 296 Ill.App. 3d 630, 633 (2d Dist. 1998); *Cook Cnty. Bd. of Review v. Prop. Tax Appeal Bd.*, 334 Ill.App. 3d 56, 58 (1st Dist. 2002). Although the PTAB as an administrative agency has authority to construe statutory provisions when making decisions, a reviewing court is not bound by its interpretation. *Envirite Corp. v. Illinois E.P.A.*, 158 Ill. 2d 210, 214 (1994).

Grand Tower argues that this Court should afford “substantial weight and deference” to the PTAB’s interpretation of Article 23 - the same section that Grand Tower spends most of its Brief arguing is inapplicable to the PTAB. See Grand Tower Response (hereafter, “GT Resp.”) at 26 (calling applicability a “nonstarter”). By the PTAB’s own argument, it does not believe itself to be bound by limitations in Section 23-5. PTAB Resp. at 23. The PTAB also states that courts give weight to an agency’s interpretation of a statute when the agency is charged with the statute’s enforcement. PTAB Resp. at 12. This Court need not give weight to the PTAB’s interpretation of Section 23-5 because the PTAB itself does not believe it is charged with the interpretation or enforcement of Section 23-5.

II. The Obligation to Pay Taxes Under Protest is Longstanding Illinois Law.

Respondents spend substantial portions of their argument denying that the payment under protest doctrine even exists. To so minimize the concept is a gross misrepresentation of Illinois law. Obviously, “Payment under protest” is the express title of Section 23-5 and the Code’s first requirement for “Tax Objections” under Title 8. 35 ILCS 200/23-5. But beyond this, there is a well-defined and uninterrupted chain of law and statutory authority established over the course of more than ninety years discussing the development of, and policy behind, payment under protest as a rule, originally meant to correct the then-

applicable legal standard, the voluntary payment doctrine. Those deciding courts have extensively explained the reasoning behind the requirement in a series of findings and explanations that can by any fair definition of the term be described as the *indoctrination* of a policy requiring Illinois taxpayers to pay their taxes before filing objections.

A. Illinois law has long held that taxes must be timely paid under protest in order to obtain relief.

As noted in the District’s Brief of Petitioner-Appellant, the earliest instance found concerning payment under protest in its current form was in 1935, when this Court explained why payment under protest is required to obtain a property tax refund. *Sweitzer*, 360 Ill. at 292. Before the payment under protest requirement, taxing authorities did not have the power to refund taxes which were not paid under duress. *Id.* The effect was such that, in the absence of the payment under protest language, taxes paid voluntarily, under protest, could never be recovered. *Id.*, see also, *Ames v. Schlaeger*, 386 Ill. 160, 164 (1944). When “[r]emedial legislation became a necessity,” the payment under protest obligations were codified. *Sweitzer*, 360 Ill. at 293. Payment under protest rules endured, as interpreted by this Court, and the statutory language carried forward in the Revenue Act of 1939. See *Ames*, 386 Ill. at 164, citing Ill.Rev.Stat.1943, chap. 120, par. 676. The legislature, by extending to all taxpayers the privilege of paying under protest, “expressly extended to all taxpayers the privilege of recovering illegal taxes.” *Id.* The Court in *Cent. Ill. Pub. Serv. Co. v. Thompson* held similarly that taxpayers must pay their taxes first and then avail themselves of the state’s procedures for a refund. 1 Ill.2d 468, 471 (1953), citing *Sweitzer*.

Respondents are incorrect in suggesting that the requirement for payment under protest found in Section 23-5 is nothing more than a technical procedural requirement for circuit court tax objections. *E.g.*, PTAB Brief at 20. This argument casts aside the

significant contribution that Illinois Courts have made to augment the fundamental policies behind the payment under protest requirement. Courts over the years, including this Court, have decided to go beyond the language of whichever iteration of the statute was in effect to expound upon payment under protest as a necessity to prevent taxpayers from “severely impairing the functions of government,” from “embarrassing and deranging the operations of the government and causing serious harm to the public” and from “constantly harass[ing]” local government through tactics such as “tax strikes” and “filing objections merely for the purpose of delay.” See *Sweitzer*, 360 Ill. at 293; *Ames*, 386 Ill. at 166; *Thompson*, 1 Ill.2d at 471. “When a statute has been judicially considered, the sections that have been construed by the court keep their same meaning in any subsequent amendments, absent a clear legislative intent to the contrary.” *Harris Tr. & Sav. Bank v. Vill. Of Barrington Hills*, 133 Ill.2d 146, 155, 549 N.E.2d 578 (1989), citing *People v. Agnew*, 105 Ill.2d 275, 280 (1985). The Courts have found that the payment under protest requirements are necessary for functional government and there is no clear legislative intent to limit the mandate to circuit court appeals only.

Even after creation of the PTAB, this Court continues to use language indicating the payment under protest obligation’s applicability to both circuit court and PTAB appeals. See *Millennium Park Joint Venture, LLC v. Houlihan* (a taxpayer must first exhaust administrative remedies beginning with the Board of Review, after which “the adequate remedy at law is to pay taxes under protest and file a statutory objection,” by the “option of either appealing to the Property Tax Appeal or filing a tax objection complaint in circuit court specifying ‘any objections * * * to the taxes in question.’” 241 Ill.2d 281, 296, 948 N.E.2d 1 (2010)(citations omitted)). The plain language used in *Millennium Park*

applies the undefined term “statutory objection” to both PTAB and circuit court objections.

The Respondents have failed to identify a scintilla of evidence demonstrating legislative intent to carve out exceptions to payment under protest obligations. This is because every instance of case law and every expression of legislative intent on this topic supports the contrary conclusion. While the Respondent Grand Tower points very broadly to inapposite cases concerning the ability to tax generally such as *People v. Sears*, 344 Ill. 189 (1931)(Concerning whether the state could tax at all), they never find an expression of intent to exempt taxpayers at the PTAB from their payment under protest obligation. Nor can Grand Tower genuinely contend that there is no authority that obligated it to pay its taxes in order to continue with its appeal. GT Resp. at 23-24. To our knowledge, every instance where a court or the legislature has commented on the interaction between payment of taxes and the right to appeal taxes, the mandate has always been the same as that which was articulated in the *Madison Two* footnote: “[T]he tax must still be paid.” *Madison Two Associates v. Pappas*, 227 Ill.2d 474, 477 n.2 (2008).

B. Strict reading of the express language in the Code indicates that payment under protest applies to all tax objections, and appeals made to the PTAB are a form of tax objection.

a. The Code and PTAB Rules describe PTAB appeals as “objections.”

Respondents have built their case on an argument that their preferred term, “PTAB appeal,” an apparent kind of trade-speak misnomer that does not exist in the Code, should be distinguished from the term “objection.” GT Resp. at 32. However, in making this argument the Respondents each gloss over the plain fact that in enacting Section 16-160, the legislature described a PTAB claim as an “objection” made “for taxation purposes”:

[A]ny taxpayer dissatisfied with the decision of a board of review or board of appeals as such decision pertains to the assessment of his or her property

for taxation purposes . . . may . . . appeal the decision to the Property Tax Appeal Board for review. . . . [T]he appellant, shall file a petition with the clerk of the Property Tax Appeal Board, setting forth the facts upon which he or she bases the objection, together with a statement of the contentions of law which he or she desires to raise, and the relief requested.

35 ILCS 200/16-160 (emphasis added). Thus, the Respondents' argument that the PTAB does not hear objections fails upon even a cursory reading of the Code. Section 16-160, by its own text, recognizes that PTAB adjudicates tax objections. *Id.* Moreover, the PTAB's rules of practice identify claims made by taxpayers in PTAB appeals as "objections":

Every petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of review, together with a statement of the contentions of law the contesting party desires to raise.

Ill. Adm. Code tit. 86 § 1910.30(h)(emphasis added). The gist of the Response briefs is that the PTAB does not hear "objections" and therefore Section 23-5's "Payment under protest" requirement does not apply to the aforementioned "PTAB appeals." GT Resp. at 32. This argument also fails on its face because Article 23 clarifies that payments made by taxpayers at the PTAB are "protested payments" with refunds coming from the "Protest Fund":

Sec. 23-20. Effect of protested payments; refunds. No protest shall prevent or be a cause of delay in the distribution of tax collections to the taxing districts of any taxes collected which were not paid under protest. If the final order of the Property Tax Appeal Board or of a court results in a refund to the taxpayer, refunds shall be made by the collector from funds remaining in the Protest Fund until such funds are exhausted and thereafter from the next funds collected after entry of the final order until full payment of the refund and interest thereon has been made.

35 ILCS 200/23-20 (emphasis added). Here, too, the legislature fails to distinguish between payments under protest at the PTAB and payment under protest at the circuit court. *Id.* As shown above, the legislature did not make the Respondents' proposed distinction when it drafted Section 16-160 or 23-20 and neither did the PTAB when it enacted its rules. *Id.* Put simply, if the legislature had wanted to distinguish objections to the board of review's

decision at the PTAB from objections to the board of review's decision at the circuit court, it could have simply defined these terms. 35 ILCS 200/1-1 *et seq.* ("Short Title and Definitions"). Understandably, it declined to do so, considering that both Articles 16 and 23 use the terms interchangeably and continually reference objections and each other.

b. Multiple sections of the Code, including Article 23, govern PTAB appeals.

Respondents also incorrectly attempt to paint a picture that Article 16 is the PTAB's exclusive governing statute. This argument too fails because the entire statutory scheme of the tax assessment and appeal process spans across numerous Articles of the Code. For instance, for matters concerning PTAB's jurisdiction, Article 7, "Property Tax Appeal Board," is the portion of the Code creating and controlling general administration. 35 ILCS 200/7-5 *et seq.* Article 10 gives the PTAB authority to review conclusions related to farmland values 35 ILCS 200/10-120. Article 16, Division 4, governs the PTAB's administrative process generally, (35 ILCS 200/16-160 *et seq.*), while Article 23 contains, among other things, the method for payment of PTAB refunds. 35 ILCS 200/23-5 *et seq.* Controlling law instructs that the entire Code must be read as a whole, where unambiguous language must be enforced, and seemingly conflicting provisions must be construed to avoid inconsistency when reasonably possible. *Barragan v. Casco Design Corp.* 216 Ill. 2d 435, 441 (2005).

Grand Tower cites the *in pari materia* doctrine, which requires that, when ambiguous, two statutes concerning the same subject matter are to be construed together to give harmonious effect, but then Grand Tower immediately claims that Sections 23-5 and 16-160 cannot be reconciled to require payment under protest. GT Resp. at 27-28; also see, i.e., *People v. 1946 Buick, VIN 34423520*, 127 Ill. 2d 374, 537 N.E.2d 748 (1989). To

the contrary, if these Sections are indeed considered ambiguous, the District's reading is the only interpretation which harmoniously reconciles them, expressly and strictly read, without absurd result by understanding that an appeal to the PTAB by way of a petition and an appeal to the circuit court by way of a complaint are both forms of a tax objection.

c. The availability of PTAB relief by way of a tax abatement does not mean that taxpayers are permitted to withhold taxes.

The Responses argue, ironically, that the very sentence in Section 16-185 that prohibits PTAB appeals from delaying taxes also provides authority for PTAB appellants to withhold taxes altogether. 35 ILCS 200/16-185. Section 16-185 does no such thing. Under the Code, a taxpayer who chooses to seek assessment relief at the PTAB must file their appeal within 30 days of a Board of Review's decision. 35 ILCS 200/16-160. If the Taxpayer goes to the PTAB and "the assessment is altered by the Board, any taxes extended upon the unauthorized assessment or part thereof shall be abated, or, if already paid, shall be refunded with interest as provided in Section 23-20." 35 ILCS 200/16-185. That very same sentence states that "the extension of taxes on any assessment so appealed shall not be delayed by any proceeding before the Board." *Id.* Thus, while PTAB appeals shall not delay taxes, an abatement under Section 16-185 is available if the PTAB reduces a property's assessment prior to Section 23-5's payment deadline. This was not an invitation to withhold taxes but rather an optimistic outlook as to how quick the PTAB process might be. Respondents, selectively citing Section 16-185, misconstrue a limitation on PTAB's power to instead be a grant of power. GT Resp. at 17.

The inclusion of an abatement option in Section 16-185 is a far cry from the clear legislative intent necessary to revoke the longstanding requirements for payment under protest. See *Harris Tr. & Sav. Bank*, 133 Ill.2d at 155. It is much more plausible that this

was an acknowledgment that PTAB could render decisions before taxes are paid. To demonstrate, here, the Board of Review rendered its 2014 decision on May 7, 2015. (C0014-0022). According to Grand Tower’s Brief, the deadline to pay taxes under Section 23-5 was eight months later, on January 14, 2016. GT Resp. at 12. As the PTAB notes in its brief, the PTAB was formed to provide a forum that would “eliminate formal rules of pleading, practice and evidence.” PTAB Resp. at 30 (quoting 35 ILCS 200/16-180). It was reasonable therefore for the legislature to conclude that in utilizing this informal procedure the PTAB could hear evidence and render decisions before taxes come due. In point of fact, county boards of review statewide are able to hear voluminous appeals annually while working within much tighter timeframes so that they can hear appeals and get tax bills out on time. See *i.e.*, 35 ILCS 200/16-55. If the PTAB processed appeals during the eight-month window that was present here, then the abatement option would come into play. While such a quick turnaround would be difficult in a large power plant case, the PTAB explains that most of its appeals concern much smaller, simple residential matters. PTAB Resp. at 36. If the PTAB can hear those residential cases without delay, the abatement option could apply. If not, then Section 16-185 provides for an equal alternative including a refund with interest. Although Section 16-185’s abatement option could not have operated in this particular case because PTAB released its decision well after the payment deadline had passed and a tax judgment was entered, neither a conflict nor an ambiguity arises simply because a provision is inapplicable in a given circumstance.

d. This Court should interpret Section 23-5 to avoid rendering the 60-day payment requirement meaningless.

Respondents argue extensively in favor of a narrow reading of the Code, making the argument that Section 23-5 only applies to circuit court objections and does not apply

to “objections” at the PTAB. 35 ILCS 200/16-160; Ill. Admin. Code tit. 86, § 1910.30(h). However, this interpretation renders Section 23-5 largely superfluous and fails to lend Section 23-5 the meaning of its own express language. This is evident because Section 23-5’s requirement for tax payment within 60 days is not a filing deadline. The filing deadlines for tax objections in circuit court are set forth in Section 23-10 (within 75 days of the final penalty date for payment of taxes outside of Cook County and within 165 days in Cook County). 35 ILCS 200/23-10. Likewise, the filing deadline for PTAB objections is set forth in Section 16-160 (within 30 days of the Board of Review’s decision). Thus, because specific filing deadlines for the various forums are covered elsewhere, there would be no reason to include the 60-day requirement other than to set forth a condition precedent for objecting to property taxes generally before any forum. See *Newland v. Budget Rent-A-Car Systems, Inc.*, 319 Ill.App.3d 453, 253 Ill.Dec. 169, 744 N.E.2d 902 (2001), citing *Kraft, Inc. v. Edgar*, 138 Ill.2d 178, 189, 149 Ill.Dec. 286, 561 N.E.2d 656 (1990)(“Courts must not depart from a statute's plain language by reading into it exceptions, limitations or conditions the legislature did not express”).

e. Section 23-5 applies to both PTAB and circuit court objections.

Respondents misread the Code to show that PTAB objections and circuit court objections are neatly split between Article 16 and Article 23. For instance, the Respondents rely on Section 16-160 which states:

If a [PTAB] petition is filed by a taxpayer, the taxpayer is precluded from filing objections based upon valuation, as may otherwise be permitted by Sections 21-175 and 23-5.

35 ILCS 200/16-160 (emphasis added). Again, this does not provide the clear legislative intent necessary to revoke the longstanding requirements for payment under protest. *Harris*

Tr. & Sav. Bank, 133 Ill.2d at 155. The other problem with this argument, overlooked by each Response, is the use and meaning of the term “otherwise.” The passage is at best ambiguous and can just as easily be read to define “objections. . . permitted by Section 21-175 and 23-5” to include PTAB appeals. 35 ILCS 200/16-160. That is, a taxpayer can file a PTAB appeal *permitted by Section 23-5*, but in doing so the taxpayer is precluded from seeking forms of relief “as may *otherwise* be permitted by Sections 21-175 and 23-5.” *Id.* (emphasis added).

C. The Civic Federation Report and its Recommended 1995 Amendments to the Code are Inapposite.

The Response Briefs all culminate with a lengthy analysis of legislative history focusing on the 1995 Amendments to the Code, but they each sidestep one key point – the most meaningful effect of the 1995 Amendments was to expand the PTAB’s jurisdiction by incorporating Cook County objections. See Public Act 89-126 (eff. July 11, 1995, amending Sections 21-110, 21-115, 21-150, 21-160, 21-170, 21-175, 23-5, 23-10, 23-15, 23-25, and 23-30)(the “1995 Amendments”); See also Civic Federation Brief at Supplemental Appendix (hereafter the “Civic Federation Report”). Grand Tower, the PTAB, and the Civic Federation cannot seriously claim that the 1995 Amendments had nothing to do with PTAB appeals. The House of Representative’s main proponent, Representative Kubik, described the “*first element of the Bill* [as] a provision that allows Cook County taxpayers to appeal to the State Property Tax Appeals Board.” 89th Ill. Gen. Assem., House Proceedings, May 24, 1995 at 335 (emphasis added), attached at Supplemental Appendix (hereafter “House Proceedings”). This massive change expanded the PTAB’s jurisdiction sevenfold from 10,000 to 70,000. House Proceedings at 349-353. A review of the full legislative debate, curiously omitted from the Civic Federation’s Brief,

shows that legislature's main focus was on these PTAB changes.¹ House Proceedings at 349-353. Compared with the PTAB portion of the debate, the technical changes proposed by the Civic Federation received miniscule attention from the legislature. *Id.*

The upshot of the Respondents' legislative history argument is that by bringing Cook County into the PTAB, the legislature also incorporated Cook County into Article 16 which the Respondents argue allows taxpayers to withhold taxes. See *i.e.*, PTAB Resp. at 32-33. Every indication found in the House debate suggests the legislature would have been blindsided to find out that this jurisdictional expansion allowed Cook County taxpayers to withhold taxes pending appeal. House Proceedings at 355. During the debate, Rep. Pederson clarified that the ability to file with the PTAB as an alternative to Circuit Court was "the one thing that's new . . . that correct?" *Id.* Rep. Kubik responded, "Yes, that is correct, Representative." *Id.* Full reading of the debate lends nothing to the Respondents' argument that lawmakers intended to provide an exception to payment under protest when they passed the 1995 Amendments. The debate clarifies the legislative intent was that only the forum, not longstanding fundamental objection prerequisites, would change. *Id.*

Importantly, the language of Section 23-5 requiring payment under protest existed (in its prior form) long before the 1995 Amendments and even before the creation of the PTAB itself, so the 1995 Amendments and corresponding Civic Federation Report that Respondents rely upon are inapposite. To the extent that they impact legislative intent, the amendments to Section 23-5 indicate an intention to clarify and even expand the scope of payment under protest obligations, rather than limiting them.

¹ There was a perhaps equally lengthy debate related to associated changes to the structure of the Cook County Board of Review that were meant to go hand-in-hand with the PTAB expansion. House Proceedings at 335 *et seq.* The Civic Federation's proposed changes were barely mentioned. *Id.*

Whether the Civic Federation Report uses the term “tax objection” to refer to tax objection complaints in circuit court exclusively or not is irrelevant, because the Civic Federation Report is only a “part of the legislative history” concerning the 1995 Amendments. 89th Ill. Gen. Assem. Senate Proceedings, May 23, 1995, at 111, attached at Supplemental Appendix (hereafter “Senate Proceedings”). The legislature, as is clear from the debate records, went well beyond the limited scope of the Civic Federation Report in order to implement the 1995 Amendments, and thus the argument that the legislature departed from the Civic Federation’s recommendations “only insofar as it extended the PTAB’s jurisdiction to Cook County” is a significant understatement. See Civic Federation Brief at 19. The legislature was under no obligation to, and did not, adopt the Civic Federation’s recommendations unchanged. The legislature instead had substantial debate outside the scope of the Civic Federation Report when making its amendments. See Senate Proceedings at 110 *et seq.* and House Proceedings at 333 *et seq.* Specifically, the legislature actively took the step of clarifying the scope of Section 23-5; we must assume that the legislature was intentional in this choice. The full redlined version reads as follows prior to being revised by P.A. 89-126, with additions underlined and deletions struck out:

§ 23–5. Payment under protest. Beginning with the 1994 tax year in counties with 3,000,000 or more inhabitants, and beginning with the 1995 tax year in all other counties, if any person desires to object under Section 21–175 to all or any part of a property tax for any year, for any reason other than that the property is exempt from taxation and that a proceeding to determine the tax exempt status of such property is pending under Section 16–70 or Section 16–130 or is being conducted under Section 8–35 or Section 8–40, he or she shall pay all of the tax due within 60 days from the first penalty date of the final installment of taxes for that year. Whenever taxes are paid in compliance with this Section and a tax objection complaint is filed in compliance with Section 23–10, 100% of the taxes shall be deemed paid under protest without the filing of a separate letter of protest with the county collector. Prior to the collector’s filing of his or her annual application for judgment and order of sale of delinquent properties. Each payment shall be

~~accompanied by a written statement, substantially in the following form:~~

35 ILCS 200/23-5 (1995) P.A. 89-126 (West)(following form omitted). These changes indicate an intent to expressly clarify that the payment under protest rule applies in all objection circumstances, not just those that had previously required written statement. So, although the PTAB claims that “[t]he legislature could have, but did not, amend article 16” of the Code, that was simply because the legislature found that certain relevant amendments it was making to Article 23 encompassed all objections including those before the PTAB. See PTAB Resp. at 34. This is further evidenced by the Senate Proceedings and House Proceedings, which went well beyond the contents of the Civic Federation Report, and mostly discussed how the 1995 amendments would affect the PTAB and taxpayers in general. See Senate Proceedings at 110 *et seq.* and House Proceedings at 333 *et seq.* Ultimately, the legislature rejected the Civic Federation’s proposal to leave the PTAB out of the discussion.² To that end, the Civic Federation’s intent is not at issue here, its commentary is not law and its arguments as to the legislative intent of unambiguous provisions of the Code are not relevant. The relevant language in Section 23 requiring payment under protest was present before, during, and after its recommendations in the 1995 Civic Federation Report. The 1995 Amendments ultimately made changes to the Code and the PTAB’s jurisdiction which included some of the Civic Federation’s recommendations but also vastly expanded PTAB’s availability. With this in mind, the legislature chose to clarify the scope of Section 23-5.

This Court should depart from the PTAB’s reading of the Code. In making

² “Let me read you something that the Civic Federation put out. In regards to extending the jurisdiction of the PTAB to Cook County, the Civic Federation strongly opposed extending the PTAB jurisdiction to Cook County.” House Proceedings at 360.

arguments for a narrow reading of Section 23-5, Respondents resort to rules of statutory construction that apply to ambiguous statutes. If Section 23-5 is understood to be ambiguous, this Court is within its judicial purview to arrive at an interpretation different than that of PTAB. In *Green v. Chicago Police Department* this Court reiterated:

We may consider the consequences of construing the statute in one way or another, and in doing so, we presume that the legislature did not intend to create absurd, inconvenient, or unjust results. We construe the statute to avoid rendering any part of it meaningless or superfluous, and we do not depart from the plain statutory language by reading into it exceptions, limitations, or conditions that conflict with the expressed intent. Nor do we view words and phrases in isolation but consider them in light of other relevant provisions of the statute.

2022 IL 127229 ¶ 51. The Court may consider the justness of the results of alternative interpretations, including the public policy implications discussed in the District's Brief.

The Parties agree that when the legislature created the PTAB, it directed the PTAB to adopt rules to establish “an informal procedure for the determination of the correct assessment of property,” which would “eliminate formal rules of pleading, practice and evidence.” 35 ILCS 200/16-180. See also PTAB Resp. at 30. However, that basic authorization does not bridge the gap from a “less formal and burdensome administrative process” to taxpayers simply not being required to timely pay taxes for multiple years while awaiting their PTAB decision. See PTAB Resp. at 31. All parties also agree that *Madison Two* indeed states that pursuing a PTAB appeal does not stay the obligation to pay the tax due on the subject. Yet, Respondents simultaneously acknowledge that this Court has required payment of the tax “if the tax falls due before the Board issues its decision” while also inexplicably claiming that the timing requirement of this tax payment language does not apply to the taxpayer in this particular case. *Madison Two*, 227 Ill.2d at 477 n.2. This Court did not state an open-ended, general payment requirement in *Madison Two*; the

language is explicit, and the Court is empowered to rely upon that interpretation and the plain language of the Code, rather than deferring to the PTAB. This Court certainly did not intend for taxpayers to only be obligated to pay their taxes “at some point” on an abstract, discretionary future date once they feel as though their options for administrative remedies have been exhausted. See GT Resp. at 54. Yet Respondents continue to omit the first half of the sentence in their interpretations, “if the tax falls due before the Board issues its decision, the tax must still be paid.” *Madison Two*, 227 Ill.2d at 477 n.2.

III. A Judicial Tax Sale Divests the PTAB Of Jurisdiction and Precludes it from Providing Any Relief Under the Law.

At the tax sale of this property, the Circuit Court of Jackson County entered an Order on an application seeking “judgment fixing the correct amount of . . . all properties with taxes unpaid. . .” (A-142-144; C0073-0089)(emphasis added).³ According to Merriam-Webster, to “fix” something is “to make firm, stable, or stationary” and “to give a permanent or final form to. . .”⁴ As the District explains in its brief, judgment in a circuit court tax sale proceeding divests the PTAB of jurisdiction over that appeal. Grand Tower claims, without any authority, that this is simply not true. Respondents fail to acknowledge that when a tax proceeding follows the statutory rules of levies, assessment, and collection to its end, such divestment is nothing more than a natural consequence. Some principles, such as the understanding that the same proceeding cannot occur simultaneously in two

³ Grand Tower’s argument that the tax sale issue is limited to 2014 is specious. See GT Resp. at 46, n 5. The subsequent year’s taxes (2015) were applied to the prior year’s taxes (2014) in the Tax Judgment, Sales, Redemption, & Forfeiture Record Book pursuant to §21-160 of the Code. 35 ILCS 200/21-160. Section 21-160 spells out exactly what is to be included in that Judgment Book and it includes “the year or years for which the tax . . . is due” and “taxes of succeeding years. . .” 35 ILCS 200/21-160. The 2015 taxes, when paid by the certificate holder, are included under the umbrella of the previous judgment (2014) – they are not sold again. 35 ILCS 200/21-355(c). Thus, for purposes here this Court should deem the delinquent 2015 taxes to have merged with the delinquent 2014 taxes. *Id.*

⁴ Fix, *MERRIAM-WEBSTER DICTIONARY ONLINE*, at 1, <https://www.merriam-webster.com/dictionary/fix> (last updated Apr. 28, 2023).

separate venues, are axiomatic. Allowing a valuation case to proceed in both circuit court and at PTAB is not only absurd, but also disallowed by the Code due to the exclusivity provisions discussed heavily by Respondents.

However, Respondents, when discussing the jurisdictional issue to the tax sale proceedings, erroneously focus on whether the tax judgment adjudicated the *valuation* of the subject property. That is not the issue in this case. Grand Tower resists the notion that a tax judgment marks the end of all objection proceedings, arguing in their brief that “[b]y preventing a PTAB appellant from objecting under 21-175, the legislature ensured that a PTAB appeal would not disrupt the entry of a tax judgment regarding the subject property, and that entry of a tax judgment would not interfere with the PTAB appeal.” GT Resp. at 21. While it is true that a PTAB appeal does not disrupt the entry of a tax judgment, it is certainly not true that a tax judgment on a delinquent taxpayer’s property cannot serve to divest PTAB of jurisdiction to further adjudicate the taxable value of that property.

Rather, the Code clearly provides that the entry of tax judgment preempts any ongoing proceedings—including those before PTAB—that address the question of the subject property’s assessed valuation. In arguing otherwise, Respondents look only to Section 21-180 (outlining the content of a tax judgment order) and conclude that, since that provision does not provide a clear answer, then nothing in the tax judgment process can disturb a PTAB appeal. Yet Respondents’ underreading of the tax judgment process fails to recognize that the provisions surrounding Section 21-180 unambiguously clarify that a tax judgment *must* take over—and resolve—all matters related to the tax of the property, including issues of determining what property valuation is to be applied for that year.

First, the county collector “shall transcribe into a record prepared for that purpose,

and known as the annual tax judgment, sale, redemption and forfeiture record, the list of delinquent properties” and that “[t]he record shall set forth ... the valuation on which the tax is extended[.]” 35 ILCS 200/21-160. Next, on the day on which application for judgment on delinquent property is applied for, the collector shall aver that the delinquent property list is “true and correct.” 35 ILCS 200/21-170. Then, on the day advertised for sale, the county clerk “shall make a certificate to be entered on the record, following the order of court that the record is correct, and that judgment was entered upon the property therein mentioned for the taxes, interest and costs due thereon.” 35 ILCS 200/21-195. The record in this case plainly reflects that, in 2014, the tax sale process operated in accordance with the above-mentioned provisions. (C0073-C0075; C0077; C0079.) Finally, the Circuit Court of Jackson County entered an Order on an application seeking “judgment fixing the correct amount of . . . all properties with taxes unpaid. . .” (A-142-144; C0073-0089).

Respondents cite Section 16-160, arguing that “[i]t cannot seriously be suggested” that this provision could have simultaneously (1) prevented a PTAB appellant from objecting to a tax judgment and (2) intended that the subsequent entry of that unopposed judgment to divest PTAB of jurisdiction to decide the appeal. GT Resp. at 20. However, Respondents provide little reasoning as to why this would be absurd. Of course, it is neither absurd nor unjust that the legislature precluded grossly delinquent taxpayers from raising a valuation objection as a defense to a tax judgment; to the contrary, it is plainly reasonable that the legislature would intend tax judgments to compel delinquent taxpayers to fulfill their duty to pay taxes pursuant to Section 23-5. It is also sensible that the legislature did not grant delinquent taxpayers a unique right to pursue a tax objection even after the tax judgment was entered with an express declaration that no objections had been properly

raised. Nothing in the Code indicates that the legislature intended the PTAB appeal process to empower delinquent taxpayers to evade the Code's fundamental deadlines, or to avail delinquent taxpayers of a chance to have their tax records rewritten years after a court declared them resolved during delinquency proceedings.

IV. This Court Should Take Judicial Notice that the Taxpayer Continues to Withhold Taxes From the Local Taxing Districts.

Grand Tower attempts to undermine the District's arguments regarding the impact of a taxpayer like Grand Tower failing to pay taxes by suggesting that in the end everything turns out just fine. GT Resp. at 52-54. Respondents, attempting to downplay the absurd consequences of their claimed exemption from Section 23-5, repeat throughout their briefs that the District was ultimately paid and that therefore no harm fell upon the taxing bodies and the system "worked exactly as the legislature intended." GT Resp. at 53. But the chaos that has ensued resulting from Grand Tower's tactics are still ongoing. Respondents have used the Appellate Court's decision at issue here to revive their tax holdout strategy. While they make this argument, they are withholding taxes from the local taxing districts for Tax Year 2020 and Tax Year 2021, and as a direct result, the School District was required to plead for emergency legislation to fund the School District for Tax Year 2020 which was not granted until the last day of the legislative session. See P.A. 102-0699 § 2-3.192 and P.A. 102-0698 § 110. As of this date, there are 28 days remaining in the current legislative session and the School District has no guarantee of funding to make up for the shortfall resulting from Grand Tower's refusal to pay its Tax Year 2021 Taxes. See *People of the State of Illinois et. al. v. Grand Tower et. al.*, No. 22TX06 (Cir. Ct. Jackson County). The School District has therefore been forced to resort to litigation in the Circuit Court to collect unpaid taxes resulting from the same delinquent behavior. First Amended Complaint,

People of the State of Illinois *et. al.* v. Grand Tower *et. al.*, No. 22TX06 (Cir. Ct. Jackson County). To take full account of the disruption created by Respondents' interpretation of the Code, we ask that this Court look to the ongoing litigation and legislative action regarding the Grand Tower Station, the contents of which are subject to judicial notice and attached hereto as Supplemental Appendix D.⁵

V. Conclusion

Respondents' interpretation of the Code is both inconsistent and unreasonable. Throughout the briefs, they narrowly interpret the broadest provision of the Code, Section 23-5, yet interpret select sentences of Article 16 as presumptively endowing PTAB with the breathtaking power to adjudicate valuation objections in a manner exempt from the Code's mandatory processes for tax objections and delinquency judgments—a power never before exercised, and which not even a circuit court could possess when adjudicating the same objection to the same board of review decision. The legislature clearly did not contemplate such a power when drafting Article 16, nor did it share Respondents' casual disregard for the Code's more fundamental requirement that a tax must be paid for it to be protested. The text, structure, and purpose of the Code show a far simpler reality: PTAB is an alternative forum to hear tax objections on the grounds of valuation. Although PTAB may resolve the objection before Section 23-5's payment deadline, it has no power to waive this deadline, and the valuation objection is no longer valid when it is non-compliant with Section 23-5.

⁵ See *Murdy v. Edgar*, 103 Ill. 2d 384, 394 (1984) (“Courts may take judicial notice of matters which are commonly known or of facts which, while not generally known, are readily verifiable from sources of indisputable accuracy”); *NBD Highland Park Bank, N.A. v. Wien*, 251 Ill. App. 3d 512, 520 (2d Dist. 1993) (“It is well settled that public documents that are included in the records of other courts and administrative tribunals may be the subject of judicial notice.”); *Union Electric Co. v. Department of Revenue*, 136 Ill.2d 385, 399, 144 Ill.Dec. 769, 556 N.E.2d 236 (1990)(permitting judicial notice of a separate lawsuit).

Dated: May 3, 2023

Respectfully Submitted,

**SHAWNEE COMMUNITY UNIT SCHOOL
DISTRICT NO. 84, Petitioner-Appellant**

By: /s/ Scott L. Ginsburg

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CERTIFICATION

I certify that this brief conforms to the requirements of Rule 341(a) and (b). The length of this brief, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(c) certificate of compliance, and the certificate of service, is 20 pages.

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**IN THE
SUPREME COURT OF ILLINOIS**

SHAWNEE COMMUNITY UNIT)	
SCHOOL DISTRICT NO. 84 and)	Appeal from the Appellate Court
JACKSON COUNTY BOARD OF	)	Fifth Judicial District
REVIEW,	)	Case No. 5-19-0266
)	
Petitioner-Appellants,	)	Appeal from the Property Tax Appeal Bd.
	)	Docket Nos. 14-03445.001-I-3 through
vs.	)	14-03445.009-I-3 and
	)	15-00452.001-I-3 through
ILLINOIS PROPERTY TAX APPEAL	)	15-00452.010-I-3
BOARD and GRAND TOWER	)	Trial Judge Hon. Edwin E. Boggess, ALJ
ENERGY CENTER, LLC	)	Notice of Appeal Date: July 1, 2019
	)	Judgment Date: June 18, 2019
Respondent-Appellees.)	

NOTICE OF FILING

To: See attached Service List

PLEASE TAKE NOTICE that on May 3, 2023, the undersigned electronically filed the **REPLY BRIEF OF PETITIONER-APPELLANTS** with the Clerk of the Illinois Supreme Court, a true and correct copy of which is served upon you herewith.

Respectfully Submitted,

**SHAWNEE COMMUNITY UNIT
SCHOOL DISTRICT NO. 84, Petitioner-
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CERTIFICATE OF SERVICE

I, Scott L. Ginsburg, certify that I served the foregoing **REPLY BRIEF OF PETITIONER-APPELLANTS** attached and made a part thereof, together with this Notice of Filing thereof upon all attorneys of record via e-mail directed to the e-mail addresses listed therein on May 3, 2023, under penalties as provided by law pursuant to 735 ILCS 5/1-109, I certify that the statement set forth herein are true and correct.

Respectfully Submitted,

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SUPPLEMENTARY APPENDIX A

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**REPORT OF THE TASK FORCE
ON
REFORM OF THE COOK COUNTY
PROPERTY TAX APPEALS PROCESS**

**AS REVISED AND ADOPTED
BY THE
REAL ESTATE TAX COMMITTEE
OF THE
CHICAGO BAR ASSOCIATION**

**PROPOSED AMENDMENTS
TO THE PROPERTY TAX CODE
AND
COMMENTARY**

**Report of the Civic Federation Task Force
Dated February 22, 1995, As Revised and Adopted by the
Chicago Bar Association Real Estate Committee
March 2, 1995**

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I. INTRODUCTION AND EXECUTIVE SUMMARY

The Civic Federation Task Force on Reform of the Cook County Property Tax Appeals Process was formed in response to concerns raised during the passage of Public Act 88-642, which took effect September 9, 1994. This act, commonly known by its bill number as "Senate Bill 1336," resulted from a consensus among taxpayers, the organized bar, taxpayer watchdog organizations, taxing officials, and state legislators that the procedure for judicial review of real estate taxes in Cook County was imperiled by recent court decisions.

Over many years, the process for judicial review of real property taxes, and particularly tax assessments, has been the subject of considerable debate. Most of the debate has centered around the doctrine of "constructive fraud," which forms the current basis for review of assessments through tax objections in the circuit court. While tax objections are available throughout Illinois, they are little used outside Cook County because review of assessments through the state Property Tax Appeal Board is available and is preferred by most taxpayers. In Cook County, however, objections in court based on constructive fraud have been the taxpayer's only option.

Historically, the main criticism directed at the law of constructive fraud was its unpredictability. In the 19th century the Illinois courts, which had been initially reluctant to review assessments in the absence of actual fraud or dishonesty on the part of assessing officials, developed the concept of constructive fraud to extend relief to a slightly larger class of cases. Theoretically, although no actual dishonesty was alleged or proven, the courts declared that the taxpayer might recover upon proof of an extreme overassessment, a valuation "so grossly out of the way" that it could not reasonably be supposed to have been "honestly" made. See *Pacific Hotel Co. v. Lieb*, 83 Ill. 602, 609-10 (1876). However, no clear definition of a "grossly excessive" assessment ever emerged, and court decisions in this century produced dramatically disparate results. (See cases cited in Ganz, Alan S., "Review of Real Estate Assessments - Cook County (Chicago) versus Remainder of Illinois," 11 John Marshall Journal of Practice and Procedure, 17, 19 (1978).)

Recently, the constructive fraud debate has intensified because of the Illinois Supreme Court's interpretation of the doctrine in *In Re Application of County Treasurer, etc. v. Ford Motor Company*, 131 Ill.2d 541, 546 N.E.2d 506 (1989), a decision which has been strictly followed by subsequent courts. See *In Re Application of County Collector, etc. v. Atlas Corporation*, 261 Ill.App.3d 494, 633 N.E.2d 778 (1993), *lv. to app. den.* 155 Ill.2d 564 (1994); and *In Re Application of County Collector, etc. v. J.C. Penney Company, Inc.*, Circuit Court of Cook County, County Division, Misc. No. 86-34 (tax year 1985), Objection No. 721 (Memorandum Decision of June 15, 1994, Judge Michael J. Murphy; appeal pending.) These decisions refocused the issue in tax objection cases challenging assessments, from emphasizing discrepancies in value to emphasizing circumstances purporting to show misconduct or "dishonesty" by assessing officials. The result has been to divert the attention of courts and litigants away from the question of the accuracy and legality of the assessment and tax.

In the view of its legislative sponsors, Senate Bill 1336 was intended to overrule that portion of *Ford* dealing with the question of the assessor's exercise of honest judgment. However, it was not intended to work a comprehensive change in the shape and scope of the tax objection procedure. From its inception the bill was intended to be a stopgap, providing some relief until a panel representing all interested parties could be convened to draft a more comprehensive and lasting statutory reform. See *88th General Assembly House Transcription Debate, SB 1336, June 9, 1994*, at 1-3 (remarks of Representatives Currie, Kubik and Levin). Such a panel was convened as the Civic Federation Task Force.

The stopgap nature of SB 1336 was given new emphasis by a recent decision of the Cook County Circuit Court declaring the provision unconstitutional. *In Re Application of County Collector, etc. v. J.C. Penney Company, Inc.*, Misc. Nos. 86-34, 87-16, 88-15 (various objections for tax years 1985-1987) ("*J.C. Penney II*") (Memorandum Opinion of December 6, 1994, Judge Michael J. Murphy). This decision appears to rest primarily on the circuit court's view that SB 1336 abandoned the traditional rule of constructive fraud, yet failed to replace it with a clearly defined alternative rule.

The Task Force believes that the alternative legislation proposed in this report supplies the clearly defined rules which the court found lacking in SB 1336. Further, it is hoped that the prompt enactment of this alternative legislation will best address the underlying problems in the tax appeals process which led to SB 1336 and will obviate the lengthy and uncertain appellate review of SB 1336 which has now begun.

The Task Force based its work on five principles or goals. To be effective, the tax appeals process must: (1) be clearly defined; (2) afford a complete remedy to aggrieved taxpayers; (3) focus on the accuracy and legality of the challenged tax or assessment, not on collateral issues; (4) balance the public's interest in relief from improper taxes with its interest in stable property tax revenues for the support of local government and (5) not seek structural changes in the current functioning of the Cook County Assessor's office or the Cook County Board of Appeals.

The Task Force concluded that these goals would best be accomplished by reforming the applicable court proceedings (i.e., the judicial tax objection process), rather than the other alternative, namely, extending the Property Tax Appeal Board's jurisdiction to Cook County.

The proposed legislation streamlines tax objection procedure, clarifies the hearing process, and makes significant changes in the standard of review applied in challenges to assessment valuations. The key features of the proposal are:

General Provisions

- **Standard of Review.** In assessment appeals, the doctrine of constructive fraud is expressly abolished. Where the taxpayer meets the burden of proof and overcomes the presumption that the assessment is correct, the court is directed to grant relief from an assessment that is incorrect or illegal. The standard makes clear that in cases which allege overvaluation of the taxpayer's property, it will be unnecessary to prove that the assessment resulted from any misconduct or improper practices by assessing officials.
- **Presumptions and Burden of Proof.** As under existing law, the assessments, rates and taxes challenged in an objection are presumed correct. The taxpayer will have the

burden of proof by "clear and convincing evidence" -- the highest burden applicable in civil cases -- in order to rebut this presumption and obtain a tax refund.

- **Scope of the Tax Objection Remedy.** The reformed tax objection procedure will preserve the broad scope of the remedy under existing law. Thus, not only incorrect assessments, but also statutory misclassifications, constitutional violations, illegal levies or tax rates, and any other legal or factual claims not exclusively provided for in other parts of the Property Tax Code, will fall within the ambit of a tax objection complaint.

- **Conduct of Hearings.** As under existing law, tax objections will be tried to the court without a jury, and the court will hear the matter *de novo* rather than as an appeal from the action of the assessing officials. Appeals from final judgments may be taken to the appellate court as in other civil cases.

- **Prerequisites to Objection.** There is no change in the existing law that taxes must be paid in full as a pre-condition to filing a tax objection in court. Similarly, the requirement that the taxpayer exhaust its administrative remedy by way of appeal to the county board of appeals or review prior to proceeding in court will continue to apply; but this requirement is now specifically spelled out in the statute.

Procedural Reforms

- **Payment Under Protest.** The current requirement that a separate letter of protest be filed with the county collector at the time of payment is eliminated.

- **Time of Payment and Filing.** Both payment of the tax and filing of the tax objection complaint are keyed to the due date of the second (i.e. final) installment tax bill. To meet the condition for filing an objection, payment in full must occur no later than 60 days from the first penalty date for this installment, and the objection must be filed within 75 days from that penalty date.

- **Separation from Collector's Application.** Tax objections will be initiated by the taxpayer as a straightforward civil complaint, naming the county collector as defendant. This ends the anomalous current practice in which objections technically must be interposed

in response to the collector's application for judgment and order of sale against delinquent properties.

Burden of Proof and Standard of Review in Assessment Cases

In resolving the questions of the standard of review and burden of proof in assessment challenges, the Task Force was required to balance the need to provide effective taxpayer relief against the need to avoid opening up the process so widely that the courts could potentially be called on to reassess any or all property in the county. The consensus on the Task Force was to provide for a standard of review permitting recovery upon proof of an incorrect or illegal assessment, but to require the taxpayer to meet a burden of proof by "clear and convincing" evidence (the highest burden applied in civil litigation, but clearly not the criminal burden, "beyond a reasonable doubt") in order to establish that such an incorrect or illegal assessment has occurred. This choice of balance was preferred over the alternative of choosing the lower burden of proof and then attempting the seemingly impossible task of defining an enhanced standard of review, in which the "degree of incorrectness" would be in issue.

This balance is illustrated by a case in which the outcome turns solely on the competing opinions of equally compelling witnesses. It is expected that in such a case, the assessment would be sustained since such evidence would not constitute clear and convincing proof that the assessment is incorrect. On the other hand, where the evidence does clearly and convincingly demonstrate the existence of an incorrect assessment it is expected that the court would grant relief.

Scope of Proposed Reform; No Change in PTAB Procedure

In order to solve the problems arising in the aftermath of the *Ford* case, the proposed legislation is designed to take effect immediately and to apply to all pending cases.

Additionally, although the proposed draft is of statewide application, it must be emphasized that appeals to the state Property Tax Appeal Board (PTAB), which are currently the vehicle for most cases of assessment review outside Cook County, are not changed in any way by the draft legislation. The Task Force concluded that a proposal for

statewide application was preferable to attempting to limit the reform to Cook County, for several reasons.

The tax objection provisions of the Property Tax Code which would be amended have always applied throughout Illinois. While non-Cook County taxpayers have had and will continue to have, as an alternative, an administrative appeal remedy through the PTAB, the judicial tax objection process has always been available to these taxpayers. The Task Force sees no valid reason to deprive non-Cook County taxpayers of this alternative or to deprive them of the benefit of a reform in it. Indeed, either deprivation presents potential constitutional problems.

II. PROPOSED PROPERTY TAX CODE AMENDMENTS AND COMMENTARY

Following is a section-by-section analysis of the Task Force's proposed legislative changes to the Property Tax Code. Deletions from the existing text of the Code are indicated by overstrikes, and new language is highlighted by shading. Each quotation from the Code is followed by a brief commentary explaining the changes. The changes in several other sections are omitted from this analysis since the proposed amendments are primarily technical in nature. These are detailed at the end of this report, at which place the full text of all the proposed amendments is reproduced, without commentary, as an appendix.

§ 21-175 Proceedings By Court

Defenses to the entry of judgment against properties included in the delinquent list shall be entertained by the court only when: (a) the defense includes a writing specifying the particular grounds for the objection; and (b) except as otherwise provided in Section ~~14-15~~, 14-25, 23-5, and 23-25, the ~~writing is accompanied by an official original or duplicate receipt of the tax collector showing that the taxes to which objection is made have been fully paid under protest. All tax collectors shall furnish the necessary duplicate receipts without charge. The court shall hear and determine the matter as provided in Section 23-15~~ ~~taxes to which objection is made~~

are paid under protest pursuant to Section 23-5 and a tax objection complaint is filed pursuant to Section 23-10.

* * *

This section and Section 23-10 of the Code currently embody the basic provisions for tax objections, requiring that the objections be filed only as responses ("defenses") within the annual county collector's application for judgment and order of sale of delinquent properties. Thus, although in modern times objections by definition relate to taxes which are fully paid, by historical accident the objection process is relegated to judicial proceedings whose primary purpose is collection of unpaid taxes. This produces an anomalous situation in which the objecting taxpayer, for practical purposes the plaintiff in the lawsuit and the party with the burden of proof, is technically a defendant against the "application" or complaint commenced by the county collector. See *In Re Application of County Collector (etc.) v. Randolph-Wells Building Partnership*, 78 Ill. App. 3d 769, 397 N.E.2d 232 (1st Dist.1979).

The Task Force found no reason for this procedural anomaly to continue. Therefore, changes in Section 23-10, cross-referenced in this section, would permit tax objections to be commenced as a straightforward complaint filed by the taxpayer. In theory the tax objection complaint process should be divorced for most purposes from the collector's application and judgment proceedings. However, although filed as a complaint separately from the collector's application, the new form of tax objection may nonetheless still be construed as an objection to the annual tax judgment to the extent any part of the Code may logically require this result (e.g. exemption claims). Therefore the terminology of tax "objection" has been retained in order to weave the new procedure into the existing fabric of the Code.

The Code currently provides for two other types of tax objection which are left essentially unchanged, although some minor modifications in statutory language have been proposed. First, Section 14-15 permits adjudication of certificates of error by an "assessor's objection" to the collector's application. A number of such certificates correct assessment valuation errors for each tax year in Cook County through such objections by the assessor, and the courts have recognized the efficacy and convenience of this procedure. See, e.g.,

Chicago Sheraton Corporation v. Zaban, 71 Ill. 2d 85, 373 N.E. 2d 1318 (1978). Under Section 14-25 and related sections, certificates of error are also employed to establish exemptions.

Second, this Section 21-175, together with Sections 23-5 and 23-25, provide a limited but important role for exemption objections filed by taxpayers: permitting the taxpayer to block a tax sale of its property while an application for exemption is being adjudicated on the merits by the Department of Revenue or the courts. Since the law does not require payment of the taxes while an exemption claim is decided, the amendments to this section will continue to permit exemption objections directly within the collector's application proceeding without this pre-condition. Alternatively, the exemption claimant may accomplish the same result (forestalling a tax sale) indirectly by filing a separate tax objection complaint under Sections 23-5 and 23-10.

§ 23-5 Payment Under Protest

If any person desires to object ~~under Section 21-175~~ to all or any part of a property tax for any year, for any reason other than that the property is exempt from taxation ~~and that a proceeding to determine the tax exempt status of such property is pending under Section 16-70 or Section 16-130 or is being conducted under Section 8-35 or Section 8-40~~, he or she shall pay all of the tax due ~~prior to the collector's filing of his or her annual application for judgment and order of sale of delinquent properties within sixty days from the first penalty date of the final installment of taxes for that year.~~ ~~Each payment shall be accompanied by a written statement substantially in the following form:~~ Whenever taxes are paid in compliance with this Section and a tax objection complaint is filed in compliance with Section 23-10, one hundred percent of such taxes shall be deemed paid under protest without the filing of a separate letter of protest with the county collector.

The Requirement of Protest

Payment of taxes in full is retained as a requirement of the tax objection process. However, the necessity of presenting a separate letter of protest to the county collector at the time of payment has been eliminated. The new language makes clear that the combination of the full payment of the tax within the statutory qualifying time limit and the timely filing of a tax objection complaint constitutes the act of "protest" that distinguishes such payment from a "voluntary payment" and its consequences under existing case law.

Under current law (Section 23-10), the "protest" (effected by timely payment and the contemporaneous filing of a "letter of protest") is automatically waived if the taxpayer fails to perfect it by filing a timely tax objection in court. Each year several thousand taxpayers file protest letters on pre-printed forms along with their payments, unaware that these protests are nullified by their failure to pursue objections in court. To this segment of the public, the separate protest letter is at best meaningless and at worst deceptive. For county collectors, receiving separate protest letters is simply a useless burden upon already busy staff.

They do not even aid the collector in complying with the provisions of Section 20-35 of the Code, which establishes a "Protest Fund" in which the collector must deposit certain amounts of taxes withheld from distribution to taxing bodies under Section 23-20. Although the "total amount of taxes paid under protest" is one of three alternative measures for the amount of deposits to the Protest Fund, letters of protest cannot help the collector determine this total since, under Section 23-10, the letters are null and void if not followed up by the filing of objections in court. Therefore, the filing of the tax objection is currently, and will remain, the crucial act permitting the taxpayer to challenge and claim a refund of "protested" taxes, and also permitting the collector to ascertain the "total amount of taxes paid under protest." This is why the amendments provide that the qualifying tax payment plus the objection complaint itself will constitute the taxpayer's protest.

Time of Payment

Current law provides for the taxpayer to pay taxes subject to objection "prior to the collector's filing of his or her annual application for judgment and order of sale." This is a cause of confusion, and occasionally leads taxpayers to lose their right to object as a result of missing the last date for payment, because the time of the collector's application fluctuates from one year to another. The only ways for taxpayers or their counsel to become aware of the date for a given year are to discover it in the boiler plate legal notices published in local newspapers, or to call the collector's office repeatedly until the date has been set. The Task Force concluded that establishing a definite time period of sixty days, measured from the first penalty date (i.e., the due date) for the final installment tax bill for the year in question, would key the payment deadline to the event which is most likely to be known to the taxpayer. This period allows ample time for payment, yet also allows the cutoff date for tax objection complaints to fall prior to the annual tax judgment as under current law. As under current law, taxes must be paid in full (including any penalty which may have accrued if the bill is paid late) in order to acquire the right to file a tax objection complaint.

§ 23-10 Tax Objections and Copies

~~Once a protest has been filed with the with the county collector, in all counties t~~ The person paying ~~under protest~~ the taxes due as provided in Section 23-5 shall appear in ~~he next application for judgment and order of sale and~~ may file a tax objection complaint pursuant to Section 23-15 within seventy-five days from the first penalty date of the final installment of taxes for the year in question. ~~Upon failure to do so, the protest shall be waived, and judgment and order of sale entered for any unpaid balance of taxes.~~ Provided, however, that no objection to an assessment for any year shall be allowed by the court where an administrative remedy was available by complaint to the board of appeals or review under Section 16-55 or Section 16-115, unless such remedy was exhausted prior to the filing of the tax objection complaint.

When any tax protest is filed with the county collector and an objection complaint is filed with the court in a county with less than 3,000,000 inhabitants, the

following procedures shall be followed: The plaintiff ~~person paying under protest~~ shall file 3 copies of the ~~objection complaint~~ with the clerk of the circuit court. Any ~~tax objection complaint~~ or amendment thereto shall contain on the first page a listing of the taxing districts against which the objection is directed. Within 10 days after the ~~objection complaint~~ is filed, the clerk of the circuit court shall deliver one copy to the State's Attorney and one copy to the county clerk, taking their receipts therefor. The county clerk shall, within 30 days from the last day for the filing of objections, notify the duly elected or appointed custodian of funds for each taxing district that may be affected by the objection, stating that an objection has been filed.

* * *

The proposed amendments to this section govern the time and prerequisites for filing tax objection complaints. Timing is again keyed to the first penalty date (i.e., the due date) of the final installment tax bill, just as in the case of the qualifying payment. However, the complaint filing may be made within seventy-five, rather than sixty, days of that due date, thus creating a fifteen-day grace period between the last qualifying payment date and the last day to file complaints.

The provision of the current law that, upon failure to appear in the collector's application and object, the taxpayer's protest "shall be waived, and judgment and order of sale entered for any unpaid balance of taxes" is deleted as inappropriate and superfluous. The elimination of the separate protest letter under the proposed amendments makes its explicit "waiver" unnecessary; and since the objection complaint itself constitutes the "protest," the right to protest or object is obviously waived when no complaint is filed. Moreover, the clause referring to "judgment and order of sale for any unpaid balance" is generally inoperative under current law (except for exemption objections), since taxes subject to an objection complaint must, by definition, be fully paid. In any event, this clause was considered to be redundant by the Task Force in view of the provision for entry of judgment which is contained in Section 21-175.

The requirement that a taxpayer exhaust available administrative remedies by appeal to the local board of appeals or review prior to filing an objection in court is a judicially

created rule under current law. In the judgment of the Task Force the rule performs an important function and should be retained. It allows the administrative review agencies to reduce the burden of objections on the courts by granting relief which may obviate further appeals. The amendatory language also makes explicit the current assumption that exhaustion is not required at the assessor level, but only at the board level. This language also alerts the non-professional to the exhaustion rule, of which he or she may otherwise be unaware at the critical time in the assessment cycle.

By codifying the rule in this section, it is intended to adopt rather than to alter existing judicial interpretations. E.g., *People ex rel. Nordlund v. Lans*, 31 Ill.2d 477, 202 N.E.2d 543 (1964) (taxpayer cannot object to excessive valuation in Collector's proceeding without first pursuing his administrative remedies at the Board); *People ex rel. Korzen v. Fulton Market Cold Storage Company*, 62 Ill.2d 443, 343 N.E.2d 450 (1976) (same, where taxpayer's issue is classification/assessment level); *In Re Application of the County Collector, etc. v. Heerey*, 173 Ill.App.3d 821, 527 N.E.2d 1045 (1st Dist. 1988) (the objecting taxpayer need not exhaust the administrative remedy personally, provided the subject property was brought before the board of appeals by another interested party); *In Re Application of Pike County Collector, etc. v. Carpenter*, 133 Ill.App.3d 142, 478 N.E.2d 626 (3d Dist. 1985) (filing written complaint with board of review suffices for exhaustion without appearance for oral hearing on complaint). The exhaustion requirement is limited to tax objections challenging assessments, since prior administrative review is unavailable in cases challenging taxing body budgets and levies (tax rate objections).

The requirement under current law that tax objections outside Cook County provide for notice to interested taxing bodies is unchanged in these amendments. The terminology used in this section is altered simply to conform to the new procedure for filing the tax objection as a complaint separate from the collector's application for judgment and order of sale, and to the new provisions abolishing the protest letter requirement.

§ 23-15 Tax Objection Procedure and Hearing

(a) A tax objection complaint under Section 23-10 shall be filed in the circuit court of the county in which the subject property is located. The complaint shall name the county collector as defendant and shall specify any objections which the plaintiff may have to the taxes in question. No appearance or answer by the county collector to the tax objection complaint, nor any further pleadings, need be filed. Amendments to the complaint may be made to the same extent which, by law, could be made in any personal action pending in the court.

(b) (1) The court, sitting without a jury, shall hear and determine all objections specified to the taxes, assessments or levies in question. This Section shall be construed to provide a complete remedy for any claims with respect to such taxes, assessments or levies, excepting only matters for which an exclusive remedy is provided elsewhere in this Code.

(2) The taxes, assessments and levies which are the subject of the objection shall be presumed correct and legal, but the presumption shall be rebuttable. The plaintiff shall have the burden of proving any contested matter of fact by clear and convincing evidence.

(3) Objections to assessments shall be heard *de novo* by the court. The court shall grant relief in such cases where the objector meets the burden of proof under this Section and shows an assessment to be incorrect or illegal. Where an objection is made claiming incorrect valuation, the court shall consider such objection without regard to the correctness of any practice, procedure, or method of valuation followed by the assessor or board of appeals or review in making or reviewing the assessment, and without regard to the intent or motivation of any assessing official. The doctrine known as constructive fraud is hereby abolished.

(c) If the court shall order a refund of any part of the taxes paid, it shall also order the payment of interest as provided in Section 23-20. Appeals may be taken from final judgments as in other civil cases.

This section is completely rewritten, with all present language deleted. The new language contains provisions for the form of tax objection complaints, the conduct of

hearings, presumptions and the burden of proof, the standard of review to apply in cases challenging assessments, and appellate review of final judgments.

Subsection (a)

Form of Complaint and Initial Procedure; Venue

Because tax objections are to be filed as complaints separate from the collector's application, their form and certain basic procedural matters are set forth in some detail. As discussed below, it is intended that certain features of the current procedure which are working well, such as avoiding the need for extensive pleadings in routine cases, will be continued under the new procedure.

Venue is confined to the county where the subject property is located, to the same effect as the existing law. Similarly, the county collector remains the party opposing the taxpayer's request for a tax refund. As under current law, no particular form of complaint is required; the plaintiff taxpayer must simply and clearly "specify" his or her objections to the taxes in question. The collector is not required to file an appearance or answer to the tax objection complaint, nor is a reply or any further pleading required. Summons is unnecessary and the state's attorney, as counsel for the collector, will receive copies of the objection complaints directly from the clerk of the circuit court as is the case under current law. The provision for amendments is identical to the existing law under language contained in Section 21-180, which applies to the prior form of objections within the collector's application. See *People ex rel. Harris v. Chicago and North Western Railway Co.*, 8 Ill.2d 246, 133 N.E.2d 22 (1956).

While this procedure is simple in order to accommodate efficiently the many routine objections which are filed each year, it is designed to be flexible enough to accommodate more complex matters as well. Thus, while pleadings subsequent to the objection complaint will not normally be filed, it is expected that the courts and litigants will employ the common devices of civil practice, such as motions to dismiss or for summary judgment, as may be appropriate to the issues in particular cases. This continues the practice followed under existing law. See *People ex rel. Southfield Apartment Co. v. Jarecki*, 408 Ill. 266, 96 N.E.2d 569 (1951) (procedure under civil practice law applies to matters under Revenue Act

(now the Property Tax Code) except where the Act specifically provides contrary procedural rules); 735 ILCS 5/1-108(b) (1994) (Article II of the Code of Civil Procedure governs except where separate statutes provide their own contrary procedures).

Control of Discovery

In proposing a revised standard of review, another important goal of the Task Force, in addition to the goals discussed below in subsection (b), is to provide a foundation for judicial control of the time-consuming, unproductive discovery contests which have plagued tax objection litigation under the current constructive fraud standard.

As in any civil litigation, the scope of discovery in tax objection matters must be determined according to the nature of the legal and factual issues which are actually in dispute. See Illinois Supreme Court Rule 201(b)(1) (relevant discovery "relates to the claim or defense" of a party). Under the constructive fraud doctrine as interpreted in the *Ford* case, even in the most typical overvaluation claims, taxpayers have of necessity been forced to focus on alleged errors in the assessment process; and a flurry of discovery has inevitably followed. Under the draft standard of review in subsection (b)(3), constructive fraud is abolished and the statutory language makes it clear that such overvaluation claims (which constitute the vast majority, although not all, of the court's tax objection caseload) will focus on the accuracy of the assessed value instead of on the assessment process which established that value. In the typical overvaluation case under the new standard, where the "practice, procedure or method of valuation" and the "intent or motivation of . . . assessing official[s]" are expressly made irrelevant to recovery, the need for discovery will be limited by curtailing inquiry into these irrelevant factors.

The judicial tools for control of discovery already exist under Illinois Supreme Court Rule 201(c)(2), providing for court supervision of "all or any part of any discovery procedure"; Supreme Court Rule 218, providing the court with express authority to conduct a pre-trial conference, and to enter an order following the conference which "specifies the issues for trial," simplifies the issues, determines admissions or stipulations, limits the number of expert witnesses, and so forth; and, Supreme Court Rule 220(b), which similarly provides express authority to structure discovery as to experts. The court may use these

rules, either *sua sponte* or on motion of a party, to set guidelines for appropriate discovery in tax objection cases. Such guidelines will be set at an early point in the life of the case, based on the actual contested issues (as opposed to general allegations in the complaint, which are often far broader than the issues that are contested), so that discovery may proceed promptly and efficiently.

Subsection (b)

Scope and Conduct of Hearings;

Presumptions and Burden of Proof; Standard of Review

Subsection (b)(1) codifies several features of existing tax objection law for purposes of the proposed procedure, including the requirement that cases be tried to the bench rather than a jury. As under current law, the court will hear tax objections *de novo* rather than as appeals from the decision of the board of appeals or review. Such direct appeal (under the Administrative Review Law) is barred under *White v. Board of Appeals*, 45 Ill.2d 378, 259 N.E.2d 51 (1970).

This subsection also emphasizes that tax objections are intended to provide a complete remedy, excepting only matters for which an exclusive remedy is provided elsewhere (as in Section 8-40 governing judicial review under the Administrative Review Law of certain final decisions of the Department of Revenue). The broad scope of the tax objection remedy is an essential feature of the reform scheme. In its review of the Cook County tax objection process some fifteen years ago, the U.S. Supreme Court held that the taxpayer must be afforded "a full hearing and judicial determination at which she may raise any and all constitutional objections to the tax" in order for the process to pass muster under federal law. *Rosewell v. LaSalle National Bank*, 450 U.S. 503, 514, 516, n. 19 (1981). Of course, as under existing law, the reformed tax objection process will not permit counter-claims by the collector or a judgment by the court increasing the taxpayer's assessment or tax.

Tax objection procedure encompasses, in addition to valuation objections, the so-called rate objections (challenging the legality of certain portions of the tax levies that

ultimately determine the tax rate), as well as other legal challenges. No change is intended that would affect the standards applied in rate litigation or other legal challenges.

Subsection (b)(2) provides for a presumption of the correctness of challenged taxes, assessments and levies, which the taxpayer may rebut with proof (as to any contested factual matter) by clear and convincing evidence. The application of these provisions to assessment appeals, under the standard of review of contested assessments set forth in subsection (b)(3), required the Task Force to strike a balance between the public's interest in relief from improper taxes and its interest in stable property tax revenues. (It should be emphasized that the balance of these public interests simply informed the choice of the appropriate legal standard to be written in the Property Tax Code; such general policy concerns are *not* intended to be weighed in the balance by courts when the standard is applied to individual cases.) Much of the Task Force's work was devoted to this single issue.

The use of "constructive fraud" in earlier tax litigation was an attempt to provide for such a balance, on the one hand permitting at least some relief in serious cases (without having to prove actual fraud), and, on the other hand, avoiding the situation where every taxpayer is able to ask the court to revalue its property. With the apparent closing off of the first of these desiderata in the *Ford* case and its sequels, the Task Force proposal now attempts to make the former trade-off explicit, and more fairly balanced than it was under the hodge-podge of rulings which resulted from the constructive fraud doctrine. This is sought to be accomplished by providing for an appropriate burden of proof, separately from the question of the appropriate standard of review.

As to the burden of proof, the choice came down to "a preponderance of the evidence" (the ordinary plaintiff's burden in civil litigation), or "clear and convincing evidence" (the highest burden in civil litigation, but clearly not the criminal burden, "beyond a reasonable doubt"). As to the standard of review, for valuation issues, the choice was whether to make it "incorrect," or whether it should be some form of words attempting to indicate a requirement to show a higher degree of inaccuracy (such as "grossly excessive" or "substantially erroneous").

The consensus of the Task Force was to require the higher burden of proof coupled with the less restrictive standard of review. Thus, for a taxpayer to overcome the

presumption of validity of the assessment, he or she would have to prove an incorrect assessment by clear and convincing evidence. The proposed new language also expressly eliminates the doctrine of "constructive fraud" from the court's consideration. (Of course, this is not intended to affect the general law of fraud, actual or constructive, outside of the context of real property tax matters.) Further, the new language negatives the judicial requirement, enunciated in the *Ford* case, that in order to prevail the taxpayer must prove that the assessing officials or their staff made some specific and demonstrable error in arriving at the assessment.

The Task Force consensus reflects its judgment that the attempt to define, let alone to prove, an elevated degree of assessment inaccuracy is inherently speculative and cannot be reconciled with the need for a clear standard of review. Moreover, the public interest in avoiding a flood of questionable judicial reassessments is not appropriately addressed by denying recovery for some inaccuracies, and allowing recovery for others whose parameters can only be vaguely defined. Rather, it is appropriately addressed by an elevated level of proof required to show that an incorrect assessment has occurred.

The Task Force therefore concluded that the public interest is best served by an initial presumption of correctness of the challenged assessment, and then a burden on the taxpayer to prove by clear and convincing evidence that the assessment is incorrect. For example, should a trial outcome turn solely on valuation evidence, if the competing valuation conclusions are determined by the court to be equally compelling, it is expected that the assessment would be sustained since the evidence would not constitute clear and convincing proof that the assessed value is incorrect. On the other hand, relief would be granted where there is a clear and convincing showing of incorrectness.

It must be remembered that actual damage is an essential element of the taxpayer's cause of action under any standard of review. Thus, although a taxpayer might prove that a "mistake" in his assessed valuation has occurred in the abstract sense, if the "mistaken" valuation and resulting tax is not shown to exceed the proper valuation and its resulting tax, then the assessment is not incorrect within the meaning of the law, and no recovery may be had. E.g. *In Re Application of Rosewell (etc.) v. Bulk Terminals Company*, 73 Ill.App.3d 225, 238 (1st Dist. 1979) (leasehold assessment by a legally incorrect computation is not subject

to challenge where an assessment by the legally correct computation would be higher). The proposed legislation is not intended to depart from this "no harm, no foul" rule. To the contrary, the revised standard strengthens the rule by explicitly providing for valuation objections "without regard to the correctness of any practice, procedure or method of valuation" or the "intent or motivation of . . . assessing official[s]." (Subsection (b)(3).)

Subsection (c)

Final Judgments and Appellate Review

The provisions of this subsection, requiring interest to be paid upon any taxes which the court may order the collector to refund to the plaintiff taxpayer, and providing for appeals from final judgments as in other civil actions, are essentially identical to the existing law.

§ 23-25 Tax Exempt Property; Restriction on Tax Objections

No taxpayer may ~~pay under protest as provided in Section 23-5 or~~ file an objection as provided in Section 21-175 ~~or Section 23-10~~ on the grounds that the property is exempt from taxation, or otherwise seek a judicial determination as to tax exempt status, except as provided in Section 8-40 and except as otherwise provided in this Section and Section 14-25 and Section 21-175. Nothing in this Section shall affect the right of a governmental agency to seek a judicial determination as to the exempt status of property for those years during which eminent domain proceedings were pending before a court, once a certificate of exemption for the property is obtained by the governmental agency under Section 8-35 or Section 8-40. This Section shall not apply to exemptions granted under Sections 15-165 through 15-180.

~~The limitation in this Section shall not apply to court proceedings relating to an exemption for 1985 and preceding assessment years. However, an order entered in any such proceeding shall not preclude the necessity of applying for an exemption for 1986 or later assessment years in the manner provided by Sections 16-70 or 16-130.~~

The proposed changes to this section are technical in nature. Minor variations in language and statutory cross-references are made to accommodate the abolition of the separate protest letter, and to recognize that either the traditional objection or the new objection complaint procedure may be used to withdraw a property from the tax sale pending the determination of an exemption claim. (See commentary to Section 21-175 above.) The second paragraph restores language formerly included in the statute, which was unintentionally deleted during the recent Property Tax Code recodification project despite the legislature's purpose to avoid any substantive changes in the meaning or application of the law.

§ 23-30 Conference on Tax Objection

~~Upon~~ ~~Following~~ the filing of an objection under Section 21-175 ~~23-10~~, the court ~~must, unless the matter has been sooner disposed of, within 90 days after the filing~~ ~~may~~ hold a conference ~~with~~ ~~between~~ the objector and the State's Attorney. ~~If no agreement is reached at the conference, the court must, upon the demand of either the taxpayer or the State's attorney, set the matter for hearing within 90 days of the demand.~~ Compromise agreements on tax objections reached by conference shall be filed with the court, and the ~~State's Attorney parties~~ shall prepare an order covering the settlement and ~~file~~ ~~submit~~ the order ~~with the clerk of~~ ~~to~~ the court ~~within 15 days following the conference~~ ~~for entry~~.

This section of the Code recognizes the authority of the courts to conduct pre-trial conferences with a view to resolving tax objections by compromise, and provides for orders to effectuate any resulting settlements. Caselaw has made it clear that there is inherent as well as statutory authority for settlement of tax matters. See *In Re Application of County Collector (etc.), J&J Partnership v. Laborers' International Union Local No. 703*, 155 Ill.2d 520, 617 N.E.2d 1192 (1993); *People ex rel. Thompson v. Anderson*, 119 Ill.App.3d 932, 457 N.E.2d 489 (3d Dist. 1983). Compromise is to be encouraged in any litigation and, under the proposed legislation, it is anticipated that settlements will still be the rule rather than the exception.

The time limits in the current provision, although framed in ostensibly peremptory terms, have been construed as directory rather than mandatory by the Illinois Attorney General. 1975 Opin. Atty. Gen. No. S-1011. Moreover, the time limits have not been observed in any court proceeding in Cook County within the memory of any lawyer now practicing, as near as the Task Force can determine. The proposal therefore deletes these limits as unrealistic. Of course, the courts retain their inherent authority to schedule pre-trial conferences, to encourage settlements, and to establish rules and procedures to accomplish these ends. (For an example of the exercise of this authority, see Rules of the Circuit Court of Cook County, Rule 10.6, "Small Claims Proceedings for Real Estate Tax Objections.")

Provision for Effective Date and Application to Pending Cases (Uncodified)

§ __. This amendatory Act of 1995 shall take effect immediately upon becoming law and shall apply to all tax objection matters still pending for any tax year, provided that the procedures and time limitations for payment of taxes and filing tax objection complaints under amended Property Tax Code Sections 23-5 and 23-10 shall apply only to tax year 1994 and subsequent tax years.

Given the subject matter of the proposed amendments to the Property Tax Code, it is likely that courts would construe them to have retroactive effect upon pending tax objections filed under the current procedure in any event. For the authority to make the provisions retroactive, see *Schenz v. Castle*, 84 Ill.2d 196, 417 N.E.2d 1336, 1340 (1981); *People ex rel. Eitel v. Lindheimer*, 371 Ill.367, 371 (1939); *Isestein v. Rosewell*, 106 Ill.2d 301, 310 (1985); (no vested right in continuation of tax statute, therefore amendments are retroactive). However, in order to address the concerns which led to the proposed reform, the Task Force believes that it is essential to avoid any unclarity as to the effectiveness and application of the amendments. Accordingly, this section, which need not be codified, is proposed to make unmistakable the legislative intent that these amendments take effect immediately and that they govern the disposition of all tax objection matters not previously

disposed of by final judgment (i.e., matters which remain pending either at the circuit court level or on appeal).

The proposed amendments have been drafted with a view to immediate enactment. Accordingly, the filing requirements are proposed to be first applied to tax year 1994 (as to which payment will be due and objections will be filed the latter part of calendar year 1995) and then to later tax years. Payments under protest and tax objection filings for tax year 1993 and prior years have been completed under the current procedure. Of course, as stated above, the hearing of objections for all tax years prior to 1994 would be governed in all other respects by the new amendments.

APPENDIX

**CIVIC FEDERATION TASK FORCE ON REFORM
OF THE COOK COUNTY TAX APPEALS PROCESS**

PROPOSED AMENDMENTS TO PROPERTY TAX CODE

Part I: Principal Provisions

1 § 21-175. Proceedings by court. Defenses to the entry of judgment against properties
2 included in the delinquent list shall be entertained by the court only when: (a) the defense
3 includes a writing specifying the particular grounds for the objection; and (b) except as
4 otherwise provided in Section ~~14-15~~, 14-25, 23-5, and 23-25, the ~~writing is accompanied by~~
5 ~~an official original or duplicate receipt of the tax collector showing that the taxes to which~~
6 ~~objection is made have been fully paid under protest. All tax collectors shall furnish the~~
7 ~~necessary duplicate receipts without charge. The court shall hear and determine the matter~~
8 ~~as provided in Section 23-15~~ taxes to which objection is made are paid under protest
9 pursuant to Section 23-5 and a tax objection complaint is filed pursuant to Section 23-10.

10 If any party objecting is entitled to a refund of all or any part of a tax paid ~~under~~
11 ~~protest~~, the court shall enter judgment accordingly, and also shall enter judgment for the
12 taxes, special assessments, interest and penalties as appear to be due. The judgment shall
13 be considered as a several judgment against each property or part thereof, for each kind of
14 tax or special assessment included therein. The court shall direct the clerk to prepare and
15 enter an order for the sale of the property against which judgment is entered. However, if
16 a defense is made that the property, or any part thereof, is exempt from taxation and it is
17 demonstrated that a proceeding to determine the exempt status of the property is pending
18 under Section 16-70 or 16-130 or is being conducted under Section 8-35 or 8-40, the court
19 shall not enter a judgment relating to that property until the proceedings being conducted

20 under Section 8-35 or Section 8-40 have been terminated.

21

22 § 23-5. Payment under protest. If any person desires to object under Section 21-175 to all
 23 or any part of a property tax for any year, for any reason other than that the property is
 24 exempt from taxation and that a proceeding to determine the tax exempt status of such
 25 property is pending under Section 16-70 or Section 16-130 or is being conducted under
 26 Section 8-35 or Section 8-40, he or she shall pay all of the tax due prior to the collector's
 27 filing of his or her annual application for judgment and order of sale of delinquent
 28 properties within sixty days from the first penalty date of the final installment of taxes for
 29 that year. Each payment shall be accompanied by a written statement substantially in the
 30 following form: Whenever taxes are paid in compliance with this Section and a tax objection
 31 complaint is filed in compliance with Section 23-10, one hundred percent of such taxes shall
 32 be deemed paid under protest without the filing of a separate letter of protest with the
 33 county collector.

34 [Delete all other text in existing section including statutory protest form.]

35

36 § 23-10. Tax objections and copies. Once a protest has been filed with the with the county
 37 collector, in all counties + The person paying under protest the taxes due as provided in
 38 Section 23-5 shall appear in the next application for judgment and order of sale and may file
 39 an tax objection complaint pursuant to Section 23-15 within seventy-five days from the first
 40 penalty date of the final installment of taxes for the year in question. Upon failure to do
 41 so, the protest shall be waived, and judgment and order of sale entered for any unpaid

42 ~~balance of taxes.~~ Provided, however, that no objection to an assessment for any year shall
 43 be allowed by the court where an administrative remedy was available by complaint to the
 44 board of appeals or review under Section 16-55 or Section 16-115, unless such remedy was
 45 exhausted prior to the filing of the tax objection complaint.

46 When any tax ~~protest is filed with the county collector and an~~ objection complaint
 47 is filed with the court in a county with less than 3,000,000 inhabitants, the following
 48 procedures shall be followed: ~~tThe plaintiff person paying under protest~~ shall file 3 copies
 49 of the ~~objection~~ complaint with the clerk of the circuit court. Any tax objection complaint
 50 or amendment thereto shall contain on the first page a listing of the taxing districts against
 51 which the objection is directed. Within 10 days after the ~~objection~~ complaint is filed, the
 52 clerk of the circuit court shall deliver one copy to the State's Attorney and one copy to the
 53 county clerk, taking their receipts therefor. The county clerk shall, within 30 days from the
 54 last day for the filing of objections, notify the duly elected or appointed custodian of funds
 55 for each taxing district that may be affected by the objection, stating that an objection has
 56 been filed. * * *

57 [*Continue with existing text regarding notice to affected taxing districts.*]

58

59 § 23-15. Tax objection procedure and hearing.

60 [*Delete all language presently in this section and replace with the following.*]

61 (a) A tax objection complaint under Section 23-10 shall be filed in the circuit court of the
 62 county in which the subject property is located. The complaint shall name the county
 63 collector as defendant and shall specify any objections which the plaintiff may have to the

64 taxes in question. No appearance or answer by the county collector to the tax objection
65 complaint, nor any further pleadings, need be filed. Amendments to the complaint may be
66 made to the same extent which, by law, could be made in any personal action pending in
67 the court.

68 (b) (1) The court, sitting without a jury, shall hear and determine all objections specified
69 to the taxes, assessments or levies in question. This Section shall be construed to provide
70 a complete remedy for any claims with respect to such taxes, assessments or levies, excepting
71 only matters for which an exclusive remedy is provided elsewhere in this Code.

72 (2) The taxes, assessments and levies which are the subject of the objection shall be
73 presumed correct and legal, but the presumption shall be rebuttable. The plaintiff shall have
74 the burden of proving any contested matter of fact by clear and convincing evidence.

75 (3) Objections to assessments shall be heard *de novo* by the court. The court shall
76 grant relief in such cases where the objector meets the burden of proof under this Section
77 and shows an assessment to be incorrect or illegal. Where an objection is made claiming
78 incorrect valuation, the court shall consider such objection without regard to the correctness
79 of any practice, procedure, or method of valuation followed by the assessor or board of
80 appeals or review in making or reviewing the assessment, and without regard to the intent
81 or motivation of any assessing official. The doctrine known as constructive fraud is hereby
82 abolished.

83 (c) If the court shall order a refund of any part of the taxes paid, it shall also order the
84 payment of interest as provided in Section 23-20. Appeals may be taken from final
85 judgments as in other civil cases.

86 § 23-25. Tax exempt property; restriction on tax objections. No taxpayer may ~~pay under~~
 87 ~~protest as provided in Section 23-5 or~~ file an objection as provided in Section 21-175 ~~or~~
 88 ~~Section 23-10~~ on the grounds that the property is exempt from taxation, or otherwise seek
 89 a judicial determination as to tax exempt status, except as provided in Section 8-40 and
 90 except as otherwise provided in this Section and Section 14-25 and Section 21-175. Nothing
 91 in this Section shall affect the right of a governmental agency to seek a judicial
 92 determination as to the exempt status of property for those years during which eminent
 93 domain proceedings were pending before a court, once a certificate of exemption for the
 94 property is obtained by the governmental agency under Section 8-35 or Section 8-40. This
 95 Section shall not apply to exemptions granted under Sections 15-165 through 15-180.

96 ~~The limitation in this Section shall not apply to court proceedings relating to an~~
 97 ~~exemption for 1985 and preceding assessment years. However, an order entered in any such~~
 98 ~~proceeding shall not preclude the necessity of applying for an exemption for 1986 or later~~
 99 ~~assessment years in the manner provided by Sections 16-70 or 16-130.~~

100

101 § 23-30. Conference on tax objection. ~~Upon~~ ~~Following~~ the filing of an objection under
 102 Section 21-175 ~~23-10~~, the court ~~must, unless the matter has been sooner disposed of, within~~
 103 ~~90 days after the filing~~ ~~may~~ hold a conference ~~with~~ ~~between~~ the objector and the State's
 104 Attorney. ~~If no agreement is reached at the conference, the court must, upon the demand~~
 105 ~~of either the taxpayer or the State's attorney, set the matter for hearing within 90 days of~~
 106 ~~the demand.~~ Compromise agreements on tax objections reached by conference shall be filed
 107 with the court, and the ~~State's Attorney~~ ~~parties~~ shall prepare an order covering the

108 settlement and file ~~submit~~ the order ~~with the clerk of~~ ~~to~~ the court ~~within 15 days following~~
 109 ~~the conference~~ for entry.

110 *[Provision for Effective Date and Application to Pending Cases (Uncodified)]*

111 § ____ This amendatory Act of 1995 shall take effect immediately upon becoming law and
 112 shall apply to all tax objection matters still pending for any tax year, provided that the
 113 procedures and time limitations for payment of taxes and filing tax objection complaints
 114 under amended Property Tax Code Sections 23-5 and 23-10 shall apply only to tax year
 115 1994 and subsequent tax years.

116

117 **Part II: Additional Provisions**

118 § 14-15. Certificate of error; counties of 3,000,000 or more.

119 (a) In counties with 3,000,000 or more inhabitants, if, at any time before judgment
 120 is rendered in any proceeding to collect or to enjoin the collection of taxes based upon any
 121 assessment of any property belonging to any taxpayer, the county assessor discovers an error
 122 or mistake in the assessment, the assessor shall execute a certificate setting forth the nature
 123 and cause of the error. The Certificate when endorsed by the county assessor, or when
 124 endorsed by the county assessor and board of appeals for the tax year for which the
 125 certificate is issued, may be received in evidence in any court of competent jurisdiction.
 126 When so introduced in evidence such certificate shall become a part of the court records,
 127 and shall not be removed from the files except upon the order of the court.

128 A certificate executed under this Section may be issued to the person erroneously
 129 assessed, or a list of the tax parcels for which certificates have been issued, may be

130 presented by the assessor to the court as an objection in the application for judgment and
131 order of sale for the year in relation to which the certificate is made. The state's attorney
132 of the county in which the property is situated shall mail a copy of any final judgment
133 entered by the court regarding the certificate to the taxpayer of record for the year in
134 question.

135 Any unpaid taxes after the entry of the final judgment by the court on certificates
136 issued under this Section may be included in a special tax sale, provided that an
137 advertisement is published and a notice is mailed to the person in whose name the taxes
138 were last assessed, in a form and manner substantially similar to the advertisement and
139 notice required under Sections 21-110 and 21-135. The advertisement and sale shall be
140 subject to all provisions of law regulating the annual advertisement and sale of delinquent
141 property, to the extent that those provisions may be made applicable.

142 A certificate of error executed under this Section allowing homestead exemptions
143 under Sections 15-170 and 15-175 of this Code no previously allowed shall be given effect
144 by the county treasurer, who shall mark the tax books and, upon receipt of the following
145 certificate from the county assessor or supervisor of assessments, shall issue refunds to the
146 taxpayer accordingly:

147 "CERTIFICATION

148 I county assessor or supervisor of assessments, hereby certify that the
149 Certificates of Error set out on the attached list have been duly issued to
150 allow homestead exemptions pursuant to Sections 15-170 and 15-175 of the
151 Property Tax Code which should have been previously allowed; and that a
152 certified copy of the attached list and this certification have been served upon
153 the county State's Attorney."

154 The county treasurer has the power to mark the tax books to reflect the issuance of
155 homestead certificates of error from and including the due date of the tax bill for the year
156 for which the homestead exemption should have been allowed until 2 ~~three~~ years after the
157 first day of January of the year after the year for which the homestead exemption should
158 have been allowed. The county treasurer has the power to issue refunds to the taxpayer as
159 set forth above from and including the first day of January of the year after the year for
160 which the homestead exemption should have been allowed until all refunds authorized by
161 this Section have been completed.

162 The county treasurer has no power to issue refunds to the taxpayer as set forth above
163 unless the Certification set out in this Section has been served upon the county State's
164 Attorney.

165 (b) Nothing in subsection (a) of this Section shall be construed to prohibit the
166 execution, endorsement, issuance and adjudication of a certificate of error where the annual
167 judgment and order of sale for the tax year in question is reopened for further proceedings
168 upon consent of the county collector and county assessor, represented by the State's
169 Attorney, and where a new final judgment is subsequently entered pursuant to the
170 certificate. This subsection (b) shall be construed as declarative of the existing law and not
171 as a new enactment.

172 (c) No certificate of error, other than a certificate to establish an exemption
173 pursuant to Section 14-25, shall be executed for any tax year more than three years after the
174 date on which the annual judgment and order of sale for that tax year was first entered.

175

176 §21-110. Published notice of annual application for judgment and sale; delinquent taxes.
177 At any time after all taxes have become delinquent ~~or are paid under protest~~ in any year,
178 the Collector shall publish an advertisement, giving notice of the intended application for
179 judgment and sale of the delinquent properties ~~and for judgment fixing the correct amount~~
180 ~~of any tax paid under protest~~. Except as provided below, the advertisement shall be in a
181 newspaper published in the township or road district in which the properties are located.
182 If there is no newspaper published in the township or road district, then the notice shall be
183 published in some newspaper in the same county as the township or road district, to be
184 selected by the county collector. When the property is in a city with more than 1,000,000
185 inhabitants, the advertisement may be in any newspaper published in the same county.
186 When the property is in an incorporated town which has superseded a civil township, the
187 advertisement shall be in a newspaper published in the incorporated town or if there is not
188 such newspaper, then in a newspaper published in the county.

189 The provisions of this Section relating to the time when the Collector shall advertise
190 intended application for judgment for sale are subject to modification by the governing
191 authority of a county in accordance with the provision of subsection (c) of Section 21-40.

192
193 § 21-115. Times of publication of notice. The advertisement shall be published once at
194 least 10 days before the day on which judgment is to be applied for, and shall contain a list
195 of the delinquent properties upon which the taxes of any part thereof remain due and
196 unpaid, the names of owners, if known, the total amount due, and the year or years for
197 which they are due. In counties of less than 3,000,000 inhabitants, advertisement shall

198 include notice of the registration requirement for persons bidding at the sale. Properties
199 ~~upon which taxes have been paid in full under protest shall not be included in the list.~~ The
200 collector shall give notice that he or she will apply to the circuit court on a specified day for
201 judgment against the properties for the taxes, and costs and for an order to sell the
202 properties for the satisfaction of the amount due, ~~and for a judgment fixing the correct~~
203 ~~amount of any tax paid under protest.~~

204 The Collector shall also give notice that on the . . . Monday next succeeding the
205 date of application all the properties for the sale of which an order is made, will be exposed
206 to public sale at a location within the county designated by the county collector, for the
207 amount of taxes, and cost due. The advertisement published according to the provisions of
208 this section shall be deemed to be sufficient notice of the intended application for judgment
209 and of the sale of properties under the order of the court, ~~or for judgment fixing the correct~~
210 ~~amount of any tax paid under protest.~~ Notwithstanding the provision of this Section and
211 Section 21-110, in the 10 years following the completion of a general reassessment of
212 property in any county with 3,000,000 or more inhabitants, made under any order of the
213 Department, the publication shall be made not sooner than 10 days nor more than 90 days
214 after the date when all unpaid taxes or property have become delinquent.

215
216 § 21-150. Time of applying for judgment. Except as otherwise provided in this Section or
217 by ordinance or resolution enacted under subsection (c) of Section 21-40, all applications
218 for judgment and order of sale for taxes and special assessments on delinquent properties
219 ~~and for judgment fixing the correct amount of any tax paid under protest~~ shall be made

220 during the month of October. In those counties which have adopted an ordinance under
221 Section 21-40, the application for judgment and order of sale for delinquent taxes ~~or for~~
222 ~~judgment fixing the correct amount of any tax paid under protest~~ shall be made in
223 December. In the 10 years next following the completion of a general reassessment of
224 property in any county with 3,000,000 or more inhabitants, made under an order of the
225 Department, applications for judgment and order of sale ~~and for judgment fixing the correct~~
226 ~~amount of any tax paid under protest~~ shall be made as soon as may be and on the day
227 specified in the advertisement required by Section 21-110 and 21-115. If for any cause the
228 court is not held on the day specified, the cause shall stand continued, and it shall be
229 unnecessary to re-advertise the list or notice.

230 Within 30 days after the day specified for the application for judgment the court shall
231 hear and determine the matter. If judgment is rendered, the sale shall begin on the Monday
232 specified in the notice as provided in Section 21-115. If the collector is prevented from
233 advertising and obtaining judgment during the month of October, the collector may obtain
234 judgment at any time thereafter; but if the failure arises by the county collector's not
235 complying with any of the requirements of this Code, he or she shall be held on his or her
236 official bond for the full amount of all taxes and special assessments charged against him or
237 her. Any failure on the part of the county collector shall not be allowed as a valid objection
238 to the collection of any tax or assessment, or to entry of a judgment against any delinquent
239 properties included in the application of the county collector, ~~or to the entry of a judgment~~
240 ~~fixing the correct amount of any tax paid under protests.~~

241

242 § 21-160. Annual tax judgment, sale, redemption, and forfeiture record. The collector shall
243 transcribe into a record prepared for that purpose, and known as the annual tax judgment,
244 sale, redemption and forfeiture record, the list of delinquent properties ~~and of properties~~
245 ~~upon which taxes have been paid under protest~~. The record shall be made out in numerical
246 order, and contain all the information necessary to be recorded, at least 5 days before the
247 day on which application for judgment is to be made.

248 The record shall set forth the name of the owner, if known; the description of the
249 property; the year or years for which the tax; or in counties with 3,000,000 or more
250 inhabitants, the tax or special assessments, are due ~~or for which the taxes have been paid~~
251 ~~under protest; the amount of taxes paid under protest~~; the valuation on which the tax is
252 extended; the amount of the consolidated and other taxes or in counties with 3,000,000 or
253 more inhabitants, the consolidated and other taxes and special assessments; the costs; and
254 the total amount of the charges against the property.

255 The record shall also be ruled in columns, to show in counties with 3,000,000 or more
256 inhabitants the withdrawal of any special assessments from collection and in all counties to
257 show the amount paid before entry of judgment; the amount of judgment and a column for
258 remarks; the amount paid before sale and after entry of judgment; the amount of the sale;
259 the amount of interest or penalty; amount of cost; amount forfeited to the State; date of
260 sale; acres or part sold; name of purchaser; amount of sale and penalty; taxes of succeeding
261 years; interest and when paid, interest and cost; total amount of redemption; date of
262 redemption; when deed executed; by whom redeemed; an a column for remarks or receipt
263 of redemption money.

264 The record shall be kept in the office of the county clerk.

265

266 § 21-170. Report of payments and corrections. On the day on which application for
267 judgment on delinquent property is applied for, the collector, assisted by the county clerk,
268 shall post all payments compare and correct the list, and shall make and subscribe an
269 affidavit, which shall be substantially in the following form:

270 State of Illinois)
271) ss.
272 County of _____)

273

274 I . . . , collector of the county of . . . , do solemnly swear (or affirm, as the case may
275 be), that the foregoing is a true and correct list of the delinquent property within the county
276 of . . . , upon which I have been unable to collect the taxes (and special assessment, interest,
277 and printer’s fees, if any), charged thereon, as required by law, for the year or years therein
278 set forth; ~~and of all of the properties upon which the taxes have been paid under protest;~~
279 and that the taxes now remain due and unpaid, to the best of my knowledge and belief.

280 Dated

281 The affidavit shall be entered at the end of the list, and signed by the collector.

282

283 § 23-35. Tax objection based on budget or appropriation ordinance. Notwithstanding the
284 provisions of Section ~~21-175~~ 23-10, no objection to any property tax levied by any
285 municipality shall be sustained by any court because of the forms of any budget or

286 appropriation ordinance, or the degree of itemization or classification of items therein, or
287 the reasonableness of any amount budgeted or appropriated thereby, if: * * *

288 *[Continue with existing text of section.]*

289

SUPPLEMENTARY APPENDIX B

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Speaker Wojcik: "The House will come to order. The Members will be in their chairs. Representative Wojcik in the Chair. The Chaplain for today is Pastor Howard Westlund of the West Chicago Bible Church in West Chicago. Pastor Westlund is the guest of Representative Tom Johnson. Guests in the gallery may wish to rise for the invocation."

Pastor Westlund: "Great God in heaven, giver of every good and perfect gift, we wait before You in faith in the midst of the demanding schedule of this Session. To these assembled honorable leaders is charged the work of directing the affairs of this state. They need wisdom and courage, insight and strategy, to achieve the goals that will best serve our citizenry as well as the well-being of the state. Today we recognize Your kindness to us and the message You have spoken through Jesus Christ. In His pristine clarity, He explains, I am the way, the truth and the life. We pursue our own ways with dispatch and creativity, only to find discouragement and the returns disappointing. Then, we wisely seek Your holy and righteous ways - ways of rightness, justice and contentment. Surrounded by the flood of data and our being connected to the information highway, we find confusion and misinformation until coming to You, we receive truth that makes us free. With life devalued by violence and the quality of life attached to the things we possess, we hear Your word, Lord Jesus, that life is found in You. Today I pray that on every level of government; federal, state, local, and the smallest level, the home, that You will be found and welcomed as the way, the truth and the life. Amen."

Speaker Wojcik: "We will be led in the Pledge of Allegiance today by Representative Flo Ciarlo."

Ciarlo, et al: "I pledge allegiance to the flag of the United

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States of America, and to the Republic for which it stands,
one nation under God, indivisible, with liberty and justice
for all."

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

Currie: "Thank you, Speaker. As you can see, here we are, 53
wide-eyed, bright-eyed Democrats ready to do the peoples
work, and I hope you will let the record show that
Representative Martinez is excused today."

Speaker Wojcik: "With leave of the House the Journal will so
indicate. Representative Cross. Is...Representative Hoelt
is recognized to report any excused absences on the
Republican side of the aisle."

Cross: "On this gorgeous, bright, beautiful, sunshiny day, we're
all here."

Speaker Wojcik: "Mr. Clerk, take the record. There are 117
Members answering the roll call and a quorum is present.
The House will come to order. Messages from the Senate."

Clerk Rossi: "A message from the Senate by Mr. Jim Harry,
Secretary of the Senate. 'Mr. Speaker, I am directed to
inform the House of Representatives that the Senate has
concurred with the House of Representatives in the passage
of a Bill of the following title; House Bill 838, a Bill
for an Act to amend the Worker's Compensation Act, together
with the attached Amendments; Senate Amendment #1.'"

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

Brunsvold: "Inquiry of the Chair, Madam Speaker."

Speaker Wojcik: "State your inquiry."

Brunsvold: "Last night I filed a Motion to extend the deadline on
Senate Bill 323 until tonight at midnight. I just want to

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know the disposition of that Motion."

Speaker Wojcik: "Representative Brunsvold, we're not on that order or business right now, but we will get back to you. Mr. Clerk, on the Order of Resolutions, please read HR...House Resolution 52."

Clerk Rossi: "House Resolution 52, offered by Representative Bost."

Speaker Wojcik: "Representative Bost."

Bost: "Thank you, Madam Speaker, Members of the House. House Resolution 52.

'WHEREAS, Township government is the closest branch of government and most responsive to the people, serving over 8 million Illinois citizens; and

WHEREAS, 53% of all road miles and 46% of all bridges in the State of Illinois are maintained by township road districts; and

WHEREAS, the issues affecting township government in recent years and lowered equalized assessed valuations downstate have severely restricted the financial resources under which townships operate; therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that a Task Force shall be created to study the issues affecting downstate Illinois township government; and be it further

RESOLVED, that the Task Force shall consist of 10 members, 5 appointed by the Speaker of the House of Representatives, and 5 appointed by the Minority Leader, with a Chairman to be appointed by the Speaker; and be it further

RESOLVED, that the Task Force shall hold 5 hearings around the State, and shall submit a full report to the

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Illinois General Assembly by December 1, providing solutions to address problems raised in these hearings.' Madam Speaker, I ask for the passage of House Resolution 52."

Speaker Wojcik: "Mr. Clerk, are there any announcements?"

Clerk Rossi: "The House Rules Committee will meet this morning at 9:30 in the Speaker's conference room. Repeating. The Rules Committee will meet this morning at 9:30 in the Speaker's conference room."

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

Hartke: "Thank you very much, Madam Speaker. If the Body will recall, the other night we had a piece of legislation that was defeated once and brought back on Postponed Consideration. The township officials in Illinois were adamantly opposed to that piece of legislation in the original form. And after an agreement with the township officials in Illinois, with the submission of this Resolution creating the task force to study the needs and wishes and desires and...for the townships, it was agreed that, by Speaker Daniels, that this task force would be created to do that study. I'm happy to see the Speaker live up to that commitment. I support this Resolution and hope to be of help to that task force."

Speaker Wojcik: "Is there any further discussion. The Gentleman from Bureau, Representative Mautino, is recognized."

Mautino: "Thank you, Madam Speaker. Could...Because of the...a little bit of the noise level, could you just go over the basic points on the Resolution? This is being put forward for the township officials."

Speaker Wojcik: "Representative Bost."

Bost: "Yes, Representative. This is being put forward for the

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township officials so that we can look into the problems that exist in Township Government. And the task force will consist of 10 members, five from the Majority, five from Minority and then a Chairman appointed by the Speaker of the House."

Speaker Wojcik: "Representative Mautino."

Mautino: "Are there any specific areas to be addressed within the mission of the task force?"

Speaker Wojcik: "Representative Bost."

Bost: "There are several problems that exist, and one of the main problems that exist is the lower equalization assets valuations downstate and this was one of the main concerns that we want to bring out and talk about."

Speaker Wojcik: "Representative Mautino."

Mautino: "Thank you. I have no further questions."

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

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

Speaker Wojcik: "He indicates he will."

Hannig: "Representative, do you have any idea on what costs might be incurred to have these five meetings around the State of Illinois and where this money will come from?"

Speaker Wojcik: "Representative Bost."

Bost: "There is a very minimal cost from what we can tell at this time."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, you're going to have 10 members from around the state meet at least, I think you said, what? Five times? Was it five?"

Speaker Wojcik: "Representative Bost."

Bost: "That's correct."

Speaker Wojcik: "Representative Hannig."

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Hannig: "So, effectively, you'll have to pay expenses to 50...50 times to five people...or...Five times, times 10 people, is 50. So I don't know what the expenses are going to be, but at least I know there will be travel involved. I don't know if there will be any other costs involved. Generally speaking, when we have committee meetings you may very well see some staff from both sides of the aisle travel down to these respective areas and who knows where they could be. How would we determine where they would be?"

Speaker Wojcik: "Representative Bost."

Bost: "It would be determined by the Speaker along with the chairman of the task force."

Speaker Wojcik: "Representative Hannig."

Hannig: "So you don't really know what they will cost. Where will the money come from?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Hannig, I would believe that the funds would probably come from the General Revenue Fund. I...It will be a minimal amount in comparison to the problems that we're going to be discussing. This is very important to everyone, every county that has Township Government and I think it's well worth the minimal cost that it will be."

Speaker Wojcik: "Representative Hannig."

Hannig: "What would be the range of subjects, do you think? What would be...In other words, I hope that you have at least some solutions you'd like to put on the table, I suppose. Could you give us some ideas on what you think would be a way to solve this problem?"

Speaker Wojcik: "Representative Bost."

Bost: "There are several problems that Township Governments are facing. One I mentioned is the assessed values and their revenue streams, and there's...but there are a lot

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of...That's why we're discussing the problems is to try to come up with some solutions."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, I think we all understand the problems, and for some of us who have been down here for a number of years, we've seen any range of solutions from giving them the power to levy their own taxes to abolishing townships and everything in between. What's your thoughts on what we ought to be doing to address the problem?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Hannig, that's why I'm in total support of having these meetings. There are many ideas from around the state on how to handle these problems. I am new here. I know you've been here for many years, but I'm glad I'll have the opportunity to listen to these. Maybe if you need to know about those problems, you can talk to the Minority Leader and see if you can get appointed to this task force cause that way you can discover all these problems also."

Speaker Wojcik: "Representative Hannig."

Hannig: "Representative, we have a Counties and Townships Committee with a chairman and a spokesman and members. Why could not that committee have meetings throughout the summer in your district and mine and wherever else we feel it's appropriate?"

Speaker Wojcik: "Representative Bost."

Bost: "I have no problems with them having meetings. This is my suggestion. This is the Resolution that was proposed by the townships and I have no problem supporting this, but if you think that would be a good idea, then you can present that. That's fine."

Speaker Wojcik: "Representative Hannig."

Hannig: "Well, I mean, we've got Members who apparently feel that

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that's an important issue. They've asked to serve on that committee on both sides of the aisle. Certainly, I think that the Chairman of the committee, working with the Minority Spokesman, could set up any number of hearings throughout the summer for us to discuss this problem. I'm not sure that we really need to create another task force of members when we have a way in place to deal with the problem the way it is, and that's the standing committees."

Speaker Wojcik: "Representative Bost."

Bost: "This task force is at the request of the townships. I have no problem supporting it. If any time we can have the opportunity for people involved with these local governments to give their input, I think we should encourage it. I believe in this Resolution. Maybe we have different ideas or different views on how to handle this and that's why I'm presenting it here today. If there's a problem with it and you don't feel you can support it..."

Speaker Wojcik: "Representative, bring your questions to a close, please. Thank you. Any further discussion? The Gentleman from Clinton, Representative Granberg, is recognized."

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Bost, if this is so important, why wasn't this Resolution scheduled to be called before this Body?"

Speaker Wojcik: "Representative Bost."

Bost: "As soon as it was suggested to me from the townships, it was scheduled. And after having a discussion with some members of the townships, that's why we came up with this Resolution."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, it was my understanding this Resolution was

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determined to be called after we voted on the DuPage Motor Fuel Tax Reassessment. Isn't that correct?"

Speaker Wojcik: "Representative Bost."

Bost: "That is my understanding."

Speaker Wojcik: "Representative Granberg."

Granberg: "So this was not scheduled to be called and put before this Body. Isn't that right?"

Speaker Wojcik: "Representative Bost."

Bost: "As soon as the township officials came to me, that's when we put it up...to schedule before this Body."

Speaker Wojcik: "Representative Granberg."

Granberg: "Representative Bost, when was this scheduled to be heard before the Members of this House?"

Speaker Wojcik: "Representative Bost."

Bost: "As soon as it possibly could."

Speaker Wojcik: "Representative Granberg."

Granberg: "Was this Resolution on the Calendar yesterday, Representative?"

Speaker Wojcik: "Representative Bost."

Bost: "I...We can request of the Clerk."

Clerk Rossi: "This Resolution was not on the Calendar yesterday."

Speaker Wojcik: "Representative Granberg."

Granberg: "So I assume that this Resolution was drafted, Representative, last week? Two weeks ago? Was this Resolution drafted by you like two weeks ago? Last week?"

Speaker Wojcik: "Representative Bost."

Bost: "It was drafted earlier this week."

Speaker Wojcik: "Representative Granberg."

Granberg: "And, let's see. Was it drafted after Representative Cowlshaw's Bill failed on Third Reading in this House?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Granberg, I can't...I don't know on the

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exact time on the Calendar and everything like that. Things have been kind of hectic around here the last couple of days, but I don't think, with this Resolution, how it meant..."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, when did the township officials come to you and ask you to have this Resolution debated, Sir?"

Speaker Wojcik: "Representative Bost."

Bost: "Approximately three days ago."

Speaker Wojcik: "Representative Granberg."

Granberg: "Approximately three days ago. Now, if you're...Maybe we should ask Mr. Clark. Did they come before him or did they come to you?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative Granberg, they came to me."

Speaker Wojcik: "Representative Granberg."

Granberg: "Did they come to you in conjunction with Representative Cowlshaw's Bill?"

Speaker Wojcik: "Representative Bost."

Bost: "Representative, that was discussed, but that has nothing...This Resolution is a good Resolution which I can support very openly."

Speaker Wojcik: "Representative Granberg."

Granberg: "...Representative. This is based on Representative Cowlshaw's Bill failing. The precedent was set against Township Governments. You know it and I know it. Your vote in favor of reformulating how motor fuelship moneys are spent is the basis for this Resolution. We came before this Body - that Bill failed. You ended up voting for it so you can sponsor a Resolution, a Resolution that has no effect, no weight of law, and you know it and everyone else in this Body knows it. There was a deal so that

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Representative Cowlshaw could get her Bill out effecting DuPage County, DuPage County only. But a major policy..."

Speaker Wojcik: "Representative Granberg, would you speak to the Resolution, please."

Granberg: "I am speaking to the Resolution, Madam Speaker. We set a policy...we set a precedent on that policy by voting for that Bill. You changed your vote, Representative. You changed your vote to set that precedent on that policy for Township Government, a policy that is bad for all townships, and now you get to sponsor a Resolution, a Resolution that means nothing. It means absolutely nothing. But I guess that's the way this Session is going because what we're doing here means absolutely nothing. These Resolutions, press releases, Bills, can't be heard. It's an unprecedented failure of the leadership of the Republican Majority in this House."

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

Skinner: "I move the previous question on this absurd debate."

Speaker Wojcik: "The previous question has been moved. All in favor signify by saying 'aye'. All those opposed 'nay'. The previous question has been put. Rep...All those...all those...all those in favor of the Resolution signify by saying 'aye'. Those opposed 'nay'. Resolution carried. For what purpose does the Gentleman from McHenry, Representative Skinner, rise?"

Skinner: "I rise to a point of parliamentary procedure. In past sessions we have not been able to pass by voice vote any Resolution that would require or allow the expenditure of state funds. This does that. I think we ought to have a roll call."

Speaker Wojcik: "Representative, your point is well taken. We

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shall have a roll call vote. All those in favor signify by voting 'aye'; all those opposed vote 'nay'. Voting is open. All voted who wish? All voted who wish? All voted who wish? Mr. Clerk, take the record. On this Resolution there are 110 'ayes', 2 'nays', 4 voting 'present', and the Resolution carries. Mr. Clerk, any announcements?"

Clerk Rossi: "Rudy King, from the General Assembly Retirement System, will be in the Speaker's conference room throughout the day to answer any questions Members may have about the General Assembly Retirement System."

Speaker Wojcik: "Mr. Clerk, please read House Joint Resolution...Mr. Clerk, announcements."

Clerk Rossi: "The Rules Committee that is meeting at 9:30 which was previously meeting in the Speaker's conference room, has been moved to the Minority Leader's...the Majority Leader's office. The Rules Committee is meeting in the Majority Leader's office."

Speaker Wojcik: "For what purpose does the Gentleman from Cook, Representative Lang, rise?"

Lang: "Thank you. Madam Speaker, earlier this morning Representative Brunsvold asked you a question relative to a Motion he filed yesterday to extend the deadline on a particular Bill. Madam Speaker, he did not get much of an answer. I know you're probably awaiting the answer from someone behind you, but nevertheless this is a very important Bill that Representative Brunsvold, the district he lives in and some other Representatives who really need this piece of legislation, and to let it sit back there and not have an answer is kind of embarrassing to this process. If Mr. Brunsvold is not going to have the opportunity to have a vote on this Bill, if the deadline is not going to be extended, then he should know that so he can try to find

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another Bill to put his legislation on, Conference Committee Report or some other matter. If it is going to be acted on, simply tell us that and we'll sit down patiently and await that opportunity so that we can help our colleague who really needs to pass this legislation. But having no answer simply delays the process and simply keeps one of our colleagues, who has a very important piece of legislation, from moving it along. So, do we have an answer, Madam Speaker?"

Speaker Wojcik: "Representative, that was a few minutes ago and we will get back to you. Mr. Clerk, please read House Joint Resolution 38."

Clerk Rossi: "House Joint Resolution 38, offered by Representative Weaver."

Speaker Wojcik: "Representative Weaver."

Weaver: "Thank you very much, Madam Speaker. Ladies and Gentlemen of the House, House Joint 38...House Joint Resolution 38 establishes a task force to study higher education funding. The task force will be made up of the Chairman and spokesman of the appropriations for education and the Chairman and spokesman for higher education in both the House and the Senate, with also the Lieutenant Governor serving on the task force. We also welcome participation of any and all interested Members from both chambers, and the intent of this task force is to analyze funding and methodology for higher education and make recommendations to the General Assembly by January of 1996. I'll be happy to answer any questions."

Speaker Wojcik: "Is there any discussion? The Gentleman from Clinton, Representative Granberg, is recognized. Representative Clinton (sic-Granberg) does not wish to be recognized. Is there any discussion? The Gentleman from

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Cook, Representative Lang, is recognized."

Lang: "Thank you. Madam Speaker, inquiry. Has this Resolution been printed and distributed?"

Speaker Wojcik: "Mr. Clerk. We lost our Clerk. Any Clerk will do."

Clerk Rossi: "The Resolution has not been printed and distributed."

Speaker Wojcik: "Out of the record. For what purpose does the Gentleman from Rock Island, Representative Brunsvold, rise?"

Brunsvold: "Thank you, Madam Speaker. A few minutes ago Representative Lang made a request and I made a request earlier. Yesterday, Speaker Daniels lied to me about calling a Bill that is very very important to my district. Five hundred jobs, \$4 million in economic development, \$12 million to the State of Illinois in taxes, and a total revitalization of a river town in this state. And I guess I'm asking, is Lee Daniels Speaker of DuPage County or is he Speaker of the whole state?"

Speaker Wojcik: "Representative Brunsvold, we're not on that order of business. If you would like to move to be on that order of business, you will be recognized for that. Representative Brunsvold."

Brunsvold: "I can't relate to this Body, and I've tried to relate this to Mr. Daniels since February and to everyone else involved, of how important this is to some people in this state. And I have not, evidently, made a very good impression on Mr. Daniels because he does not want to take care of the people in Rock Island County or the 72nd district. Now I don't know...He's been there. He's been there and talked to people there and I don't know what the problem is with doing this little piece of business for the

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state. We do things for Sears, we do things for Dia...the car plant in Bloomington. All I want is two little paragraphs in the law that would allow a gaming board to make adjustments to level the playing field and I can't get Mr. Daniels to do that. Now, is he against the people in Rock Island County? Does he support the 96,000 people in my district, or is he going to abandon us? I want to know where the Speaker stands on this issue. I want to know where Daniels is and why he lied to me yesterday in not calling this Bill. I want the real Speaker out here. Tell me why he's not supporting the people of my district."

Speaker Wojcik: "Representative, I can't speak for the Speaker and I will tell you we are looking into your request and in a timely manner you'll be hearing from us. On the Order of Concurrence, Mr. Clerk, read House Bill 8. Representative Black, for what purpose do you rise?"

Black: "Point of personal privilege, Madam Speaker."

Speaker Wojcik: "State your privilege."

Black: "You know, it's 9:30 in the morning, it's been a very contentious and long week. The Bill that the Gentleman referred to is...was very important to me as well and I made certain agreements to him and to other people that that Bill meant something to me - that I would take the Amendment out that meant something to me at some embarrassment and disappointment to me, and I will work with the Gentleman to try and get the Bill called. But I think it behooves all of us and no one can get more passionate than I, and no one can get more upset than I, but I think, and I mean this sincerely, I think all of us had better tone down the rhetoric. You don't get anywhere in this business by questioning the Speaker of the House, whether it be Illinois, California, New York, or whatever, by

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questioning his integrity and using a pejorative that I don't think should be used publicly. Now, I will work with you, Sir, but I would suggest strongly that we just tone down the rhetoric, use our good offices and good will, go back into various offices and see if we can advance the concept. But I'm telling you, the heated rhetoric here serves none of us well and will simply preclude you and I from trying to move an agenda that is just as important to you as it is to me. So if we can go about the business of the House and those of us that have a concern with the Bill in question, meet in the back of the chamber and discuss it rationally and see if we can salvage something from this. I'm ready to join with you, but you're about to preclude some of us from working with you when you use various pejorative terms to describe our elected Speaker. Now, let's just tone down the rhetoric and I think we can perhaps solve a good many of the problems that we're concerned about."

Speaker Wojcik: "The Gentleman from Madison, Representative Stephens, is recognized."

Stephens: "Thank you, Madam Speaker. I would concur with the Gentleman from Vermilion. I was the Sponsor of that Bill and we wanted it called. There are circumstances that we must recall from last night that didn't allow everything we wanted to do to get done and to question the good name of the Speaker, I think, is inappropriate. We've got four days left to go...three days left to go. There's much work to be done and there are many ways that we can accomplish the goals that we had with Senate Bill 323 and I hope that on both sides of the aisle we will work together. There's no need for name calling. It's late, I know we're all tired, but we've got to get the work done and

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Representative Brunsvold, I want to work with you. We worked with you in good faith last night. I think you know that, and as the Sponsor of the Bill, I was told that we would get to it if we could. And things don't always work out here in a timely manner, but if we work together in the spirit of cooperation, things do work out."

Speaker Wojcik: "The Gentleman from Rock Island, Representative Brunsvold, is recognized."

Brunsvold: "Thank you, Madam Speaker. Let me just say that Representative Black and Representative Stephens have worked very diligently to try to get this thing done and I appreciate their efforts. When you have a situation that exists in my district it becomes very emotional and I am hoping that Speaker Daniels can at least get the Bill called. Last night when we were calling Postpone Considerations and Bills on Second, second times, in running that process I didn't think there was an effort made to call a Bill that would have probably taken three or four minutes to do. And I'm just asking if Representative Stephens and Representative Black will continue to help work on this and maybe if they can help me we can get this thing done."

Speaker Wojcik: "Representative, I think that in a timely manner something will be arranged. The Gentleman from Clinton, Representative Granberg, for what purpose do you rise?"

Granberg: "Thank you, Madam Speaker. Inquiry."

Speaker Wojcik: "State your inquiry."

Granberg: "Thank you. The Lady from East St. Louis just gave me a piece of paper and asked me to discuss this. I want to ask the Clerk and the Chair, I have a copy of the vote last night, well, I shouldn't say last night - Senate Bill 718, and it indicates that the Bill was passed today past the

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deadline. It indicates it was passed on the 24th of May. That is after the deadline for Senate Bills, Third Reading. Now, this is the Clerk's record. The Lady's entitled. This is the official record of the House. I don't think we want to tamper with the official records of the House anymore, and I would ask that the Speaker rule that this Bill did not pass because it passed...it came before this Body and was passed, technically, after the deadline, violating your rules."

Speaker Wojcik: "Representative Granberg, we will review this and get back to you. Mr. Clerk, has HJR 38 been distributed?"

Clerk Rossi: "Yes, it has."

Speaker Wojcik: "The Chair recognizes Representative Weaver on HJR 38."

Weaver: "Thank you once again, Madam Speaker and Ladies and Gentlemen of the House. This creates a task force to study the funding of higher education. One of the problems that we have at least experienced over the past several years is the differential between higher ed funding and elementary and secondary, and whenever we question the amount, we were told that two-thirds of the education budget goes to elementary and secondary and one-third goes to higher education. And the only reason given was, that's the way it's always been done. And so, we felt in conjunction not only with the Members of the Appropriations for Education Committee and Higher Education Committee in the House, but also those same Members in the Senate, that we ought to take some time this summer, hold hearings across the state and discovery, in fact, what is a reasonable funding methodology for higher education. I'll be more than happy to answer any questions."

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

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Cook, Representative Lang, is recognized."

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

Speaker Wojcik: "He indicates he will."

Lang: "Mr. Weaver, I see that this task force is going to be...meet at the call of the Lieutenant Governor. Isn't he the guy we've had several Bills to take functions away from this year? Does...Can he...Does he have the time to do this?"

Speaker Wojcik: "Representative Weaver."

Weaver: "His primary function in this task force will be to organize the task force, get us underway, and then allow us to do our business."

Speaker Wojcik: "Representative Lang."

Lang: "Well, he sure is available. I mean he's running for another office. He's...He may take a talk show on the radio. We can't keep track of this guy over on this side of the aisle. You probably can't either. Are you sure he'll have time for this?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, I'm sure he appreciates your support in whatever campaign efforts he wants to undertake. That really doesn't concern me at the moment. My concern is the task force and the recommendations that that task force makes to this Body by January of 1996."

Speaker Wojcik: "Representative Lang."

Lang: "Well, the purpose of this task force is to do what? Study the cost of higher education?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, that's just a small part of it. Not only just the cost, but the funding methodology. For example, why does higher education, in total, get the amount of money that it gets from the state budget? Why does any single university

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or community college board get the money that it gets from the state budget? We want to open it wide open so that the task force has the ability to study any and all financial matters that deal with higher education."

Speaker Wojcik: "Representative Lang."

Lang: "Well, Mr. Weaver, since you want to do this, I guess I missed the little tidbit in here, or maybe you didn't put it in, that would have disbanded the State Board of Education whose function it is to do this and would disband the House Committee on Higher Education whose job it is to do this. You sit on that committee and do you Chair that committee? Doesn't this...doesn't the House Higher Ed Committee have the wherewithal to do this?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, Sir, as you know in this process, both chambers, including the Governor's Office, also have to be involved in any major undertaking of higher education or elementary or secondary education. Our intent was to not only involve those committees in the House, but also those committees in the Senate that may ultimately have to make some changes in the system."

Speaker Wojcik: "Representative Lang."

Lang: "You said something in your comments about the Governor's office being involved. Don't you agree with me that that's an oxymoron?"

Speaker Wojcik: "Representative Weaver."

Weaver: "No, I don't agree, and I wish you'd kind of refrain and keep your remarks to the Resolution in front of us."

Speaker Wojcik: "Representative Lang."

Lang: "Well, Mr. Weaver, I don't understand the purpose of this. We have a Higher Education Committee in the House, we have a similar committee in the Senate, we have a State Board of

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Education. You Chair the Higher Ed Committee. You could call a subcommittee - or someone on your side of the aisle Chairs the Higher Ed Committee. You folks can call a subcommittee meeting anytime you want, run all over the state with General Assembly dollars to have any kind of hearings you want. What's the purpose of this task force, Sir."

Speaker Wojcik: "Representative Weaver."

Weaver: "I'll tell you what, I'll speak real slow so you can understand what I'm saying. The purpose is to involve the House and the Senate, not just the House Committees on Higher Education."

Speaker Wojcik: "Representative Lang."

Lang: "So whatever happened to the notion of a joint House/Senate subcommittee on this issue? Why do we need a task force, Sir?"

Speaker Wojcik: "Representative Weaver."

Lang: "I'll speak real slow and maybe you'll get it."

Speaker Wojcik: "Representative Weaver."

Weaver: "That's why we have a joint task force, to combine the services of both the House and the Senate on this issue addressing higher education finance."

Speaker Wojcik: "Representative Lang."

Lang: "I don't know. It looks to me, Sir, like you're creating a new task force. You know, they handed me a grow award for you, but it's just...this task force is not even worth walking across the room to hand this to you, slow or fast. Sir, I don't understand what this committee is going to do that we don't do right now. What involvement will the State Board of Education have in this Committee?"

Speaker Wojcik: "Representative Weaver."

Weaver: "The State Board of Education deals with elementary and

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secondary education items primarily. We will involve the Board of Higher Education in this...in these hearings; however, we wanted to separate ourselves because we felt that they may have some vested interest in maintaining the status quo and that is not necessarily the influence that we want to encourage."

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

Lang: "Sure. Well, you talk about vested interest, I think your from a city that has a university. Don't you have a vested interest in discussing this issue?"

Speaker Wojcik: "Representative Weaver."

Weaver: "I think all of us have a vested interest in higher education."

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

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

Speaker Wojcik: "He indicates he will."

Granberg: "Representative Weaver, you said in your remarks to Representative Lang that you referred to the Governor...or the Lieutenant Governor's campaign. Now, I know you didn't mean that. I think it was a Freudian slip, if anything. If you want him to come before the committee and go across the state, why don't we just do the joint...joint committee hearings and have Lieutenant Governor Kustra be the first witness every...every meeting so he can get his publicity. I think I have an idea what this is about. He can get his publicity and we can save money for the taxpayers. Wouldn't that be easier?"

Speaker Wojcik: "Representative Weaver."

Weaver: "I'm sorry. I was not able to discern what his question was, if there was a question in all of that."

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Speaker Wojcik: "Representative Granberg."

Granberg: "If you want to give the Lieutenant Governor a forum, Representative, why don't we save the taxpayers some money. Why don't we just work through the joint subcommittee process and just have Bob Kustra go to each meeting and have him be the first one called?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, the purpose is to study higher education in conjunction with both the House and the Senate, and I don't know that we'd save any money by doing it with a subcommittee or a joint committee process as opposed to a task force. The task force allows us to bring in a wide variety of people throughout the state that have interests in higher education, both those directly involved and indirectly involved with higher education, and it allows Members from both chambers to participate without actually having to be a member of the task force."

Speaker Wojcik: "Representative Granberg."

Granberg: "Well, is this going to be the same as the task forces that have been convening to study elementary and secondary, where they meet over the course of a year, make a recommendation and nothing happens? Are the task forces the Governor had on funding the health insurance for the retired teachers, where it met, and then the day after the election it disbanded, saying we couldn't reach an agreement? I mean, why do we keep studying things. We don't resolve anything. Why don't we just have the normal functions of the committees work together and make a recommendation, Representative. I know you tried to explain this, but if we want to give Bob Kustra a forum for his campaign, give him a forum, let him talk in front of the committees. You can have anybody you want to testify

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throughout the state. They can come before the committee and testify and Lieutenant Governor Kustra can be the first one. That's fine. We don't have any objection to that. He can go across the state, before every region and get some publicity and that's okay with us. Yeah, we can use tax dollars to give the Lieutenant Governor a forum. That's fine. But why don't we just do it through the committee process instead of task forces because we won't come to any agreement anyway. Nobody will want to say we need more money or how to provide it. They will say we need to reformulate or we need to provide more money and they'll say, well, let's...And to...I'm sorry. To the Resolution, Madam Speaker. I don't want to belabor this."

Speaker Wojcik: "I would hope so, Representative."

Granberg: "We can just say, well, the task force will meet - we'll have all these hearings. The Gentleman running for U.S. Senate will say we need to reformulate the funding formula for higher education, improve the quality, and that needs more money. Well, we can say that today. We know what's going to happen. Will they come up with a plan to raise more money? Of course not. Will a candidate for U.S. Senate say the state needs to raise more money and do a tax increase? Of course not. Will they actually be responsible and look for a long-term funding plan? Of course not. This is all P.R. This is all a game. It's all a facade, just like everything else in this Session. So, I am certainly going to vote 'no'. We've had task forces. We've now reestablished the Pension Laws Study Commission which was abolished in 1983, but we felt a great need to have that come back up so we can appoint Members for more public input. Well, we can do that now. Ladies and Gentlemen of the House, we were elected, we were

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elected by the people and we should be responsible to the people. We should not be giving our authority away to other...to other individual members. Let us be accountable for once. Let us be responsible for our own actions. That's why the people elected us, that's why we're here. We should not be shirking that responsibility. Let's do it on our own for a change. Let's assume the responsibility for the people who put us here. We are elected officials, and I know some of us don't want to assume responsibility, but I think that's why we're here. We don't need anymore politics as usual, we don't need anymore task forces, we don't need anymore studies. Let's do it. Let's be held accountable and let's do what's right for the people of this state. Madam Speaker, I ask for a roll call vote."

Speaker Wojcik: "We welcome today, in the Speaker's gallery, the 8th grade class of Shirland Grade School of Shirland. They are the guests of Representative Dave Winters. Any further discussion? The Gentleman from Cook, Representative Pugh, is recognized."

Pugh: "Thank you, Madam Speaker and Ladies and Gentlemen of the House. Good Morning."

Speaker Wojcik: "Good morning."

Pugh: "Will the Sponsor yield?"

Speaker Wojcik: "He indicates he will."

Pugh: "Representative, is this Resolution the result of a commitment made by Lieutenant Governor Kustra that took place in the Higher Education Committee?"

Speaker Wojcik: "Representative Weaver."

Weaver: "No, Sir. This is a result of a commitment that I made during various meetings of the Appropriations Committee for Education and also a commitment that I made to many of the university presidents who asked me, very enthusiastically,

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to put together some kind of forum where they could explain why they're having financial problems at their various universities, and I discussed this with you, Sir."

Speaker Wojcik: "Representative Pugh."

Pugh: "Is...So, when we discussed this, I was under the impression that the focus of the...the focus of the task force would be to assist in the transition, and I was incorrect in my assumption?"

Speaker Wojcik: "Representative Weaver."

Weaver: "The focus of this is post-transitional. It is to determine, after the breakup of the system of systems, that we as a Body take a hard look at how each university is going to fare under their own independent boards and how well they can manage with the current financial situation as opposed to some other possibilities that we might recommend."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, the second part...So I did understand the second part correctly. So we are giving some attention to the problems that might result...that might occur as a result of the restructuring?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, I guess you could put...I'm not sure I'd label them problems. What we're doing is taking a look at the status quo as what is currently being done or not being done, the way it's been done for the last 30 years. What I'd like us to do in this task force, is to take a hard look at why things are the way they are in funding and expenditures of higher education."

Speaker Wojcik: "Representative Pugh."

Pugh: "So, over the course of...How long will the task force be in place and at what point will the recommendations be made

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and will they be made by...to the Governor or to the Lieutenant Governor?"

Speaker Wojcik: "Representative Weaver."

Weaver: "Well, I served for almost three years on the Educational Finance Task Force that studied the school aid formula for elementary and secondary. That thing when on for three years and now the report that that task force issued sits somewhere gathering dust. I really didn't want that to happen to this task force. That's why we tried to establish an earlier enough date, January, 1996, for that task force to report and recommendations to be made to both chambers of the General Assembly. Not to the Governor, not to the Lieutenant Governor, but to the General Assembly."

Speaker Wojcik: "Representative Pugh."

Pugh: "To the Bill, Madam Speaker. I rise in support of House Joint Resolution 38. I think it's an admirable attempt to address some of the inevitable problems that are going to be associated with the transition and I look forward to working with Representative Weaver on the task force. Thank you."

Speaker Wojcik: "Any further discussion? The Lady from Lake, Representative Moore, is recognized."

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

Speaker Wojcik: "The previous question has been put. All those in favor signify by saying 'aye'. All those opposed by saying 'nay'. And the previous question has been put. Representative Weaver, to close."

Weaver: "Thank you, Madam Speaker. Ladies and Gentlemen, this a sincere and honest effort to take a hard look at higher education, why it gets the money it does and how it spends it. In terms of our previous speaker's comment that we've

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abrogating authority, we're not, absolutely not because each of the members of this task force is one of the elected Members of the General Assembly with the exception of the Lieutenant Governor, whose function will be to start the task force off on it's way and then probably help us when he can, but not...probably not actively participate as much as we would like to see him. What we're trying to do is to make some sense of the higher education funding mechanism in this state and try and bring some realism by university. The universities have supported this, they look forward to making their case for better and more articulated funding for their individual universities. And I appreciate the support on both sides of the aisle for this Resolution."

Speaker Wojcik: "The question is, 'Shall House Joint Resolution 38 pass?' All those in favor signify by voting 'aye'; all those opposed signify by voting 'nay' and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 85 'ayes', 31 'nays', 0 voting 'present', and this Resolution having...is declared passed. Mr. Clerk, read House Joint Resolution 37. Representative Mautino."

Clerk McLennand: "House Joint Resolution 37, names a portion of the Illinois-Michigan Canal the Volunteer Trail in honor of work performed on the canal by 1973 to 1976 volunteers. Rules recommends 'be adopted'."

Speaker Wojcik: "For what purpose does the Gentleman from Cook, Representative Lang, rise? Representative Mautino."

Mautino: "Thank you, Madam Speaker, Members of the House. House Joint Resolution 37 will rename a section of the Illinois-Michigan Canal the Volunteer Trail. Back in

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19...between the years of 1973 and 1976, a group of volunteers took an interest and pride in the Illinois-Michigan Canal which had overgrown, and they went in and they developed and completely restored that section using their own time, their own labor. They went out and sought donations, and when they ran into a problem where the levies had washed away, they made their own...they constructed their own devices to ensure that this would be there for the people of the Illinois Valley to use. Since then, we have probably close to 200,000 people a year that come down and use this section of the trail. Families bike on the trail, they go fishing, and it is in great part due to the work of some volunteers who gave of themselves and did this, what has been guessed at by the Department of Conservation at about a million dollars worth of work to make this available to all of the people of the State of Illinois. This Resolution asks that we rename the section between LaSalle and Utica for those people who gave of their time and of themselves for all the people of the State of Illinois."

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

Black: "Yes. Thank you very much, Madam Speaker. Could I have a little order in the chamber? Yes, Madam Speaker, could I have a little order in the chamber, please?"

Speaker Wojcik: "Representative Black."

Black: "Yes, I...For the third time, could I have a little order in the chamber?"

Speaker Wojcik: "Would you please..."

Black: "Thank you very much."

Speaker Wojcik: "...Take your conversation to the back of the room so we can hear Representative Black."

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Black: "Thank you very much, Madam Speaker and Ladies and Gentlemen of the House. We have a situation here that I suppose I could rise and make something very partisan out of it. This Resolution has not been printed and distributed and is not on your desks. Now, the Gentleman from Bureau had the courtesy to come over and let me read it. The Resolution is quite simply what he purports it to be. I have no objection. I will ask our side of the aisle to vote for it and I'm not even getting up to ask you for any quid pro quo. I'm just simply trying to show you and tell you that we don't need to make every issue in this Body so highly partisan, so technical to the rules, that we can't get anything done and that relationships begin to sour that many of us have developed over the years. The Resolution is straightforward, it is as the speaker...as the Sponsor has indicated it to be. I would ask that my Members on this side of the aisle not raise the objection about printing and distributing. We can go ahead and vote on this and perhaps, for whatever it's worth, call it an olive branch, I don't care what you call it, but on some issues we do not have to get up and pontificate, polarize and politicize every single issue that comes to this floor. I intend to vote for the Gentleman's Motion. I intend to speak...I just have spoken in favor of it. Let's advance the Gentleman's Resolution."

Speaker Wojcik: "Is there any further discussion? The Gentleman from Jo Daviess, Representative Lawfer, is recognized."

Lawfer: "Thank you, Madam Chairman (sic-Speaker), Ladies and Gentlemen of the House. Representative Mautino, would you yield for a question?"

Speaker Wojcik: "He indicates he will."

Lawfer: "I think some of my questions have been answered by

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the...Representative Black's discussion on this, but having been involved in legislation where a question was asked, does this do more than change the name?"

Speaker Wojcik: "Representative Mautino."

Mautino: "This will change the name of the...of this stretch between LaSalle and Utica to the Volunteer Trail and the sign which is set up on that trail will show the name change and have some language just thanking the volunteers who went in and put their time and efforts to restore this section of the canal which had been closed and grown over."

Speaker Wojcik: "Representative Lawfer."

Lawfer: "Thank you very much. Having been involved in legislation where my credibility was questioned in regards to a name change, I do accept that and I will stand in support of your Resolution."

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

Hartke: "Thank you very much, Madam Speaker. You know, I sit here and listen to Representative Black and I kind of agree, we ought to save the paper on this Resolution. I think it's important that we not make a partisan issue out of it. I think later on here in the week we're going to want all the paper we could possibly have and I would like a copy of the budget so that I could have time to read it. So, let's save the paper and let's support this so that we can save all the trees that we would have printing this Resolution. But I do want a copy of the budget as soon as possible."

Speaker Wojcik: "Representative Mautino, to close."

Mautino: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. I simply ask for an 'aye' vote."

Speaker Wojcik: "All those in favor of the Gentleman's Motion

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signify by saying 'aye'. All those opposed say 'nay'.
Motion is carried."

Speaker Daniels: "Speaker Daniels in the Chair. Committee
Reports."

Clerk McLennand: "Committee Reports. Committee Report from
Representative Churchill, Chairman of the Committee on
Rules to which the following Joint Action Motions were
referred, action taken on May 24th, 1995, reporting the
same back 'do approve' for consideration. On the Order of
Nonconcurrence; House Bill 974, together with Senate
Amendments #2, 3 and 6, House Bill 1212, together with
Senate Amendments #4, 7 and 8. Committee Report from
Representative Churchill, Chairman of the Committee on
Rules. Pursuant to Rule...House Rule 8-4(a), the Committee
on Rules has met and places the following House Bills on
the Order of Concurrence; House Bills 32, 41, 90, 301, 385,
544, 652, 838, 1108, 1246, 1248, 1268, 1279, 1437, 1462,
1465, 1470, 1523, 1587, 1654, 1787, 1792, 1850, 2108, 2226,
2330, 2403, and 2429. These Bills are placed on the Order
of Concurrence, action taken May 24th, 1995. Signed,
Robert Churchill, Chairman, Committee on Rules."

Speaker Daniels: "House Bills Order of Concurrence. House Bill
206. Read the Bill, Mr. Clerk. House Bills, Order of
Conference Committee Report. House Bill 206. Read the
Bill, Mr. Clerk."

Clerk McLennand: "House Bill...Conference Committee Report #1 to
House Bill 206."

Speaker Daniels: "Representative Cowlshaw. Ladies and Gentlemen
of the House...Ladies and Gentlemen of the House this is
the Conference Committee Report #1 on House Bill 206 -
Chicago schools. May we please have your attention.
Representative Cowlshaw."

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Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. I want to begin by thanking Speaker Daniels for giving me the opportunity to hold more than 30 meetings with Chicagoans in order to arrive at this day and this Conference Committee Report. I have met a lot of very wonderful people, caring people who truly want to improve the Chicago schools. I think everyone of us in this chamber is joined in that desire. I will briefly outline what is contained in this Conference Committee Report and then of course I will gladly entertain any questions. It is wise, however, I think, to point out that this is a continuation of a reform effort that has already begun in Chicago. There are many people on local school councils in Chicago who have made real progress since the 1988 legislation to control schools at the local level and to raise the public awareness of the importance of public education. The Conference Committee Report on House Bill 206 changes the government structure. It creates a five member Chicago school reform board of trustees appointed by the mayor of Chicago to assume complete control of that school system for four years. It creates a full time compensated chief executive officer appointed by the mayor of Chicago and that chief executive officer is responsible for the management of the entire system. It authorizes that officer to create a group, a management team; first of all an operating officer responsible for privatizing services and finding other efficiencies in the system, a chief fiscal officer, a chief educational officer, and a purchasing officer. All of those people are appointed by the chief executive officer. It also eliminates the subdistricts and subdistrict superintendents. Next, as to the financial structure. This Conference Committee Report

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creates two block grants to increase the financial flexibility and reduce administrative burdens for the school district in Chicago for four years. The general education block grant removes all spending restrictions on the funds included within that grant. The educational services block grant permits the board to meet the obligations of the included programs, but without so many administrative burdens. It is important to recognize that the educational services block grant does not forgive the district from meeting the obligations of the programs included in that grant. It collapses seven of the district's operating levies into one operating levy to provide additional financial flexibility for four years. It suspends the school finance Authority's regulatory functions for four years to give the trustees complete control and flexibility. It makes the district's fiscal year consistent with the state's fiscal year. The provisions in regard to collective bargaining. This Conference Committee Report prohibits certain subjects from collective bargaining in order to allow the trustees to make crucial management decisions to bring stability to the system. It increases the permitted length of collective bargaining agreements from three to four years. It establishes a moratorium on strikes for an 18 month period to allow the new government structure to establish financial and educational stability within the system. It prohibits managerial personnel from being members of the teachers union. It guarantees local school councils will receive a minimum, that is at least \$261,000,000 annually, in state Chapter 1 funds. It is the exact amount that \$261,000,000 of the 1995 appropriation for state Chapter 1 funds which were also directed to the local school

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councils. It directs the trustees to establish a local School Council Advisory Board so that there is a means by which local school councils can communicate with the Reform Board of Trustees. It provides local school councils with the authority to approve internal accounts and audits and to grant the use of school property. It staggers the terms of local school council members and increases their term from two to four years in order to create stability at the local school council level. It requires all local school council members to complete a three day training period provided through the Chicago area universities at the direction of the Dean of the College of Education at the University of Illinois at Chicago. The school improvement plan requires the trustees to establish an academic accountability council to monitor the academic progress of schools and report that information to the trustees. It give principals more control of their schools, particularly in relation to school personnel. Gives the chief educational officer the authority to remediate and to even reconstitute failing schools. It establishes an intervention process for four years for those schools that are failing. It streamlines the teacher evaluation and dismissal process. It gives the trustees the authority to implement the learning zone legislation in Chicago, which was very recently passed here, and it addresses the subject of ethical conduct. It requires the trustees to establish an anti-nepotism policy. It requires the trustees to take record votes for contracts over \$10,000. It prohibits the expenditure of Chapter 1 funds for political purposes. It enacts protections for whistle blowers and it transfers the office of inspector general to the trustees from the current assignment to the School Finance Authority. In

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particular Mr. Speaker, I would like to thank the following groups all of which took part in a long series of meetings that have finally culminated in what you see on the board there today: The Latino Institute, the Illinois Business Round Table, the Chicago Board of Education, the Union League Club, the Office of Superintendent Argie Johnson, the Office of the Mayor of Chicago, the University of Illinois at Chicago, the Civic Committee of the Commercial Club, Chicago United, the Mexican/American Legal Defense and Education Fund, the Illinois Manufacturers Association, the Illinois State Chamber of Commerce, the Chicago Teachers Union, the School Coalition of Other Unions in Chicago, Leadership for Quality Education, the City-wide Coalition for School Reform, the Parent Community Councils, the Statewide Alliance for School Management, the District Four Facilitator, the School Engineers represented in the meetings by Don McCue, the Urban League and the School Finance Authority. I want to thank also all of the principals, school board Members, teachers, and parents who have met with me, with Senator Cronin, with representatives from the the Governors Office in order that we could attempt to do what we truly believe will make a difference for the children in Chicago. I would be glad to entertain any questions."

Speaker Daniels: "Thank you. The Gentleman from Cook, Representative Pugh."

Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Daniels: "She indicates she will."

Pugh: "Representative Cowlshaw, can you tell me the...why you felt initially that the schools needed to be restructured, reorganized?"

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Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Is the question, why did I feel that there needed to be a change in the governance structure? Is that the question? Well, Representative, I think it is quite apparent that the current structure is not working. There are far too many young people in Chicago who either drop out before they get a high school diploma or who after they have a high school diploma still do not have the basic skills to either get a job or hold it. I think in all fairness we must recognize that reform has been almost all centered in the local school councils in Chicago. It has been a bottom up not a top down kind of thing. Maybe that reform needs to boil up to the top and the reform needs to go forward there too."

Speaker Daniels: "Representative Pugh."

Pugh: "Is the problem that you just articulated only in Chicago or are there other schools throughout the state...other school districts throughout the state that are experiencing similar problems?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, there a good many school districts throughout Illinois that are experiencing problems of one kind or another. However, none of them has a student population of more than 400,000 students. Because of the immense number of students involved in the Chicago public schools we have, of course, concentrated on trying to do something to improve things for those more than 400,000 children."

Speaker Daniels: "Representative Pugh."

Pugh: "The School Finance Authority, Representative. Can you tell me what would happen to the School Finance Authority during the four year period and what would happen to their

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budget? Will they still be...have an operating budget?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, we cannot abolish the School Finance Authority because of the bonds that still remain that have to be retired. However, we have removed the authority of the School Finance Authority to review the budget. We have removed the requirement for a balanced budget and therefore the School Finance Authority is simply on hold for a four year period when all of the decision making is with that five member board of trustees."

Speaker Daniels: "Representative Pugh."

Pugh: "So they...we will be incurring a cost during that four year period for that School Finance Authority to be continued in place. And if there's a...if we're transferring the powers, why don't we just transfer the bonding authority powers to that board also and not incur the extra added expense?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, I am not an attorney, which I've always thought was one of my advantages; however, there were a good many very competent attorneys who sat in on these meetings and they told me that under current law we cannot abolish the School Finance Authority nor can we shift the responsibility for those bonds to anything other than the responsibility when the bonds were originally sold. That is the reason why the School Finance Authority is retained."

Speaker Daniels: "Representative Pugh."

Pugh: "So...Another...To another point in the Bill. When we're talking about reducing the allocations for teachers salaries, would that mean that we are going to cut the teachers salaries themselves or are we going to cut the

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amount of teachers that are..."

Speaker Daniels: "Representative Pugh, your time is up, Sir. Is Representative Morrow going to yield his time to you? Is that why his light is on? Alright. Representative Morrow yields his time to Representative Pugh."

Pugh: "So the...will that mean that we are going to have less teachers or less...or the teachers are going to make less...less money?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, there is nothing anywhere in this Conference Committee Report that establishes teachers salaries. That is something that the board of trustees will be responsible for doing."

Speaker Daniels: "Representative Pugh."

Pugh: "Yes, Ma'am, I understand that. But I submit to you that if we are talking about reducing the amount of moneys that is going to go into the fund...that's funding the salaries for teachers, then inevitably we are going to have to make cuts somewhere. And if it's not going to be in the salaries for the individual teachers, will it be in the number of teachers that we have to teach these children?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, what fund are you talking about? There is nothing in this Bill that reduces anything. The City of Chicago schools will get their fair share of the increase in the total appropriation for elementary and secondary schools for this year, just like all the other school districts in Illinois. They are...the local school councils are guaranteed at least the same amount in state Chapter 1 funds as they are now receiving. There is nothing in here that is a reduction. There is nothing in here that does anything in relation to what that board of

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trustees through...if the collective bargaining process may choose to do. There is nothing in here that reduces the number of teachers. There is nothing in here that reduces the salary of anybody. Now, the board of trustees may choose to do some of those things either through collective bargaining or other processes, but this Bill does not do anything like that."

Speaker Daniels: "Representative Pugh."

Pugh: "Anything in the legislation that insures that the teachers salaries won't be cut? That insures that the amount of moneys going to teachers salaries would not be reduced?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, the reason this Bill does not address that subject is because that is not up to us to decide. That is decided through the collective bargaining process. We do not establish the teachers salaries in Chicago now. We do not establish the salaries for teachers in the school districts throughout this state. That is why we have a collective bargaining law, to enable the local school districts and their teacher organizations to collectively bargain and arrive at the details of their contracts."

Speaker Daniels: "Representative Pugh."

Pugh: "Then can you explain to me why you felt it necessary to, in the legislation, to discontinue allowing substitute teachers who have worked on a substitute basis for two years to eventually become certified or permanent teachers?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, it doesn't say that in this Conference Committee Report. Could you make a reference to...I assume you have a copy of the Conference Committee Report right there. Could you make a reference to a page

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and line number, please?"

Speaker Daniels: "Representative Pugh."

Pugh: "It's under the employees and collective bargaining portion of the legislation."

Speaker Daniels: "Representative Cowlshaw. Representative Pugh."

Pugh: "To the Bill, Representative. I understand...at least I think I understand that your motives and your intentions are honorable and that you've seen a problem and as a Legislator you want to try to fix it. But I submit to you Ma'am that we are creating an environment for children to make choices that going to effect the rest of their lives..."

Speaker Daniels: "Representative Pugh, can you bring your remarks to a close? I will give you another minute, Sir."

Pugh: "Yes, Sir. Thank you, Mr. Speaker. These minority children who are not going to be, as a result of the reform effort, is going to discontinue the opportunity for a lot of children to be educated. Because it's going to be more difficult and less appealing for teachers to teach in the public school system so, therefore, minority children are going to not have the opportunity to be educated in a manner in which they could to make the necessary skill...life skill choices that they need, that will not eventually lead them into the penal system. I think that we as individuals need to think about the rights of individuals. As Legislators, it's the Constitution that states that it's the primary responsibility for the State of Illinois to educate our children. We have treaded upon the rights of the Native American recently..."

Speaker Daniels: "Representative Pugh, you must bring your remarks to a close, Sir."

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Pugh: "We have recently treaded upon the rights of the Native American and taken their image and we are marketing it as a trademark for the use of the University of Illinois. Today we are abdicating our responsibility to educate our children. Tomorrow, whose rights will be trampled upon? Will it be our rights? And if it's going to be our rights, then who will be around to help us. We need to take these things into consideration as we are preparing these children that are not going to be educated, are going to be left with very few alternatives to survive. They are going to survive no matter what, so we need to be thinking about who is going to pay the price for these uneducated children."

Speaker Daniels: "The Lady from Cook, Representative Monique Davis."

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

Speaker Daniels: "She indicates she will."

Davis, M: "Representative, you listed a long list of people. I don't know if you said if you met with them in this legislation or if they supported this legislation. If you said they support this legislation, it's just not true. The Mayor of the City of Chicago does not support this legislation, nor do the citizens in the City of Chicago because it does absolutely nothing for the \$150,000,000 deficit that exists. It has been stated on this floor that the per pupil expenditure for Chicago is very high, but of the 15 unit districts, large unit districts in the State of Illinois, Chicago per pupil expenditure is perhaps in the middle. It's a little over \$6,000 per pupil. Someone else asked what will be the effect of this legislation on Pershing Road? The effect will be perhaps we will have to move because there will be so many bureaucrats because of

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this legislation, there won't be room for them on Pershing Road. This Bill sets up an accountability council, an accountability council with the same budget that the School Finance Authority had which was \$1.7 million. Now is this council set up to remediate, to diagnose, to improve the education of these children? No. The council is set up to evaluate and report on a daily basis. I say there is enough evaluating going on with our Department of Research and Evaluation. We need some remediation. We need some dollars to buy books and to buy software and computers to educate African American children in Chicago. I find it offensive, it stinks, it's smelly and it's foul when people from Naperville, Dupage County, want to set up an education system for the children who are African American or Latino. What gods do they think they are? What chariots do they ride? They're Representatives just like me earning the same damn salary. I would also urge you to look at setting up a four year local school council member. Very often children leave a school. Children move to another location or parent's childrens graduate. Does that LSC member sit there even though he or she has no more interest in that school because the children have gone on? A two year term was sufficient. I don't know who decided that Representative Cowlshaw and her cronies wanted us to have four year terms in Chicago. We are also very much concerned about the caps. The cap on the Chapter 1 dollars. Currently, \$261,000,000 are sent to the local schools for use by 411,000 children. Over the years that dollar increases. It is expected to be 16,000,000 more next year. Perhaps 20,000,000 the following year, but according to the Naperville cronies, according to those who ride this higher chariot than the rest of us, they say that

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those 20,000,000 or that 16,000,000 goes to fund the bureaucrats that they're creating. Next year they will be yelling about the bureaucrats on Pershing Road that they have set up. I voted 'no' last year or eight years ago on that so called school reform that was supposed to be a panacea for education of children in Chicago. It was nothing more than more bungling, more bureaucratic bungling, that did not create an educational system for children to learn. We are also very concerned that there is going to be a chief operating officer, a chief education officer, a chief purchasing officer, a chief...there are all kinds of chiefs and I guess there is a superintendent. Is there Susan? There will also be a superintendent. Now in most school districts a superintendent will hire those who they need to support there efforts and their team..."

Speaker Daniels: "Representative, you are almost out of time."

Davis, M: "Yes, this Bill simply sets up a large group of bureaucrats that Cowlshaw can yell and scream about next year. I urge you to vote 'no'..."

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

Flowers: "Mr. Speaker, I would like to yield my time to the honorable Monique D. Davis."

Speaker Daniels: "Representative Davis."

Davis, M: "We are very grateful to Representative Mary Flowers, who was not in the room, also, even though she has a little girl who will be going to Chicago public schools. But Mary Flowers was not good enough. It reminds me of what happened in America when those in England decided what we should do and we were paying...you were paying taxes, just as those people in Chicago are paying taxes. Our property tax fund our system. The state gives us 32 cents on every

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dollar. The state violates the Constitution of 1970 by not being the primary funder for the City of...any city is this state, for education. We need to look very carefully, very carefully at this 14 day notice for employees who are laid off due to third party contracts. Now what does that mean? If you were working for the Board of Education and we privatize, they don't want to use the term, but we privatize, what your people do and the reason we want to privatize is that so people from Naperville can come to Chicago and work. The reason we want to privatize is so people from Winter's district can come to Chicago and work. The reason we want to give the workers in Chicago 14 day notice and say your job is being privatized is so that these people who don't pay taxes in Chicago can reap the benefits of those of us who work and pay taxes and get the dollars from our system to educate our children. We also need to look at this unconstitutional mandate and this chariot riding fiasco, those who ride with the gods. If you are a school teacher in Chicago and you don't like some of the collective bargaining that has taken place - around the rest of the state you can strike, just as any other official or person who doesn't work for the safety of the community. Teachers are not fireman, teachers are not policeman, but this legislation said oh no, you teach for that other system. You teach where those black kids go to school. You teach where those Latinos go to school. You can't strike. Who do you think you are. For 18 months you are going to be treated like a slave. You have to work under the conditions that we set, rather than the conditions of collective bargaining. And we say no. When I look across the aisle and I don't see one dark face and yet that's the group who is perpetrating this kind of

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disturbed system on my people, I am truly disturbed. They did not even have the decency, the decency to invite a Legislator from Chicago who wasn't even black. There's Barbara Flynn Currie, there's Dan Burke, there's Nancy Kaszak, there's Carol Ronen. But no, you come from the city where those dark people live and those dark people don't ride the chariots with the gods. I urge you to realize the insult, the insult that you are providing for all the people in the State of Illinois. There are those in the State of Illinois, in fact there is some in my office right now. There is someone there from Bloom Township. There is someone there from Evergreen Park. There is someone there from Crete, Illinois, who says to me, 'Representative Davis, we need money for our school system. We've got tax caps, so we can't increase the taxes. We put a referendum on the table and those same Representatives fight the referendum.' So what they are saying is, 'the hell with all the children in the state.' We will suffer, we will suffer because we didn't care enough to fairly, to firmly, and to give a foundation of a good education to the kids in this state. And we will suffer as senior citizens because children don't become superior nurses, because they don't become superior doctors, because they don't become research analysts."

Speaker Daniels: "The Lady from Cook, Representative Maureen Murphy. Excuse me, Representative Murphy. The C.S.O. Grand Boulevard Parents Network is in the gallery and they are guests of Representative Lou Jones. Welcome to Springfield. Representative Maureen Murphy."

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

Speaker Daniels: "She indicates she will."

Murphy, M.: "Representative Cowlshaw, could you possibly

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estimate how many thousands of hours you have spent working on this?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Murphy, just say a considerable amount of time has gone into the preparation of this Conference Committee Report, but is not just I. This has been a team effort all along. It has involved the Senate which held all of those public hearings, it has involved the staff from the Governors Office as well as all of those groups that I read during my opening statement about which I did not say that anyone of them was either in support or in opposition, simply that they were participants and had their opportunity to have input into the process."

Speaker Daniels: "Representative Murphy."

Murphy, M.: "Once again, this is a four year program and I would like to know what happens if this four year program is successful or if it isn't."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Murphy, this legislation provides that after the four year period during which the five member Chicago School Reform Board of Trustees is responsible for all of the management and all of the activities of the Chicago public schools. Then that board is dissolved and a new regular board of education with seven members is established for the City of Chicago schools. Once again, however, all of those people are appointed by the mayor of Chicago. The School Finance Authority goes back into effect, the balanced budget requirement goes back into effect. All of those things will happen no matter how successful or unsuccessful the board of trustees may be during this four year period."

Speaker Daniels: "Representative Murphy."

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Murphy, M.: "Yes, to the Bill, Speaker, Ladies and Gentlemen. This is about leadership and 410,000 children of Chicago. It is not about race. It is about getting...addressing the need when we have 50% of the children of Chicago dropping out, the remainder in the bottom 1% in national scores. We've been in Chicago schools. We worked with Chicago learning zones Designes for Change, the mayors office and we have seen people that care about doing something. We don't need gradual change. We need cataclysmic change. The time has come. We can not let this obscenity continue. What are we going to do? Former Chairman of the Education Committee, Joel Brunsvold, suggested in '93 perhaps we should just let them destroy themselves. Secretary Bennett talked about the state of the schools in Chicago. We cannot go with a special interest that want to keep the status quo. We have to be responsible for the general interest of the children of Chicago. The time has come, the people have signed on for this and it's only those that are entrenched in this bureaucracy that are fighting to the bitter end. We need your 'aye' vote on this. We need to do something for the children of Chicago. This is not a regional issue. It's a broken system, it is broke. We need to bust the bureaucracy. There are wonderful teachers, children, and principals in Chicago waiting at the gate for this wonderful opportunity. It's Pershing Road, the Chicago board that is being attacked. It is a new form of management. It's a bankrupt system. Let's get the trustees in there, let's move forward and apply good solid business principals in this system that's run amuck. I urge everyone in this chamber to vote for this. The children of Chicago are losing hope. Let's not be back here in the Fall for the gradual change that will end in a

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bail out. That will sincerely take more money from the rest of our children. Representative Cowlshaw has done a wonderful job. Let's do the right thing, vote 'yes'."

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

Currie: "Thank you, Speaker, and Members of the House. I enjoyed hearing the list of people who'd apparently participated in some degree in the crafting of this Conference Committee Report, but I'm prepared to say that those who were defined as participants were not themselves feeling much sense of participation. Parents in the City of Chicago were not invited to those meetings behind close doors, nor were school reform groups, nor were the employees of the Chicago public school system, nor was the mayor of the City of Chicago. And in fact this Bill is opposed by many of the organizations whose names were listed by the Sponsor of House Bill 206. As a general proposition we know that when we try to change structures, management structures, we know that it works best if there is support and enthusiasm for the changes from the ground up. This proposed structural change is change from the top down. It does not enjoy the support, the enthusiastic participation of those groups who are going to be asked to implement these changes. For that reason and for no other it is doomed to fail. Behind those closed doors, this Bill was crafted I would say not slowly and deliberately, but hastily. And in fact one of it's provisions, the provision that would move the Chicago school fiscal year into the same fiscal year as the state according to one august organization in the City of Chicago, the Civic Federation, will indeed cost the system, cost the Chicago public schools \$60 million in the first year of operation. I am sure the Sponsors of this Bill did not have that intent, but one of the problems with doing

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your work behind close doors and doing your work without inviting participation from those who are in the know is that you risk exactly that kind of outcome. One central problem with this Bill is that it's an end to accountability. Right now the Chicago public schools require a balanced budget if they are to open on time. This Bill says, 'Forget it. We don't care whether the budget is balanced or not.' I can't imagine how we can call it reform to say we will have no accountability, no financial accountability in the Chicago public school system. Second, this Bill does not provide resources for educating the young children of Chicago. We know that if the schools open in September, they'll do so with a deficit of \$150,000,000 and we know for the following school year that that deficit will be added to the \$150,000,000 another \$300,000,000. With that kind of deficit we are not offering the schools the resources they need to educate our youngsters. Now I know that the Sponsors of the Bill will argue that they are providing money. Yes, sure they are providing Chapter 1 money that is supposed to track poor youngsters. They are providing some of that money to the central bureaucracy to run it's operations. This Bill permits the stealing of \$65 million dollars in each of the next four years from the Chicago Teachers Pension Fund. Robbing Peter to pay Paul, stealing from poor children and retired teachers. This is not the way to run a fiscally responsible ship of state a fiscally responsible Chicago public school program. Third, this is a Bill that punishes employees for no particular reason. It's been seven years since there was a strike by the Chicago public school teachers. Yet, this Bill says there won't be one in the next 18 months. How about applying that provision to all

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the school districts in the state? If it's good public policy let's apply it statewide. This Bill is punitive. This Bill is not about children. This Bill is about getting Springfield off the hook. The schools will open in Chicago in September without resources and without a strike and without a balanced budget, but we won't have to come back to Springfield to face up to our responsibilities to finance public education across the State of Illinois. We provide 33% of what it costs to educate our youngsters. Illinois today is 47th or maybe 48th among the state in financing public education. This is a Bill that will get the politicians off the hook, it will not help the school children of the City of Chicago. I urge a 'no' vote."

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

Zabrocki: "Thank you, Mr. Chairman. I rise in support of this Bill. All of us are extremely interested in the young people of our communities and especially in Chicago. For the last several years the discussion of the Chicago school system has been on the minds of this Assembly. If I could I would like to read one short sentence that appeared in the Chicago Tribune on Monday May 22nd. 'The seventy-one year old building is an emblem of the mismanagement, blown opportunity and blight that dominate the Chicago school real estate program, a prime illustration of the chronic ineptitude that has pushed this system through it's latest yearly crisis.' This Bill, Mr. Speaker, and Ladies and Gentlemen of the Assembly, will empower the local decision makers. The word 'empower' is something we have used a great deal in this Assembly. It gives the individuals at the local level the opportunity to do something that needed to be done. Some people would refer to this as draconian,

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yes it is. It is draconian because we are in a draconian situation. We need at this point in time to do something very, very drastic. Government has been notorious over the years, for solving problems by throwing money at it. This Assembly has thrown money at it for many, many years. Nothing has happened. The opportunity is here, the opportunity is right. Now is the time to do something about it. We can not wait. It is time for reform for the Chicago school system. It is time for the young people of that community to enjoy the benefits of a good education. Many of us have been accused of Chicago bashing. We are not Chicago bashing. We are looking to the young people of that community to ensure that Chicago continues to be the economic engine that it must be, not only for the State of Illinois, but for the entire Midwest. I ask Members on both sides of the aisle to join with us to support the Chicago school system, to support the reforms that are necessary to succeed. Thank you, Mr. Speaker."

Speaker Daniels: "The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker. Would the Sponsor yield for a question?"

Speaker Daniels: "She indicates she will."

Santiago: "Thank You. Representative Cowlshaw, you made reference that a considerable amount of time and effort was put into this piece of legislation. You also said that there were numbers of meetings that were held. Could you tell me where were all these meetings held and who was on that team?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, in my opening remarks I listed the names of the various groups centered in Chicago who took

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part in the series of meetings that were held: some here in Springfield, some in Chicago. In addition to those meetings and not all of those groups were represented at every meeting. Some of them came to most of the meetings, but not all of them. Some came to every single meeting. In addition to those meetings there were meetings that were arranged through the Chairman of the School Finance Authority for Senator Cronin and for me as well as people from the Governors Office to meet with groups of principals in Chicago in Chicago schools, to meet with groups of teachers in Chicago in Chicago schools, and to meet with groups of parents in Chicago in Chicago schools."

Speaker Daniels: "Representative Santiago."

Santiago: "You mentioned that you met with parents in Chicago that... Were these meetings advertised to the public? Were they published in the newspapers? Were they published in the news media? Cause I have never...up to today the first time that I learned of these meetings was yesterday in committee. Now where did you advertise or put these notices so that the public could participate in these meetings? Were these public meetings?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "No, Sir, they were not public meetings."

Speaker Daniels: "Representative Santiago."

Santiago: "You are telling me that these were not public meetings? Why weren't they public meetings? If you are affecting the lives of 460,000 kids why are you hiding behind in a room? Why? Is this a back room deal that you, the Speaker, and the Governor, and the President of the Senate came up with without public notice?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, many of the meetings that I attended

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were put together by the Chairman of the School Finance Authority in an effort that we might, both the Senate, the Governor's Office, and those of us who in the House who were working on this, might have a better understanding of what it is that is good about the way the Chicago public school system works. And there are some very good schools in Chicago and also what concerns the people there on what needs to be improved. Now I would point out to you, Sir, that the Senate Education Committee held public hearings in Chicago with all the due notices and all that kind of thing. So if there was anyone who had not been and had an opportunity to participate in the long series of meetings that I conducted, they certainly would have been free to go to the public hearings held by the Senate Education Committee and those were held in Chicago so as to be...make it as convenient as possible for the public."

Speaker Daniels: "Representative Santiago."

Santiago: "You stated that the Finance Authority were the ones that participated in the meetings. Why weren't the parents of the kids in the City of Chicago given the opportunity to participate in restructuring their own schools? Can you answer that question for me?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, nearly every individual who attended the series of meetings who was a representative, from one of those extensive list of groups that I read into the opening statement here. Nearly everyone of those people is a parent of a public school student in Chicago. Now there may be a few of those people who do not have children in the public schools in Chicago any longer, but..."

Speaker Daniels: "Representative Santiago, your time has expired, Sir. Further discussion? The Gentleman from Whiteside,

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Representative Mitchell."

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

Speaker Daniels: "She indicates she will."

Mitchell: "Representative Cowlshaw, does House Bill 206 effect any other school district in the State of Illinois, other than Chicago?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Mitchell, without any question whatsoever, House Bill 206 applies only to the City of Chicago. It does not apply to any other school district or area or community in all of Illinois."

Speaker Daniels: "Representative Mitchell."

Mitchell: "So the primary intent of this legislation is our effort to improve the Chicago public school situation?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Yes, Sir, that is precisely the intent of House Bill 206: to improve things for the students."

Speaker Daniels: "Representative Mitchell."

Mitchell: "Thank you, Representative Cowlshaw. Mr. Speaker, to the Bill. I am extremely proud to be one of the Co-Sponsors of House Bill 206, but with the pride comes with it a responsibility for our grave, grave situation. Chicago public schools are bankrupt, there is no question about that. Representative from the other side of the aisle just mentioned the deficit already is \$150,000,000. Year after year, as a superintendent of schools downstate, I read in the paper and heard the reports of the financial crisis in the City of Chicago. But at the same time I had to read in the paper and hear on the radio that former Secretary of Education, William Bennett, said that the Chicago public schools are the worst of the systems of the large cities in the nation. The superintendent of schools

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in Chicago, fired back a salvo, and said, 'you say that and you haven't even been here and visted our schools.' And so Secretary Bennett went to Chicago and visted the schools and came back and said, 'you know, I went to Chicago and I visited the schools and guess what? I was right.' Now we have got a problem and this is the State of Illinois. This is not the State of Chicago. You keep asking what right do you have to determine the educational fate of the children of Chicago. They are just that, they are children and they have the right to live anywhere in the State of Illinois. And I say that we have a right and a responsibility and an obligation to help those children and that is the intent of this legislation. Business has joined with education to finally try to do something. And you know what they have done? They have allowed the people of Chicago to do it themselves. They said 'mayor you wanted the opportunity you've got it.' Now let's do something with it and make the situation better. That's not saying we've turned our back that's saying we have got to face the people of Chicago to solve the problem. But it is our responsibility, everyone that sits here has to accept the responsibility for the problem of the City of Chicago schools. We don't know what the deficit's going to be. You sit here and you throw out figures and you have no idea of what the deficits going to be because of changes that will take place. The savings that will take place. You have to vote for this legislation. This is a no-brainer. Folks, this is going to help the kids. This is going help Chicago solve their own problem. Give them the opportunity to solve the problems that are there and have been there for years. It's time to vote 'yes' for this legislation. It's time to applaud those people who have worked so hard

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for so long to bring some sense to the chaos that is Chicago public schools. I urge an 'aye' vote. Thank you."

Speaker Daniels: "Representative Lopez, are you yielding to Representative Santiago? Representative Santiago."

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

Speaker Daniels: "She indicates she will."

Santiago: "Representative Cowlshaw, you are an educator. I am an educator. Can you please show me where in the Bill does it...in this Bill, in this reform package, where in the Bill can you tell me that this Bill will improve the education of our children?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I believe, Representative, that this Conference Committee Report is 141 pages long. It includes a wide variety of reform initiatives. All of them fit together to be what I believe is real promise for reform, improvement, and progress for children. There is no one part that you can point to that's more important than another. They all have to fit together."

Speaker Daniels: "Representative Santiago."

Santiago: "And that's why you gave us...you said this is a very extensive Bill and yet we were given this Bill 45 minutes before we went into the Executive Committee yesterday and that's how you expect us to analyze, but what I did I analyzed this Bill...I analyzed this Bill last night and there's nothing, absolutely nothing in this Bill that improves the education of the children of the City of Chicago. You know that as an educator, I know that, the Governor knows that, the Speaker knows that, and the President of the Senate knows that. Now, is there...Speaker...question. Is there anything in this Bill that improves the reading skills of the children in the

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City of Chicago?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I think the accountability council as well as the other factors that contribute to accountability will help with that, Sir. But I would point out to you the City of Chicago schools under it's present system has had years, and years, and years to improve the reading skills of it's students and has not done so. It is time for a change."

Speaker Daniels: "Representative Santiago."

Santiago: "I agree with you. It is time for a change and that change should be directed to the classroom. What we have here is a financial structure of the school system, not an educational structure of the system. We are not reforming education, we are not improving education. What we are doing here is putting the school system into a receivership. This is what you are doing, you are putting the school system into the hands of individuals that are going to be corporate executive that do not have any idea of the educational system. Now, it is your objective and I'm sure you are very sincere in trying to help children, but if you read this package you don't see anything here that improves the educational system. There is nothing in here that improves the math skill. There's nothing in here that improves the reading scores. There's nothing in here that improves language arts. There's nothing in here that improves the educational system. Now, let me ask you another question. What is the Academic Accountability Council? Why was this set up and can you tell me what are its functions and its duties?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The purpose of the Chicago School Academic Accountability Council is to develop and implement a

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comprehensive system of review evaluation and analysis of school performance within the Chicago public school system. This legislation requires the trustees, the five members of the Reform Board of Trustees in consultation with the State Board of Education, to determine the size and makeup of the council, the terms of office of it's members, and the process for appointment removal and replacement of council members. It provides that evaluations done by the Council shall be provided to the Trustees, the chief educational officers, the respective principals and local school councils and the state superintendent of education. The Councils evaluations may make recommendations to support future school improvement including recognition for exemplary achievement and initiation of remediation, probation, intervention, or closure for an attendance center not meeting academic standards. It limits the state boards consultation..."

Speaker Daniels: "Representative Cowlshaw, can you bring your answer to a close?"

Cowlshaw: "It limits the state boards consultation to insure the consistency of evaluations and preventing duplicative evaluation efforts. It gives the trustees and the chief educational officer the authority to request the council to conduct or arrange for evaluations of educational programs, policies and procedures. Deemed necessary to insure the academic progress of the schools in the system."

Speaker Daniels: "Further discussion? The Gentleman from...we are joined in the gallery by students from the Suiter School, the Henry Horner Home, and they are guests of Representative Art Turner. Welcome to Springfield. The Gentleman from Will, Representative Wennlund."

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

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House, anytime that you have a school system where the dropout rates are higher than the graduation rates, there is a problem. There is an emergency. Mayor Daley has cried out for years for the children of the City of Chicago for reform of the system, a system that has refused to reform itself, a system that's controlled by patronage and special interest, a system at 1119 West Pershing Road that is a bureaucracy that cares less about the children of Chicago and more about special interest. That bureaucracy is a sewer. This Bill is a rod. Take the rod, mayor Daley, and clean out that sewer. Here are the keys to the bureaucracy of Pershing road. Here are the keys to the schools of Chicago. Mayor, take those keys. Take this rod and clean the sewer out and do something for the children of Chicago. Let's pass this Bill and get on with it."

Speaker Daniels: "The Gentleman from Cook, Representative Art Turner."

Turner: "Thank you, Mr. Speaker, and Ladies and Gentlemen of the Assembly. I have a couple of questions and I would like to know if the lady would yield?"

Speaker Daniels: "She indicates she will. Representative Wojcik in the Chair."

Turner: "Representative, one happens to deal with the question of governance. Well first of all, I should preference my question by saying that eight years ago when we passed the school reform Bill that I, like one of my other colleagues, voted 'no' as I didn't see any money being put into the system, but I know that some of the problems that we mentioned today were problems that were in existence prior to this reform and it was always my feeling that if we were going to change the structure or going to reform the system that the system would need additional money in order for it

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to work. And because we weren't putting any additional money in, I and some of my other colleagues thought that that we not a proper vote in terms of voting for that particular change, and yet the Assembly decided that creating LSC was the way to go and it was going to bring about some change. I have worked with those LSC's over the last couple of years because the law is the law and I wanted to make certain that the interpretation was clear. One of the questions that come to mind, because there are some schools who are currently under remediation and I would like to know that if in fact this legislation passes, what happens to those schools that are currently being assisted by the sub-districts that we have determined that they needed some help or in terms of need of remediation. What will happen to those schools as a result if this legislation passes?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Thank you...Oh we have a different Speaker. Representative Turner, the new board of trustees is given a great deal of power and latitude; however, there is a provision in this legislation that a school on probation or in any kind of situation similar to that is given a maximum of one year to improve it's deficiencies. If it fails to make adequate progress the chief educational officer may, with the approval of the Board and after the opportunity for a hearing, reconstitute the school and replace and reassign all employees of that school."

Speaker Wojcik: "Representative Turner."

Turner: "The other question I had, and I remember in some such in dealing with the employees in the collective bargaining, there's a clause in there that say's that the school are not required to employ engineers and food service managers,

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but those employees are still under the principal's supervision. My question to you is, is this a step toward privatization of the food service and janitorial services in the school system? Or does this allow that ability to happen?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative Turner, in several places in this legislation there is encouragement and there is empowerment so that should that five member board choose to outsource, which I guess in a new word, in other words to privatize, those services such as the food service, the maintenance, the repairs, and those kinds of things. That is entirely up to this board of trustees, but because of the provisions of this legislation there are no impediments in the way of that Board of Trustees making those decisions."

Speaker Wojcik: "Representative Turner."

Turner: "The next question that I have, Representative, deals with the question of the teacher retirement system. Currently the Chicago Retirement System, as we all know, is probably one of the best funded teacher retirement systems in the state, probably one of the best funded retirement systems period in the state. Currently at about 82%. The downstate teachers retirement system is on the verge of bankruptcy and it's my understanding that according to this legislation, you are allowing the new board the pull some \$60,000,000 a year from the Chicago Teachers Retirement System to help fund the system itself. What do you anticipate the percentage level to be at the end of four years if in fact this does happen?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative Turner, I am really glad that you asked that question because it is important for us to get

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something into the record as far as the legislative intent in relation to the Chicago Teacher's Pension System. First, let me explain that presently employer contributions, employer contributions to the Chicago Teacher's Pension Fund are made by the board from it's own taxes and from amounts appropriated for that purpose by the state. With regard to the requirement in this Bill that beginning in fiscal year 1999, the Board of Education is required to move toward contributions so that by the year 2046, the assets of the teachers pension fund in Chicago will be 90% of the actuarial liabilities of the fund. This requirement may take into account board contributions, both from state appropriation and from it's own taxes. Representative Turner, in an effort to provide the maximum of decision making for this board of trustees, the state regularly each year appropriates money for the Chicago Teachers Pension System. The amount that was originally in the Governor's budget this year is still there. However, instead of appropriated it directly to the Chicago Teachers Pension System, it is being appropriated to the reform board. They may put it into the teacher's pension system."

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

Blagojevich: "Thank you, Madam Speaker. Will the Sponsor yield for a few questions?"

Speaker Wojcik: "She indicates she will."

Blagojevich: "Representative Cowlshaw, this legislation doesn't provide any new money or any new dollars for the schools in Chicago, does it?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "It does not provide any more funding than the City of Chicago schools and all other schools throughout the state

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will receive because of the increase and the total amount of appropriation for the forth coming fiscal year."

Speaker Wojcik: "Representative Blagojevich."

Blagojevich: "Does your legislation do anything about removing some of the restrictions on the state dollars that go to Chicago schools? For example, the \$300 plus million dollars in categorical funding. Are you removing the restrictions that presently apply to those dollars to Chicago schools?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "I'm glad you asked that question. As I explained in my opening remarks, there are two types of block grants that are provided for in this legislation. I might add that these block grants were requested by Mayor Richard Daley. First of all, there is the general education block grant which of course includes the items that were determined that we should give the maximum amount of flexibility to the board in dealing with. The other is an educational services block grant, but it does not excuse the reform board from fulfilling the requirements of the programs included within the block grant. It is important for the record that we note the educational services block grant which does not dismiss the necessity for fulfilling the mandates. Includes bilingual, state free lunch and breakfast, special education, educational service centers, regular and vocational transportation, preschool at risk, summer school, and the administrator's academy."

Speaker Wojcik: "Representative Blagojevich."

Blagojevich: "Thank you, Madam Speaker. Thank you for the question. It was somewhat non-responsive. The answer to my question is, that they are not unrestricting the dollars that already come from the state for Chicago schools. So

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what this legislation does is it changes some of the structure with regard to the schools and reforms that, but doesn't do anything about providing for more flexibility for the dollars that are already there. It does nothing about providing new money and frankly the motivations behind this legislation raise some questions. For those of us from Chicago, for those of us from Chicago who have been arguing all along that we don't receive enough of our fair share of state dollars for our schools, it seems a little bit disingenuous for Pate Phillip and for Lee Daniel and for Mary Lou Cowlshaw and the remainder for the Dupage County crew to come to our schools and do something about reforming it. It seems to me, very frankly, that what you are saying is. 'Here take your schools as troubled as they are. You are the largest city in the State of Illinois, your schools are impossible to deal with. We don't want to have responsibility for them. We certainly don't want to fund them adequately. Keep the schools and in four years we will put the blame on the mayor, we will put the blame on the board of education and we have abdicated complete responsibility.' Now some of the previous speakers have talked about responsibility. Representative Mitchell mentioned that we have to empower people he said, but you are not empowering the City of Chicago or the mayor or the board of education, you are dis-empowering it. You are not providing the necessary tools. You are not giving new money or you are not unrestricting money. Two-thirds, 2/3 of the block grant money that is going to come to the City of Chicago will be restricted. There will be no flexibility for those who have to administer the schools, to be able to use those moneys to administer the schools. So there is no flexibility with regard to that, there is no

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new money. You are not empowering anybody. There are rights. Everybody has a right to a proper education. We have a right to expect that the Chicago schools reform itself. There is much in this legislation with regard to structure that many of us can agree with, but when you don't provide the necessary tools to carry it out and to execute the program it's an impossible task and the motivations again are very much in question. You are washing your hands of the problem. You are going to dump it on the City of Chicago. The state has a constitutional responsibility to educate all the students in the State of Illinois, not excluding the City of Chicago. These block grants are very interesting because the block grants don't apply to any other school district in the state. They only apply to the school district in the City of Chicago. Yet, another questionable motivation and it's very interesting. It's very interesting that when the mayor of Chicago decides that he intends to keep the Chicago airport in the control of the City of Chicago, suddenly your saying, 'Hey, we have no more responsibility for your schools.' Well these Chicago schools are also schools that belong to the State of Illinois. They belong to all the citizens, the responsibility of those schools, all the citizens of the State of Illinois. The Dupage County clique is coming into our schools and doing something that is frankly not well motivated. I urge a 'no' vote. Thank you."

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

Biggins: "Thank you, Madam Speaker, Ladies and Gentleman of the House. The previous speaker and others have said, 'give us more money'. This Bill gives you as much money as you want

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to have in your district unless you want to go to a referendum which the suburbs do. My district will get us 2% from state aide this year while Chicago gets it's 40 of the spending. The Sponsor will get her 3% of state aide this year from the school district that she represents, but we are giving this terrible Bill, we are giving total control, not to the suburban Republicans or Democrats, not to any political party. We are giving it to the City of Chicago. You can run your entire school system. You can do anything you want. You can hire truant officers which were collective bargained out three or four years ago which hurts the children economically and physically because you collective bargained it out. But we heard from the lead speaker from that union last night in the Executive Committee and I want to tell you because some of you weren't there. What he was concerned about and I'm a former member of that teachers union and I walked that pickett line a couple of times. We used to do it in the Winter back then, it was a little tougher. First thing he says, pensions. Second thing he says, four years from now. He mentioned the word 'children' once in ten minutes. Most of the comments made on the other side of the aisle against this Bill do not mention the word 'children'. The Sponsor has said the word 'children' at least a dozen times in her comments and in her answers. Let's focus on what the system is supposed to be about. It's supposed to be about children. One of the things this system is about is real estate. We have headlines in the paper and I don't want to hold up another headline because last time I did it I got about 20 votes. Textbook case of mismanagement in the real estate the city owns. You know, suburban school districts in my district don't own commercial office buildings. It's

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as simple as one, two, three, four. They don't own them. They are in the business of educating children, not running a real estate operation that the paper (Tribune) says is a textbook case of mismanagement. They own \$60,000,000 in real estate, it could be \$90,000,000 but they don't know how to manage it. It's as simple as one, two, three, four. They shouldn't be in the real estate business. Sixty-eight properties, nine parking lots, 26 vacant lots and I know sheltered school and things are difficult to dispose of. They should get out of the real estate business, concentrate on educating the children. This Bill allows them to do whatever they want. If they want to take all the money in that school system and go buy more real estate, they can do it. We are all going to know it, but they can do it. Nobody in the suburbs are going to tell them what to do with it. Nobody that is a member of the Republican Party is going to tell them what the do with it in Dupage County or any other County. The City can do what they want. We are giving them total control, total freedom. It's what these children need. It may not be what the adults need. It may not be what certain worker's groups needs, but it's best for the children. I have 16 friends that teach in that system and three principals. I have talked with all of them, well I talked to those 19, that in the last two days none of them objects to this Bill. Some of the teachers a little concerned, about principals...but the principals like the control they are going to be able to have. They are excited about it, they don't have to worry about it because they are mandated to not worry about it. Isn't that nice? The managers of the largest school district in this state don't have to worry about another group approving of what they do because

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if they don't do it right they are out of here. I know that's difficult for the other side of the aisle to except. Responsibility, accomplishment, take care of those children. This Bill does that. I support this Bill."

Speaker Wojcik: "Any further discussion? The Lady from Cook, Shirley Jones is recognized."

Jones, S: "Yes, Madam Speaker, I would like to yield my time to the Minority Leader, Art Turner."

Speaker Wojcik: "Representative Turner."

Turner: "Thank you, Madam Speaker. Will the Lady yield for additional questions?"

Speaker Wojcik: "She indicates she will."

Turner: "Representative, one more question about the retirement system and that is, we mentioned earlier about pulling the \$60,000 a year for the next four years. That's some 250...I mean \$60,000,000 that's \$240,000,000 over the next four years and I was curious as to how much...what was the level of a drop at in the system at the end of this four year period? I wasn't clear when you spoke earlier on it."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The amount of money that the state appropriates to the Chicago Teacher's Pension System is an annual decision made by the General Assembly in cooperation with the Governor. What that level will be beyond this year I can not say. I don't believe that you can. That is entirely depended upon decisions of future General Assemblies."

Speaker Wojcik: "Representative Turner."

Turner: "Representative, how would you surmise this legislation? Is it your intent to further empower the LSC's and the parent's ability to run the schools or just what is the overall intent here?"

Speaker Wojcik: "Representative Cowlshaw."

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Cowlshaw: "The intent is to raise the accountability so that everyone who cares, and there are a great many Chicagoian's who truly care about their school's and the students who are in them can see what is happening and know whether it contributes to improvements for the children. The other intention is to try to give as much authority and as much help to those local school councils as possible. That's why this training requirement is placed in this Bill. I have met a good many of those local school council members and they are among the best intentioned people in the world, but unfortunately many of them have never had any training in what their role should be and how they can best go about fulfilling it. So yes, the local school councils are essential."

Speaker Wojcik: "Representative Turner."

Turner: "Who will pay for this training for the local school council members?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative, I met with representatives from all of the Chicago area Universities and there were long series of discussions about on how we could go about providing really quality training for the local school council members. I am proud to tell you that the University of Illinois at Chicago represented in these meetings by the dean of the college of education said, 'We are the public institution here. It is our obligation to help the Chicago public schools. We will devise the three day training program and with the cooperation of the council of deans of education from all of the Universities. With the help of the other Universities, but with UIC as the lead, we will put that program together we will do it well and we will not ask for one additional penny with which to do it.'"

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Speaker Wojcik: "Representative Turner."

Turner: "It's a little tough getting clear answers, but I understand what the Lady's intent is and I appreciate what she is saying. Let me just say, to the Bill. As I mentioned earlier in the past when we have had negotiations on Bills here in the Assembly and you've heard it from some of my other Members. There was what we called an agreed Bill process. It allowed not only members from the public but it allowed Legislators to sit in and we used to sit in rooms and sometimes I remember it when the legislation was first passed 8 years ago, the room was relatively crowded. There was not a seat to be found because there were so many people that had input and thought that they wanted to bring something to the table. It is my understanding that although there were a number of groups invited and I know that the Sponsor of the legislation has thanked them earlier that they said that they were invited to participate, I should say they were invited to attend those meetings but they did not necessarily participate in those meetings and I think there is a big distinction between attending a meeting and participating in a meeting and it's that fear that scares me with this legislation. I still have a concern and I think it's a true one that you cannot train LSC members in three meetings or in three days, how to teach, how to run the schools in three days and I really have a legitimate concern and the ability to do in three days what people have went to school for 18 years in terms of being able to educate our children. I say that sincerely..."

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

Turner: "I say this sincerely because I have two kids in the public school system. I took them out of parochial schools

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and put them in the Chicago public schools and they are doing relatively well. It's a partnership. There's a marriage between myself and the Chicago public schools in order for it to work. But I've also attended a number of LSC meetings and I have real, real reservations about this being the legislation that's going to make it happen. True, this is change, this is change, change, change and you know why don't we just give the change to the children? Why don't we provide the money to make the system a better system? We made change eight years ago and it's still not any better. The mayor of the City of Chicago is opposed to this legislation and one of the things that he's asked in addition to the opposition, and he loves having the ability to appoint those board members, is that there's no more change. Let's give the kids what they really need in terms of improving this system..."

Speaker Wojcik: "Any further discussion? The Lady from Cook, Representative Ronen, is recognized."

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

Speaker Wojcik: "She indicates she will."

Ronen: "You know for a long time, Representative Cowlshaw we have been debating Chicago school reform and now as I read through your legislation I see that there's a section here that doesn't deal with Chicago schools, but deals with the Chicago City colleges. Is there any rational for...have you been studying city colleges too and we just didn't know about it?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "There is only one section in here that might be interpreted to fall within the provisions of any school that is located in the City of Chicago."

Speaker Wojcik: "Representative Ronen."

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Ronen: "Representative Cowlshaw, is it your intent that this Bill, that section, relate to Chicago City colleges?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Yes it is."

Speaker Wojcik: "Representative Ronen."

Ronen: "I just think that's very interesting and all the Members should hear that very clearly. We've had a lot of discussion about Chicago schools, but what we really...when it comes right down to it, all of these discussions about how bad Chicago schools are seem more to be a ruse to address unions and try to talk about members of unions. Because to put AFSCME in here and to address their collective bargaining issues of that union under the ruse of Chicago school reform and the process that supposedly has been dealing with just with Chicago schools, I think is disingenuous at best and I just want to make clear to Members that in addition to Illinois Federation and Chicago Teachers Union the AFSCME is also opposed to this. Let me just ask another question, if I may, Representative Cowlshaw, in relation to the block grants, the specified block grants, in which as I understand that there are two. One of the block grants will include pre-k, bilingual education and special education. Could you, very briefly, explain how that will work?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Thank you for that question. It is important to get that into the record. The general education block grant has no restrictions. This board of trustees can choose to use that money for any legal purpose for the school system. Included in this block grant are k-6 comprehensive arts, school improvement support, urban education, scientific literacy, substance abuse prevention, second language

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planning, staff development, outcomes and assessment, k-6 reading improvement, truants optional education, hispanic programs, agricultural education, gifted education, parental education, prevention initiative, report cards and criminal background investigations. Then there is another block grant but that is called the educational services block grant. The difference is the requirements of those mandates still have to be met even though the amounts are not distributed to the board of trustees as separate amounts but rather as a lump sum. The requirements that must be continued to be fulfilled are bilingual, state free lunch and breakfast, special education, educational service centers, regular and vocational transportation, pre-school at risk, summer school and the administrator's academy."

Speaker Wojcik: "Representative Ronen."

Ronen: "I think it's clear from this description what we are talking about then, because we are not giving any more funds, we are talking about programs and issues that are already underfunded which now will have to compete with one another for the still limited funds. This...what we are doing here is not only continuing to underfund education, but we have the potential of underfunding pre-kindergarten, bilingual education, a whole other host of important needed services for Chicago schools. You spoke very often today about the process used and let's everybody be clear. That process did not include major players in Chicago. Nobody in my district, nobody in any of my schools participated in this. None of the major groups designed for change that you mentioned is opposed to this Bill. Every recommendation they made for improvement was not excepted. So the fact of the matter is that this is not an inclusive process and it's just people in Dupage County trying to

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tell Chicago and trying to be punitive to Chicago schools. And what's interesting here is all we are talking about really are making some cosmetic changes, totally cosmetic changes. This is...and my nephew is just celebrating his 17th birthday and I think what he probably would want more than anything would be a shiny new car. This Bill would be, if I gave him some shiny new car but then you open up the hood and there's no engine inside. There's no way to get this car rolling. That's what this Bill is. But what I resent most is that this Bill..."

Speaker Wojcik: "Representative, bring your remarks to a close please."

Ronen: "Thank you, Speaker. What I resent most is, this Bill will do nothing to improve schools. The quality of education, repairing falling roofs, decreasing class sizes, relieving overcrowding. Yet, despite these problems, the schools in my district are doing well despite all the odds, against all these odds and they do this because of the hard work of the teachers. And what I resent is the attack that this Bill is on the teachers because ultimately if we attack the teachers in this system, what we are attacking are the children. You can't provide quality education without having quality teachers. This Bill is an attack on that. The biggest problem Chicago schools have is a lack of funding and the decreasing commitment from the state to the Chicago schools. This not only deprives children of education, but it causes property taxes to keep on increasing. I urge all Members to vote 'no' on this Bill."

Speaker Wojcik: "Any further discussion? The Gentleman for Dupage, Speaker Daniels is recognized."

Daniels: "Madam Speaker, Ladies and Gentleman of the House. Like

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you, I have listened very carefully to this debate. I have worked with Representative Cowlshaw, the Chairman of our Education Committee, for several months now to address the most critical and important issue that I think is facing this General Assembly. I could tell you every Member of this House has a right to be proud of the work that she has put in and the countless hours that she has put in. I can also tell you and represent to you that there have been hundreds of groups that have contacted my office and Representative Cowlshaw to have input on this legislation. There is absolutely no excuse for any person or persons to stand up and to use as an excuse that they were not invited to a meeting or they didn't know how to participate. For any legislator of this House to suggest that they have shirked...their public responsibility by not participating in this process is pure hogwash, and frankly ones that just do not cut. Now I am not surprised that there's screaming on the other side of the aisle because for 12 years you have had control of this chamber. For 12 years you have had the opportunity to improve this system and have refused to do what has to be done. Twelve years. Now let's talk about this legislation. The mayor of Chicago said he didn't have any control or ability to influence the schools. This legislation gives him absolute control and absolute ability to impact the schools for the benefit of the children. The mayor of Chicago always complained about appointment authority. We responded to his request and he has absolute ability to appoint a five member interim board to work on this issue. He has authority to appoint the chief executive officer and determine the financial structure of this system. We have given him block grants to increase financial flexibility something that no other

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school district in this state has; an opportunity to deal with the internal problems that the school system have. We have provided him additional financial flexibility on a four year trial basis to see how that works and Ladies and Gentlemen, we also moved the fiscal year so they would have greater ability to plan for the opening of their school system. Yes, we addressed the issue of collective bargaining because the mayor himself said on many occasions that his hands were tied by collective bargaining agreements that he didn't find useful. When you looked at the local school councils one of the things that we heard time and time again was that the reform mechanism that this Assembly passed years ago was working. And we empowered the local school councils where they now are guaranteed receiving a minimum of \$261,000,000 along with provisions of training. The school improvements itself allow for the monitoring of academic progress of schools and report such information to the trustees that are now empowered to run the schools. We also gave principals more control of their schools. We created the ability to remediate and reconstitute failing schools and we allowed for intervention in those schools that weren't working, and streamlined the teacher evaluation and dismissal process while at the same time setting up a new mechanism of learning zones in Chicago. Every feature of this very comprehensive piece of legislation was done with the intention of what is best for the children of Chicago. I submit to you that the Bill that you have before you accomplishes the reform that the people of Chicago have been asking for, for years. I submit to you that due to the input of many people from MALDEF to the Latino Institute, to teachers, to people that are concerned about

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this organization, to people that want to improve the school system of Chicago that we now have a mechanism that allows for the structure of Chicago to operate and improve it's schools. This is the most sweeping piece of legislation that we have seen in the United States today dealing with any large urban school system. Ladies and Gentlemen of the House you all, you all even though you may stand up and criticize portions of this should stand up and say let's give this an opportunity to work. Should say that yes, we have finally given the mayor of Chicago the person that's most directly responsible for the school system in Chicago the tools and the ability to make those improvements. On my part, I once again want to thank Representative Cowlshaw for the thousands of hours that she put into this and on my part as a Member of this House I am going to proudly cast a vote in favor of this very important Conference Committee Report."

Speaker Wojcik: "Any further discussion? The Gentlemen from Cook, Representative Giles is recognized."

Giles: "Thank you, Madam Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Wojcik: "She indicates she will."

Giles: "Representative Cowlshaw, this piece of legislation suspends the School Finance Authority powers...exactly what is the School Finance Authority powers?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The Chicago School Finance Authority has the responsibility for reviewing the budget that is proposed by the City of Chicago school system each year and to make a determination as to whether that budget is balanced. The School Finance Authority does not have any other powers, however, it is the entity that does handle the bonds that

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have been sold for various purposes of the Chicago school system. It did not have the power to move things around within the budget but only to review it and say whether in it's best judgement it was a balanced budget."

Speaker Wojcik: "Representative Giles."

Giles: "Well, Representative, don't you believe by eliminating these powers this repeals the law that the Chicago school must have a balanced budget?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "That is correct."

Speaker Wojcik: "Representative Giles."

Giles: "Representative, if they are not allowed the opportunity to have a balanced budget, that means that there's deficit of funds somewhere and if that's the case, will the Chicago School Authority be able to borrow any money?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The Chicago School Finance Authority is suspended for four years. It only continues to exist because of the outstanding bonds. The School Finance Authority does not have the right on it's own to borrow money anyway. The money is borrowed by the City of Chicago school system by the Board of Education. If there is any borrowed and at this point I am told that the financial rating of the Chicago schools is so low that absolutely nobody will loan them any money."

Speaker Wojcik: "Representative Giles."

Giles: "Representative Cowlshaw that is exactly my point. Right now they do not have the opprotunity to borrow any moneys, and I'm going to talk about money, because from my perspective this is what this legislation is really about, no money. To the Bill, Madam Speaker, to the Bill. The problem that I have once again is that it's been said over

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and over and time again, the legislators that...who represent people from the City of Chicago were not involved in this piece of legislation and putting it together. The parents was not involved in this legislation and more over the children were not involved. When General Motors or Chrysler have a problem with their cars and want to do a survey on their cars who do they ask? They send out surveys and they call up various customers that have a problem with their cars or may give them some tips to improve their cars. So they go to the final product. They go to the final individual who buy their cars. In this instance, children go to Chicago schools they are the final product. This is what the system is for, its for the children that go to Chicago school. They have been left out of the process. Number two, the main problem that I have once again it comes back to money. There is no new moneys put in this system. The Leadership of the State of Illinois have once again neglect and ducked without fulfilling this responsibility. Now there's been proposals to float \$155,000,000 to improve prisons, to build more prisons, to complete the rehab of a supermax, but however, we can find moneys to do those type of things but we can not find money to educate a child. We can not do that; and lastly for the downstaters and for individuals who may have some doubts about how to press their buttons on this legislation just remember there's a lot of schools that are on the watch list. There's a lot of systems that are in financial trouble. Big brother is going to make a decision for you, one day, and you will be excluded from the process..."

Speaker Wojcik: "Representative bring your remarks to a close."

Giles: "...your parents will be excluded from the process and

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moreover your children will be excluded from the process. We all represent over a 96,000 constituency and those constituencies will definitely be excluded from the process and I would urge you to vote 'no'."

Speaker Wojcik: "Any further discussion? The Lady from Cook, Lou Jones is recognized."

Jones, Lou: "Thank you, Madam Speaker, Members of the General Assembly. I have two questions to ask the Sponsor, one of the Sponsors of this legislation, but she doesn't have to answer because she hasn't really answered any of the other questions that was asked her to their satisfaction; but the two I have is, one, I would like to know does she have any relatives or children and I don't call that to Chicago schools I'm talking about District 299, and the answer to that is no. No one up there on that board that are Sponsors of this legislation have any relatives or children in District 299. I have children, grand-children, in District 299. I have nieces, nephews, and thousands of friends in District 299. I don't think this is about, one of the previous speakers said something about race and then another previous speaker said that we were not excluded, I beg to differ with them. You can not attend a meeting that you don't know anything about or that you was not invited to. As a legislator and have children in the system, I was not invited to participate in those meetings and if you look up on that board no one on this side of the aisle is even co-sponsor of this legislation. If Representative Cowlshaw can remember eight years ago in the back room the previous Speaker, Madigan, there was 17 of us back there and we stayed back there about 16 or 17 days, and they were not all Democrats. The Republicans had input into that reform, school reform as all of a lot of groups out of

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Chicago. I would like to know what would happen, one...(sic) two, District 299 is not the only school in the State of Illinois that is having problems or that is in need of funding. I would like to know how would they feel, those co-sponsors up there, how would they feel if the Illinois Legislative Black Caucus and our Hispanic Latino colleagues was to draft some legislation for the schools in Naperville, Elgin, Elmhurst, Rockford, and Rock Falls Illinois that they hadn't absolutely any input into at all. I appreciate the hours and the time that Mary Lou Cowlshaw has spent on helping with District 299, but I would have liked to been included since they are my constituents and I have to go back home and they are going to ask me, Lou why did this happen, Lou why did this happen, who did this?. I will not be able to answer any of those questions because it was total exclusion. I would hope from, and you do have the votes to pass this legislation just like you had the votes to pass it last night, but I would hope from now on when we do legislation in this General Assembly that effects all children or effects anybody in the State of Illinois that we would have regard for the other persuasion or the other people that it affects, and the people that it does not affect reach out and ask someone else for their input into a system that they have to live with. I feel very violated and insulted that I'm asked to vote 'yes' on a piece of legislation that I had no input or nothing to do with. You can easily vote 'yes' on it because you were a part of it. We were not a part of it. I was not a part of it and I feel very insulted and I urge a 'no' vote."

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

Hoeft: "Thank you, Madam Chairman. I would ask you to look up on

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the board and you will see that the third name up there is mine, and I think that a lot of us have taken...the motivation of a lot of us has been taken incorrectly here today. Why are we doing this? What action have we taken before? I care about children, and I care about children not just simply in a word but by deed. For a year now I have been going into Chicago on a monthly basis to meet with the superintendent and the re-engineering committee that has been set up. I have taken in groups of Republicans to visit the superintendent and the staff at Pershing Road, 18 of us went and visited schools. When the local school councils asked me to be one of the key note speakers this last summer I went in and spent a Sunday with the local school councils. We care, I am an example of a person that cares, and all the Republicans and Democrats in this chamber care about the children. We care enough about the children that when we are faced with problems we are going to address them. The buildings in Chicago are a major problem that preclude learning. I have gone to my old school in Chicago where I taught your children and I went through that school and I cried because the condition of that school was so bad it stops children from learning. It's not safe. It's not proper for us to have children there. The learning environment in Chicago is harmed so badly that we have dropout rates that are not acceptable. We must address the problems of the learning environment. The fiscal problems of that school district are so great that the superintendent starts out and says two years ago it's at \$700,000,000, at the beginning of this year says that it's a \$290,000,000 deficit, and now it's \$150,000,000. The problems exist and the problems exist big time. We care about those problems and that's why

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we've addressed the problems in this legislation. We want to empower your elected leaders, your elected mayor to have the tools to address the problems. We have given him the opportunity to solve the problems of the buildings, the learning environment and the fiscal problems. We have empowered that mayor for a four year period to solve the problems of the school district. We are going to review that in four years. I hope you will join me in that review. This all has been generated because we care about the quality of the schools in Chicago. I would like to place into the record my legislative intent from the discussions I've had and the people that I've listened to over the last two years. I would like to put in the record that the Chapter 1 money should flow to the local school council so they have funds to address the individual building needs and it is my intention through this legislation that the Chapter 1 moneys will continue to flow in the same amounts and greater amounts so that they can continue this very important reform. I would like to put in legislative intent that if a school saves money in an account one year they are allowed to roll that money over the next year and it is not sent back to the central bureaucracy for their work. I would like to put into the record that privatization should be used and that the local school council should be given the opportunity to benefit from the fiscal benefit of those privatization moves, but most importantly I would like to read into the record the core of the reform which is local schools are the central unit of governance in the Chicago public schools should remain that way. We care, Mary Lou Cowlshaw cares, that's the reason for this very good Bill. We are wanting the children of Chicago to succeed. With this they will and I

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think we ought to get on with the business of voting and move on to the needed reforms. Thank you."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Eugene Moore is recognized."

Moore, Eugene: "Thank you, Madam Speaker. I would like to yield my time to Representative Coy Pugh please."

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you, Representative Moore, Madam Speaker, Ladies and Gentlemen of the House. To the Bill. We have heard a lot of talk about the intent of this legislation. We have heard a lot of talk about who cares about Chicago children. Well if you use history as a barometer you will see that not a lot of people care about educating black children. If you use history as a barometer you will see that during the days of slavery it was illegal to educate black children. During the days of slavery you would be punished if you educated black children, but now today in the 21st century you want us to believe that you went into a room and that you developed a piece of legislation that has the concerns and the best interest of our children at heart. You want us to believe that you want our children to be educated so that they can compete on a equal playing field. You want us to believe that you care. Well Representative Hoefft let me tell you, we cry, like you said you cried when you went there that one time, we cry daily. We cry daily at the conditions of our community. We cry daily at the fact that our children are not being allowed to be educated. We cry daily at the fact that our children are not equipped with the kinds of skills that they need to get a job in this society. We cry daily at the fact that our children are constantly picked up by police and charged with a felony so that they can not qualify for a job on a

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regular basis. We cry daily at the fact that our children because three of them stand on a corner is considered a gang. We cry daily at the fact that our children are being neglected. We cry daily as the people. We cry daily at the fact that nobody cares about our children and if you cared about our children then we would have been in the room with you when you were deciding the fate of the Chicago public schools. Now we are making it more difficult so some of the teachers who care to make a living. The teachers who worked the long hard hours. The teachers who deal with the crack babies, the teachers who deal with these delinquent children. You are making it more difficult, less appealing, for a teacher to want to go into the public school system. When you speak to the intent of the legislation I ask, why? I ask, why? We are talking about a reform. We are talking about reforming a system that wasn't working. If it's not working how can you reform it? How can you reform it when your not putting the dollars in it to make the necessary changes? Chicago is being singled out, why? When there's over 142 schools on the watch list why is Chicago being singled out? Why does this legislation not address education? Why did this legislation only address money? Why is there not any programs to improve the level of education? Why is this legislation not including any programmatic changes that is going to equip our children with the kind of skills that they need to learn the values that's desired in order to compete in this society, why? Because the intent of the legislation is not to educate our children and history reflects that the intent of anybody outside of our community has never been to educate our children."

Speaker Wojcik: "Any further discussion? The Gentleman from

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Cook, Representative Kenner is recognized."

Kenner: "Thank you, Madam Speaker, will the Lady yield?"

Speaker Wojcik: "She indicates she will."

Kenner: "Is it my understanding that Chapter 1 funds will be frozen at the '94, '95 levels?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Thank you for asking that question. I have a statement I need to read into the record and you have given me an opportunity to do that. There is a provision of this Bill that guarantees that the board shall allocate to the local school councils at least \$261,000,000 in Chapter 1 funds each year. At least, in other words that is the minimum. There is nothing to preclude the board from giving more than \$261,000,000, to the local school councils. This amount is the same amount that local school councils received in fiscal year 1995. The board is authorized...the question about whether the board is authorized to access Chapter 1 dollars that are unspent by the local school councils at the end of each year needs to be answered. It should be clarified that these unspent dollars are not available to the board. These funds will remain with the local school councils. Many local school councils have set aside some of this money for long term needs and projects and we do not want to make those funds vulnerable. Nothing in this legislation is intended to give the board additional authority to access Chapter 1 dollars."

Speaker Wojcik: "Representative Kenner."

Kenner: "Thank you, Representative, I kind of feel like Lou Lang now where I asked for the time and I found out how the clock was built there. How long will these funds be frozen?"

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Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Well while you're building the clock, you should have listened to the answer. They aren't frozen."

Speaker Wojcik: "Representative Kenner."

Kenner: "Okay. Representative, what will happen to the natural growth in state Chapter 1 funds in the future? Natural increases."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The increases will, of course, go to those areas where there are students who qualify for that additional help."

Speaker Wojcik: "Representative Kenner."

Kenner: "Yes, but won't that be capped at the '94 level?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative, the minimum amount that the board is legally obligated to provide to local school councils is \$261,000,000. That is the minimum. There is nothing in here to preclude the board from providing additional Chapter 1 dollars when they come available or additional funds from any other source."

Speaker Wojcik: "Representative Kenner."

Kenner: "Representative, what will happen to any rollover moneys? Moneys that are not spent in a particular year."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Representative that was included in the statement that I made, put it into the record. I stated those funds will remain with the local school councils."

Speaker Wojcik: "Representative Kenner."

Kenner: "Representative, what about change in enrollment? For example when a child goes to a new school, will those funds follow that child?"

Speaker Wojcik: "Representative Cowlshaw."

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Cowlishaw: "That is the intent."

Speaker Wojcik: "Representative Kenner."

Kenner: "To the Bill. To the Bill, Madam Speaker."

Speaker Wojcik: "Representative Cowlishaw."

Cowlishaw: "No, no, no. He wants to talk."

Speaker Wojcik: "Representative, Kenner."

Kenner: "To the Bill, Madam Speaker. This business of freezing Chapter 1 funds is a bad idea. We need to be increasing moneys for our children. A few years ago our auto industry was in dire straits. We were making bad cars and the industry was in a downward spiral. What we did was we pumped money into the industry for research and development, new technologies, and training and right now our auto industry is producing some of the finest cars in the world. I think our children's futures are as important as cars are and we should all vote 'no' on this Bill. Thank you."

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

Dart: "Thank you, Madam Speaker, to the Bill. Let's set some of the record straight here just for a second. There's been a lot of talk about this great collaboration and all this work that was done. That is one of the hollowest, lamest definitions of collaboration I have ever heard in my life. This is what was...should be called was foisted on people. There was not one, absolutely one, not one elected official from the City of Chicago invited to one of these closed door meetings. Not one. Our children are at stake here, not yours, and Representative I do want to commend you for that. Your districts are doing so darn well you've devoted all your attention to the City of Chicago you guys don't need it, that's great. I'm sure the people in your

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district with their schools on the watch list will be happy to see that you've devoted all your time to our schools and yours are doing such a bang up job, but this was not a collaboration, you know it, I know it. The Mayor gave some suggestions and guess what, the major ones, the vital suggestions that he needed were rejected, they are not in here. The things that he needed to do this right are not in here and you know it. As matter of fact, I hate to burst you bubble here, but the City of Chicago did not see the Bill until yesterday afternoon. What type of collaboration is that? Come on, give me a break. Let's be honest for one second here and your trying to say that you've given them the flexibility? Flexibility, come on give me a break. Seventy five percent of the money the Chicago public schools will have there is no flexibility. Sure they are in a block grant but they have to go to categorical. The mayor insisted on getting the words in there that they could be used for any legal expense that they want. That was specifically rejected. You said no. So for 75% of the money he has, the real money to run the system he has no control over it. So there is no flexibility. Now is there not only no flexibility, there's no money, you put no money in here. We have a projected budget deficit in '96 of \$150,000,000, '97 of \$300,000,000 and '98 of \$200,000,000. This is with no pay increases for these teachers and yet we are not addressing that and one Representative had the unmitigated gall to say there's savings in this. Look hard you aren't going to find them. Not only is there not savings, but there's a net loss here, read the Bill. A net loss, because of the fiscal year change there's a \$60,000,000 loss the City of Chicago is going to experience. In addition to that, guess who is

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going to be picking up the tab for all the lawsuits the union is going to bring, the City of Chicago is. So none of this is here. There is no flexibility, there's no money. You've set up a system that's going to fail and you know it. You've given the mayor the responsibility with absolutely no tools to do this. He is being asked to overhaul a broken car without even a screwdriver. I am so terribly touched by all of your concerns. This is outrageous. You know it, I know it. You are forcing this on the people of the City of Chicago so you know, what do we have here? We have a plan, a very flawed one, that was drafted by you, not us. Drafted by the Republicans. There was not one Chicago elected official invited or present during any of these meetings. This was drafted behind closed doors. The major, major concerns and recommendations that the mayor needed to make this work were all rejected, all of them. This was a Bill that was, as I said, unveiled yesterday for the first time. So let's end it with this collaboration and this warm touchy, feely stuff. You know it's wrong you know it's a lie. It's not true. Well I'll tell you what though. The one good thing about this. I tell you what I personally am going to enjoy. I have been so sick and tired of hearing you and your garbage over there about the Chicago public schools. Well guess what, the years of that are over. The years of hearing about the dropout rate and the reading scores, they aren't our problem anymore. The years of hearing people making such irresponsible statements about this being a sewer are over cause guess what Representative, it's your sewer now. Your the one that drafted this plan. This is your plan, not ours and so the problems are sitting at your doorstep not ours so get used to it. We are giving you

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time, you'll have your four years, but don't come to us and complain about our schools now because this is your plan and your sewer as you like to call it. So enjoy living in it."

Speaker Wojcik: "Any further discussion? The Gentleman from Cook, Representative Harold Murphy is recognized."

Murphy, Harold: "Thank you, Madam Speaker, I would like to yield my time to Representative Pugh."

Speaker Wojcik: "Representative Pugh."

Pugh: "Thank you, Representative Murphy. Will the Sponsor yield for a question?"

Speaker Wojcik: "She indicates she will."

Pugh: "Representative Cowlshaw is this, is this an attempt to..."

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "Madam Speaker, he hadn't finished his question."

Speaker Wojcik: "I'm sorry, Representative Pugh."

Pugh: "Representative Cowlshaw, is this in effect to destroy the unions and the collective bargaining unit of the Chicago public schools?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "No, of course not."

Speaker Wojcik: "Representative Pugh."

Pugh: "Well can you tell me of the individuals that you mentioned in your list of supporters in the beginning of this legislation, which of them were actually in the room, at the table? Was the Chicago...the people that this is going to...was anybody that this legislation is going to impact in the room at the table? Was there a representative from the Chicago public schools? Was there representatives from the Parent Community Council? Was there representatives from Designs for Change? People who represent the children

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who this legislation is going to effect, were they in the room?"

Speaker Wojcik: "Representative Cowlshaw."

Cowlshaw: "The groups who took part in this, I will read the list again. The Latino Institute, the Illinois Business Round Table, The Chicago Board of Education, The Union League Club, The Office of the Superintendent of Schools of Chicago, Argie Johnson who personally attended the first meeting. Representatives from the Office of the Mayor of Chicago, representatives from the University of Illinois at Chicago, from the Civic Committee of the Commercial Club, Chicago United, The Mexican/American Legal Defense and Education Fund, The Illinois Manufactures Association, The Illinois State Chamber of Commerce, representatives from the Chicago Teachers Union, from the School Coalition, from Leadership for Quality Education, from the City Wide Coalition for School Reform, from the Parent Community Council, from the Statewide Alliance on School Management, the District our Facilitator, the School Engineers represented by Don McCue and the Urban League."

Speaker Daniels: "Representative Pugh. Speaker Daniels in the Chair."

Pugh: "And how many representatives in school District 299 were made aware of, invited to or given any of the information that was a result of these meetings?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "All of the participants."

Speaker Daniels: "Representative Pugh."

Pugh: "I was specifically speaking to the Representatives, the people who were elected by the individuals who are going to be affected by this legislation, by this unfunded mandate. How many of these Representatives were made aware of, was

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made privy to any of the information of the dialog that took place in the development of this legislation."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "I think that perhaps the most prominent elected official who was represented in all of these meetings and very well represented I might add, is of course the Mayor of Chicago."

Speaker Daniels: "Representative Pugh."

Pugh: "It's my understanding that the Mayor of Chicago is in total disagreement with this legislation. He too suggests that this unfunded mandate is not doable because there is no engine in the car."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Whatever the position of the Mayor of Chicago, I still believe that this is good legislation and what I would like to point out to you, Sir, this does what he has asked for years. It gives him power."

Speaker Daniels: "Representative Pugh."

Pugh: "And I think that the problem Representative, is not so much the intent..."

Speaker Daniels: "Representative Pugh you have got to bring your line of questioning to a close. You are out of time. Go ahead I'll give you another minute."

Pugh: "I think your intentions are honorable, but I think your assumptions are misdirected. It's my understanding that Senator Berman has been asked to participate in the meetings that Representative Madigan has asked to participate in the meetings and that they had not been able to participate. I think that when you look at... from the perspective of the people that this legislation is going to affect, on one end we have Members from your side of the aisle that is developing ideas or programs or legislation

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that's going to make it easier to incarcerate these same individuals that we refuse to educate and it looks like a one, two punch coming from the Republican side of the aisle. We don't educate them so we don't give them the kind of skills that they need to avoid the punitive measures that the extended sentences that are being..."

Speaker Daniels: "Okay. Representative Cowlshaw do you want to answer that?"

Cowlshaw: "Representative, I'm sorry if you have misunderstood the intent of this legislation."

Speaker Daniels: "Is there any further discussion on this issue? The Gentleman from Cook, Representative Burke. Representative Howard, the Lady from Cook."

Howard: "Thank you, Mr. Speaker. I would like to yield my time to someone who is very ably addressing my concerns as well, Representative Coy Pugh. Thank you."

Speaker Daniels: "Representative Pugh."

Pugh: "Representative, again with all due respect, Representative Cowlshaw, you stated that I have misunderstood the intent of the legislation. A lot of times the intent gets mired with the various nuances that take place in making sure that the legislation gets from committee to the floor, and I'm saying that that seems to be what has happened what has taken place and what you've created here is something that in the eyes of the community that it's going to affect is going to be detrimental to that community. It's not going to help these 400,000 children and it seems to me that these 400,000 children are being used as a commodity, as fodder, as fuel to generate the growth industry in this state and the growth industry in this state happens to be prisons. So, if we do not educate these youth then they have no choice but to go out and get involved in

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extracurricular negative activity, drug activity for the most part, and that's because they have the same kind of survival skills or the same kind of survival...inmate survival desire and they want to survive. So if they are not educated, if they don't have the level of education that they need to become employed in this society they are going to go out and create all kind of criminal behavior. But one thing we must keep in mind is that this criminal behavior is not going to just be centrally located in the community from which the discrimination is being placed, it's going to filter out into other communities because we cannot contain a cancer and that's, Representative, I submit to you, is what we are creating. A cancer when we refuse to educate a population of individuals who history has reflected is not just going to die out. They are just not going to fall to the wayside, because for every wall that is built these people grow stronger. For every wall that is built they grow taller. So there are not just going to die out, so we need to be creating the kind of equal playing field so that we can all get along in harmony. Representative, let me ask you in regard to the Chapter 1 dollars...the previous Chapter, Chapter 1 dollars, that were rolled over in previous years, is that included in a \$216,000,000 cost?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The \$261,000,000 is the total amount of appropriation provided during this current fiscal year and it will be the same for the next fiscal year. At least that amount of it that is guaranteed for local school council use and cannot therefore be used by the board."

Speaker Daniels: "Representative Pugh."

Pugh: "In regards to the re-mediation process for...can we get

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some order in the Chamber, Sir?"

Speaker Daniels: "Ladies and Gentlemen of the House. Ladies and Gentlemen of the House. Representative Pugh."

Pugh: "In regards to the evaluation of the re-mediation process, is this re-mediation process the result of the quality schools initiative or the other school improvement initiative?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "The views of the state school superintendent in his quality schools initiative were of course taken into account by everyone who participated in these discussions. Incidentally, one of the participants that I neglected to mention before was of course the State Board of Education. So, his views have been taken into account, however we also took into account the views of everybody who has ever had a good sound idea about how we can improve schools for the students who go there."

Speaker Daniels: "Representative Pugh you are almost out of time."

Pugh: "So, if we are going to eliminate the supernumerary positions and the supernumeraries were basically reserved teachers..."

Speaker Daniels: "Representative Pugh you are out of time, Sir. Finish your question."

Pugh: "What shall we do on the front end to fill the void if we are going to cut out the supernumerary positions we are going to make it impossible for the substitute teachers to want to substitute for the two years so that they can become certificated. What are we going to do to fill that void?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative Pugh, the whole subject of

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supernumeraries, which technically I believe in the Article 34 referred to as reserved teachers, has been a very sensitive topic here for a very long time. In most school districts in Illinois, because of changes of enrollment or because of changes in the curriculum, if a teacher no longer has a classroom that teacher is generally then in a position where that teacher has to find a job somewhere else. It is only in Chicago that we have teachers who do not teach. They do not even have a classroom. They are called supernumeraries. I think we should take that money and give it as a salary increase for the teachers who do have classrooms."

Speaker Daniels: "The Gentleman from Cook, Representative Burke."

Burke: "Thank you, Speaker, I would like to yield my time to Representative Santiago."

Speaker Daniels: "Representative Santiago."

Santiago: "Thank you, Representative Burke, thank you Mr. Speaker. Would the Lady yield?"

Speaker Daniels: "She indicates she will."

Santiago: "Representative Cowlshaw, you know that one of the biggest problems that we have in the City of Chicago and particularly in my district where I have about 25,000 public school children that attend public schools, one of the problems of overcrowding which is the biggest problem that we have right now, is there anything in the Bill that addresses that problem?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative you are absolutely accurate when you say that that is a serious problem in Chicago. This Bill gives this five member Board of School Reform Trustees the opportunity to deal with that question as with all others in the ultimate of local control. I would point out to you

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Sir, this situation didn't happen overnight. It's been terrible for a very long time. That's why this kind of strong medicine is needed. There is a serious sickness in the buildings in which these children are trying to learn."

Speaker Daniels: "Representative Santiago."

Santiago: "I agree with you that there is a serious problem, but there's nothing in the Bill that addresses that problem. Another question, what was the logic of eliminating the sub-districts."

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, you can just nod if you would please, did you ask about the sub-districts? Did you ask about the sub-districts? We did not believe this new board should be required to follow practices of prior boards without an opportunity to make some decisions on it's own, and therefore we have simply abolished that, but we have also provided that should they wish to do so the members of this board could recreate some kind of intermediate service delivery system similar to the sub-districts."

Speaker Daniels: "Representative Santiago."

Santiago: "Is there in this Bill a provision which eliminates career service for personnel?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative I'm sorry, it took me a while to find this in the Conference Committee Report. This material appears on page 91 which might be helpful to you as a reference. It does eliminate some of the language having to do with civil servants and instead provides that the board may appoint or provide for the appointment of such other officers and employees as it deems necessary. This was simply one more step in our attempt to give this board the total amount of flexibility that we possibly could so

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that the decision making could actually make a difference in the schools."

Speaker Daniels: "Representative Santiago."

Santiago: "Does that mean that you could eliminate career service personnel without due process?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "Representative, the only appropriate answer to your question is, since all of the contracts in Chicago are shortly going to be up we did not want the new board to be bound by a lot of details in the civil service code that would prevent them from being able to negotiate through the collective bargaining process with whatever kinds of provisions for employees and for their organizations that they may wish to do."

Speaker Daniels: "Representative Santiago, your time has expired but I'm going to add a minute to your time."

Santiago: "Thank you, Mr. Speaker. Does that mean that there's no due process for these individuals? Is that the bottom line?"

Speaker Daniels: "Representative Cowlshaw."

Cowlshaw: "It means that this board of trustees must determine which personnel it wishes to continue to employ and which it does not."

Speaker Daniels: "Representative Santiago."

Santiago: "Thank you, Mr. Speaker, just to wind it up. There was a lot of mention about the Latino Institute, MALDEF, and other community organizations. In fact, I spoke to the Latino Institute this morning and I spoke to MALDEF this morning and they have informed me, and it is a fact that they attended a couple of meetings, but their recommendations were not put into this Bill, so, to use their name in vain, I think it is wrong. We are creating a

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four headed monster with this Bill and it is something that..."

Speaker Daniels: "Representative Santiago can you bring your remarks to a close."

Santiago: "What we are doing, we are destroying the Chicago school system. The personnel, the teachers, and all the other employees they are not going to suffer. You know who is going to suffer here. The bottom line is that children are going to suffer. Four years from now we are going to come back here and God willing we are all down here, we are going to come back here and we are going to realize the problem and the monster that we are going to create. You think we have financial problems now, wait until four years. It will be a mess, a mess, and the reading scores will be worse than today. The math skills and the math scores and all the dropout will be higher and everything that has to be...that addresses education will be worse. So I plead with you that we need some Amendments to straighten out this mess. Thank you, Mr. Speaker, for your indulgence."

Speaker Daniels: "The Gentleman from Cook, Representative McAuliffe."

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

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

Cowlshaw: "Thank you, Mr. Speaker. There has been a good deal of mention about money during all of these discussions. In fact I think that probably that topic has been raised a lot more frequently then the subject of whether these children are being adequately served. So let me mention something about money. Perhaps the best way that we can address a

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subject like that is what is the average per pupil expenditure annually in major school districts throughout this state. All of these are unit school districts so they are comparable in the regard to the annual per pupil expenditure. In the City of Chicago and this is for the ninth...this is for the 1993 operating expenditure per pupil; Chicago/\$6,500, Naperville District 203/\$5,500, Springfield/\$5,200, Princeville in Peoria/\$4,400, South Central 401 in Representative Granberg's district/\$3,900, Cumberland in Decatur/\$3,800. For \$6,500 a year per pupil we should be getting better performance than we are getting. The City of Chicago schools exist for one purpose and one purpose only, to educate the children. They are in crisis. There is no question, Mr. Speaker, the City of Chicago public schools and the city colleges are in financial and educational crisis. This is an attempt to address that crisis. I urge a 'yes' vote."

Speaker Daniels: "The question is, 'Shall the House adopt Conference Committee Report #1 to House Bill 206?' All those in favor signify by voting 'aye', opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk, will take the record. On this question, there are 67 'ayes', 49 'noes', one voting 'present', and this Bill, having received a Constitutional Majority, the House does adopt Conference Committee Report #1 to House Bill 206 and this Bill, having received the Constitutional Majority, is hereby declared passed. Order of Concurrences, excuse me announcement from the Clerk."

Clerk Rossi: "Announcements. The House Rules Committee will meet at 1:15 in the Speaker's Conference Committee...the House Rules Committee will meet at 1:15 in the Speaker's

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Conference Room."

Speaker Daniels: "Mr. Clerk, on the Order of Concurrences, read House Bill 8."

Clerk Rossi: "House Bill 8, a Motion has been filed to concur with Senate Amendment #1 and has been approved for consideration."

Speaker Daniels: "Representative Burke, for what purpose do you rise, Sir?"

Burke: "Thank you, Speaker. On a point of personal privilege. I'd like to extend a very happy birthday to our colleague, Miguel Santiago on his 42nd birthday and invite all our colleagues to enjoy some birthday cake with us."

Speaker Daniels: "Happy birthday. Representative Noland."

Noland: "Mr. Speaker, Ladies and Gentlemen. House Bill #8, Senate Amendment #1, it merely changes the location of this Amendment in the statute. The effective Amendment is identical to the intent of the Bill. All this Bill does is essentially double the fine to \$150 for speeding in a construction zone or maintenance area, and I move to concurrence."

Speaker Daniels: "Any discussion? The Gentleman from Effingham, Representative Hartke."

Hartke: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Daniels: "Representative Noland."

Hartke: "Representative Noland, several times we've debated this issue and I have addressed an issue of the upper and lower limits of this speeding violation. Has that been addressed in any way, shape or form?"

Speaker Daniels: "Representative Noland."

Noland: "Representative Hartke, whoever has the authority, whether the municipality or toll authority or state

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department, they will have the ability to set those upper and lower limits, based on a speed study in that area."

Speaker Daniels: "Representative Hartke."

Hartke: "Well, I think you're missing the point. I think I earlier in our discussion in debate and I don't know if I got a clear answer, federal law right now on our interstate system requires that there is a minimum speed limit of 45 miles an hour on the interstate. This piece of legislation indicates that if you're traveling over 45 miles an hour in a construction zone, you're subject to a doubling of the fine which would raise that fine to \$150. Now, I understand what you're trying to do, but if an individual is traveling under 45 miles an hour he is subject a violation. If he's traveling over 45 miles an hour, it's double that violation, so, you're either caught between a rock and a hard spot here, because if you are traveling under 45 miles an hour, you'll be paying a \$75 fine. If you're traveling over 45 miles an hour, you're subject to a \$150 fine. Now, I understand that what we want to do in this piece of legislation, is to protect construction workers as they're working through the zone, and this only applies to those construction workers that are present. I asked the question, is there some answer to this dilemma?"

Speaker Kubik: "Representative Kubik in the Chair, Representative Noland to respond to the question."

Noland: "Mr. Hartke, you're...all your discussion is not on the Amendment. The Amendment, all it does is change the location in the statute. You raised this point earlier and I imagined you voted for this Bill earlier, 109 people did as well as 58 in the Senate. When you in like a school zone, which is 20 miles per hour or here, it doesn't apply. They can lower the speed limit in a school zone or

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construction zone and that limit does not apply then."

Speaker Kubik: "Representative Hartke."

Hartke: "I understand that. Do we, the State of Illinois have the right to lower that, lower than 45 miles an hour on the interstate?"

Speaker Kubik: "Representative Noland."

Noland: "Mr. Hartke, we have that ability. We already do it in school zones and you're aware of that. You see them posted at 20 miles per hour in a school zone. All this Amendment does it put this provision in the same Section where we have school zones. That's all this Amendment does. No change other than the location in the statute."

Hartke: "Is there for the construction companies, is there a requirement for signs now that we warn individuals, could you explain that, at what distance? I know that occasionally I travel down the interstate and I see these warnings, is that required a mile ahead, two miles ahead? What kind of provisions are in this legislation for that?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, on page 3 of the Amendment, line 77, it says that, 'Highway construction or maintenance zones, special speed limit signs shall be designed and approved by the department'. It will give proper warning. The signs shall also state the amount of the fine for violation when workers are present."

Speaker Kubik: "Representative Hartke."

Hartke: "Do you know of anyone other...anyone that stands in opposition of this legislation?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, I know of no opposition, however, I know of proponents. The State Police, DOT, Laborers International, Midwest Truckers, Teamsters Local, Traffic

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Services, Illinois Trucking Assn., Illinois Road Builders Assn., Illinois Association of County Engineers, the AFL-CIO and the Chicago Teachers Union. There's no known opposition."

Speaker Kubik: "Representative Hartke."

Hartke: "I...Representative Noland..."

Speaker Kubik: "Representative Hartke, could you bring your remarks to a close, please."

Hartke: "I know this is a very good piece of legislation, but I think you just threw me for a loop when you said the Illinois Federation of Teachers are for this. What about the Illinois Education Association?"

Speaker Kubik: "Representative Hartke, we would like to allow Representative Noland to respond to the question, but your time has expired. Representative Noland."

Noland: "Mr. Hartke, the Chicago Teachers Union is a proud proponent of this Bill."

Speaker Kubik: "Okay, before we move on to further discussion, Mr. Clerk."

Clerk McLennand: "Introduction of Resolutions. House Resolution #53, offered by Representative Churchill, Rules Committee. Notice Members are encouraged to file their Motions for Bills on the Order of Nonconcurrency, and on the Order of Concurrence. Members are encouraged to file their Motions for Bills on the Order of Nonconcurrency and Concurrence."

Speaker Kubik: "Thank you, Mr. Clerk. All right, further discussion? The Chair recognizes the Gentleman from Washington, Representative Deering."

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

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

Deering: "Representative, listening to the previous speaker interrogate you, you said something to the effect about

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speed limits around school zones and we all know that they're 20 miles an hour when school is in session and when children are present, also I thought I heard you say that subject to speed control or traffic counts, you know the terminology I'm trying to get here, each individual municipality can set the speed limit in these construction zones, is that the way that I take that?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Deering, each authority will have control of their construction site or maintenance zone. The Tollway Authority will control those. The county, municipal or the State of Illinois will have control over each construction zone or maintenance area for putting up proper signage and enforcing this."

Speaker Kubik: "Representative Deering."

Deering: "Will there be a statewide standard that these local authorities will have to abide by, meaning, if I had traveled on a highway and the Toll Authority and it's in a construction zone, it might be 45 miles an hour, but if I come down here to Springfield on 55, Springfield may want to set it at 15 mile an hour, so are we going to have a lot of disparity between municipalities or are we setting a standard that in a construction zone, the speed has to be no faster than this limit?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Deering, each authority will have control. The main thing is that they will have to have proper signage and give due warning in advance so you will know what that speed, is and indicate what that fine or penalty will be. So, each one will have based on speed studies, geography and and a different authority in control."

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Speaker Kubik: "Representative Deering."

Deering: "Representative, with this Amendment did I hear Representative Hartke say that the fine for exceeding a speed construction limit, a construction speed zone limit, would be double the current fine and that would make that \$150, is that correct?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, the current penalty is a Class A Misdemeanor punishable by a \$75 fine. This would double that to \$150."

Speaker Kubik: "Representative Deering."

Deering: "Okay, Representative, would that still be if I was an operator of a vehicle, could I still put up a cash bond or a drivers license or are we changing the rules and regulations in how we can deal with our fines and move on down the road?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, there is no change in that Section, however for you, you could put up both of your drivers license for bond."

Speaker Kubik: "Representative Deering."

Deering: "Well, Representative, I beg to differ with you there, because in an earlier question, you answered that this was going to be a Class C Misdemeanor which requires 30 days in jail, now, is it a Class C Misdemeanor or is it a petty offense?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, it'd be now a petty offense."

Speaker Kubik: "Representative Deering."

Deering: "And this Bill would pertain to state highways, federal highways and local roads, is that correct, local roads also?"

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Speaker Kubik: "Representative Noland."

Noland: "That is correct, and it also affects Toll Authorities as well."

Speaker Kubik: "Representative Deering."

Deering: "Since we're going to increase the fine by doubling it, how much of a break does the circuit clerk of the county get or does the local municipality get out of this fine?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, I'm not aware that we changed that at all. It's the same formula under current standards."

Speaker Kubik: "Representative Deering."

Deering: "So the division of monies would be under the same formula as it is currently in place? Would that also be the same for the Toll Highway Authority?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Deering, this Bill is to address safety. I'm not as concerned about that Section. I don't think its changed."

Speaker Kubik: "Representative Deering."

Deering: "Thank you Representative for your time and indulgence."

Speaker Kubik: "Before we move on, Mr. Clerk, any announcements?"

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

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

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

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

Dart: "Representative, I just had a few questions here, I just had some clarifications. For starters, you've already made the statement that the substance of the Bill is identical with this Amendment. Is it purely just language changes? Are there any substantive changes whatsoever? Is it just language technical changes, and if that is the case, can

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you just give me a brief explanation to why, what was it the...I agreed with the Bill you sent over to them, I'm trying to figure out what was the technical problem they saw that we didn't see?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Dart, technical advisors in the Senate changed the place in the statutes, they now put it in with the statute dealing with school zone speeding, so they thought it was more applicable to that, so they moved it in there. There is no change to the underlying Bill whatsoever."

Speaker Kubik: "Representative Dart."

Dart: "Just three questions as to the actual Bill that everyone voted on here, I just want a clarification. The Section B in here where the requirements basically where it prohibits the individual from driving in the construction area, it requires that, and I just wanted this for clarification, but two things are gone, that they operate the vehicle in the maintenance zone or the construction zone in excess of the posted speed limit when workers are present, so, that's the one thing; and it also requires that they're so close to the moving traffic that the potential hazards exists in the motorized traffic? My point being, does it require both of those elements to shown, so even if someone speeds through the zone and there are workers present, they still have to show that there is some type of danger that they're speeding through the work zone with workers present has cause, but, is that a correct reason we need this second element?"

Speaker Kubik: "Representative Noland."

Noland: "You are correct. It must be posted and in that posting it will describe that the fine will be doubled and

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secondly, there must be workers present with a risk of injury. So both must be an occurrence."

Speaker Kubik: "Representative DART."

Dart: "Is it...I don't have the full file in front of me, a cost estimate from DOT, I'm not aware of any signs in the state right now that presently list the fine schedule. Is there an estimate and if not, do you have an idea how much it is going to cost to redo all the signs?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, the estimate from DOT has an initial cost of \$70,000 for new signs and an subsequent annual cost of replacement of \$17,000."

Speaker Kubik: "Representative Dart."

Dart: "And is this money, money that would come out of the road fund, or where would be the source of this money from DOT?"

Speaker Kubik: "Representative Noland."

Noland: "It would come from the same fund that will replace signs currently."

Speaker Kubik: "Representative Dart, further questions?"

Noland: "Representative Dart..."

Speaker Kubik: "I'm sorry, Representative Noland."

Noland: "Also, often times in the contract, the contractor is required to post these signs, so it might be covered also in the cost of the contract which we may bear ultimately as the taxpayer."

Speaker Kubik: "Further questions, Representative Dart?"

Dart: "One final area I just wanted to ask a question about, was in the definition Section, Section B, why is it in a lot of the other statutes I've looked at, usually we would describe it as an area where the actual...where a construction or maintenance zone and its posted lower speed limit, why do we have all the language in there that talks

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about...there is this affirmative duty on the department to check that this is an area that they've determined from a preexisting established speed limit, is not reasonably safe. Why do we need that language? Why don't we just have it down that this Section is violated when they exceed the posted speed limit? Why...is there a reason we have that extra language put there?"

Speaker Kubik: "Representative Noland."

Noland: "Representative, all I can remember is that the agency wanted that there so we...so if the municipality engineer, traffic engineers or engineers wanted this to apply to that local project, it could apply. Give them more local control."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

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

Hoffman" "Yes, Representative, it's my understanding and you had indicated in previous debate, that the reason you want this Bill is for road workers safety, isn't that right?"

Speaker Kubik: "Representative Noland."

Noland: "Representative Hoffman, that's correct."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Yes, and it's also my understanding that the reason we're doubling the fine is so we can reduce the speeds in the construction zone area to insure that people who drive through construction zones do not put workers in danger."

Speaker Kubik: "Representative Noland."

Noland: "Representative Hoffman, I don't know who the three no votes were when first concerned but this Bill is identical to one we passed earlier. All this Bill does is change the location in the statute. I don't where you're heading, but

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the Amendment, Senate Amendment is about about where it is in the statues, not about road workers safety per se."

Speaker Kubik: "Representative Hoffman."

Hoffman: "Representative, if we pass this Bill it's going to go to the Governor and the Governor's going to sign the whole Bill and not just the Amendment, so I think that it's certainly within our rights to discuss the entire Amendment as well as the entire Bill. Now Representative, where I'm headed is to just point out the dichotomy of your side of the aisle because I agree with you. I'm for this Bill, and I think what it could do, it could potentially save workers lives. It could potentially work as a deterrent effect so that individuals who now speed through these work zones will think twice when they know it could cost them a substantial amount of money. So, Representative, let's assume a individual is speeding trough a work zone, and we're going to double the fine as a result of this act, what are we going to do with regards to the ability of the injured worker if indeed that person who was speeding through a work zone, hurts somebody, runs over a worker, maims or even potentially kills that worker, what are we going to do with respect to them? They no longer have an action under the Road Workers Safety Act because we threw it out the window. They no longer can have their families sue and bring a action against those individuals because we threw it out the window. So, what we're saying here, is sure we're going to crack down on these speeders but if you hurt somebody and you maim somebody then we're going take the action away from those individuals who are hurt or maimed. So, don't tell me that we're just talking about an Amendment, we're talking about the entire safety of people who work on our highways. So, what we have done, is

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enlarged this section, is maybe we've done something positive in this Bill, which you're right, I'm going to vote for it, people on this side of the aisle are going to vote for it, but we should not leave this chamber in glee, we should not leave this chamber and go send out mail releases to the workers who are on this...working on our roads, and putting their lives in danger every day. We should not say to the teamsters who represent the individuals that work on our highways and say, hey, we really helped you out here, because we haven't, because what we've done is, we've robbed Peter to pay Paul. What we've done is, we've said, hey, you know what we've done, we going to say on the one hand we're going to deter individuals from speeding in workers work zones, and on the other hand, if you get hurt, if you get maimed, if you get killed, we're going to take away the right for you to bring an action and recover. Well, that's real good, that's real good. We should be very, very proud of ourselves here. We should be very proud of the fact that we can look at the widows of individuals who are killed on our roadways and working on our roadways, we can look at people who've been killed because somebody has sped through a work zone and we can see now that they're going to be spending the rest of their lives in a wheelchair or we can say that, hey, great job, we've doubled the fine on these guys. We know that he sped through the work zone and caused you to spend the rest of your life in a wheelchair, but we doubled the fine on him. They're going to pay twice the speeding ticket now, that's real good, that's real good. We'll vote for this, but what do we tell the widows, what do we tell the individuals who rob the Road Workers Safety Act and pull that out from under them, what do we tell them? We tell

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them nothing, and that's what this whole legislation is about. It's really telling the people nothing."

Speaker Kubik: "Further discussion? Seeing none, Representative Noland to close."

Noland: "I move for concurrence."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 8?' All those in favor will signify by voting 'aye', those opposed by voting 'nay'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', none voting 'no', and none voting 'present', and this Bill having received the required Constitutional Majority is hereby declared passed. If we could also take a moment to recognize the fifth grade class from the Atlanta Grade School who are in the gallery. They are represented by Representative John Turner. Welcome, welcome to Springfield. Mr. Clerk, please read House Bill 412."

Clerk McLennand: "House Bill #412, a Motion to concur has been filed by Representative Ackerman and it has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Tazewell, Representative Ackerman, on Senate Amendment #1."

Ackerman: "Thank you, Mr. Speaker. House Bill 412 is on the Order of Concurrence. House Bill 412 passed out of the House 103 to nothing. Passed out of the Senate 57 to nothing. Senate Amendment #1 simply adds an immediate effective date to the Bill. I'd be happy to answer any questions."

Speaker Kubik: "The Gentleman moves for the...moves to concur with Senate Amendment #1 to House Bill 412, and on that, is

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

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

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

Lang: "Thank you. Representative, you seem to indicate because the Bill got a 113 votes that the Amendment has no purpose or meaning, you don't want to tell us that do you?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Absolutely not. It makes an immediate effective date. This reason for this is to allow some elevators that have grown and may not be exempted to keep from starting to build some very expensive additions if we wait on the effective date."

Speaker Kubik: "Representative Lang."

Lang: "Why didn't your original Bill have this effective date? Why did you have to have this added in the Senate?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "It was probably just an oversight, however we decided it would save some money by adding the immediate effective date in the Senate."

Speaker Kubik: "Representative Lang."

Lang: "Acutally, by adding the immediate date in the Senate, you cost the taxpayers money, didn't you, because they had to print it, they had to have committee time, now we're handling this on concurrence. This Bill could have went straight to the Governor had this been handled the right way when it was here, couldn't it?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "I believe the cost of handling it this way is very minimal and we're saving farmers, consumers, elevators, thousand and thousands of dollars."

Speaker Kubik: "Representative Lang."

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Lang: "Is there anything in this Bill about controlling limo drivers or limos around these dump pit sites?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "Not that I'm aware of."

Speaker Kubik: "Representative Lang."

Lang: "So, Representative Mulligan does not have an Amendment to this that she wants to purpose in a conference committee to control the use of limousines around these sites?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "No. The only Amendment is simply good for farmers."

Speaker Kubik: "Representative Lang."

Lang: "Well, you're suggesting to me, now I'm from north of I 80, I may not know the answer to this, but are you suggesting to me that farmers never use limousines?"

Speaker Kubik: "Representative Ackerman, I'm sorry."

Ackerman: "I don't believe that a country grain elevator has any particular use for a limousine. The trunk is not big enough to haul corn in."

Speaker Kubik: "Representative Lang."

Lang: "Thank you, Mr. Speaker. Well, you've seemed to indicate, Mr. Ackerman, that we're merely changing the effective date. Would it surprise you to learn that many people on my side of the aisle may not be for this Bill with an immediate effect date? They wanted a longer effective date. What do you have to say to these people regarding the drastic need to do this? Why do we have to take this up on concurrence and why we couldn't just let the Bill go to the Governor the way it was?"

Speaker Biggert: "Representative Biggert in the Chair. Representative Ackerman."

Ackerman: "By saving farmers and elevators money, this will save consumers money and I think your people would be in strong

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support of us saving money."

Speaker Biggert: "Representative Lang."

Lang: "Well, are your farmers going to take a small percentage of what their going to save because of the immediate effective date and pay back the state for the effort of taking this Amendment through the Senate Committee and the concurrence through the House Committee and hearing the concurrence on the House floor? Are they going to do any of that, printing it on the calendar? Are they going to do any of that for us?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "I think the market forces will dictate how the saved money is dispensed."

Speaker Biggert: "Representative Lang."

Lang: "Well, thank you. Sir, before I'm prepared to vote for this, and I did vote for your original Bill, I think I was one of those 113 people, but I'm not sure as to really what the need of the major dump pit site is that requires us to give them an immediate effective date. Perhaps some of us would believe that these major dump pits could be taken care of next July, rather than this July."

Speaker Biggert: "Representative Ackerman."

Ackerman: "Some would be currently exempt and some would have to begin construction that they otherwise would be exempt when it did take effect, so, it would be a wasteful thing to do to put it off until next year."

Speaker Biggert: "Representative Lang."

Lang: "So, some of these folks are exempted now so they don't need this immediate effective date?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "They would be exempt, but they would have to wait until January without this...."

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Clerk McLennand: "Rules Committee meeting immediately in the Speakers Conference Room. Rules, immediately, Speakers Conference Room."

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

Hartke: "Well, thank you very much, Madam Speaker and Members of the House. Would the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Hartke: "Representative Ackerman, you and I are both farmers, and I think that we understand what we're trying to do here, but what concerns me just a little bit is that many of our colleagues here really don't have a clue on what we're talking about so, let's start from the basics here. Now, could you explain to the Body a little bit about this legislation and why the EPA has required some of these dust collections in the pits?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "Glad to. Back in 1975, there were rules that exempted elevators that had a through foot less than 300,000 bushels, since then, many elevators have grown over the 300,000 bushels and their faced with putting in a large investment into ventilation and filtering equipment that draws the air and dust down through the pit and keeps it from exiting into the atmosphere. Now, these elevators still have to meet the EPA's clean air qualifications, but if they are in a rural area rather than an urban area which is spelled out in this Bill, we are proposing that they should be exempt unless there is objections from residences within a thousand feet, and we feel this will not harm anybody and make the processing of corn and feed somewhat cheaper."

Speaker Biggert: "Representative Hartke."

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Hartke: "Yes, would you explain to the Body exactly where are this dust and filth comes from? I'm sure many of my colleagues don't understand."

Speaker Biggert: "Representative Ackerman."

Ackerman: "It comes from the corn itself and what's being hauled in with the corn. You get dust out of the fields and you get...and it's the same dust. Some of it is from the corncobs, some of this dust is the same type of thing that face powder is made of and it is not a toxic pollutant, it is just dust."

Speaker Biggert: "Representative Hartke."

Hartke: "You mentioned corn, does this also come from soybeans?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "Yes it could, and many other types of grains that may be produced."

Speaker Biggert: "Representative Hartke."

Hartke: "Many times we hear about grain elevator explosions and I would think with the dust collectors and so forth in the pits, this would cut down on the dust in the elevator which would be a safety reason that we take this dust out. My little concern here is that we're exempting some these elevators pits from putting this dust collection apparatus in which would possibly lead to more dust in the elevator which may cause explosions. Could you respond to that?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "The EPA states that the dust is not a concern with this Bill, however, I heard some testimony to the fact that trapping this dust in filters may be more dangerous, have a more dangerous atmosphere for explosions than emitting it on out in the atmosphere."

Speaker Biggert: "Representative Hartke."

Hartke: "Well, I really don't know that. I've never seen an

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explosion out in my bean field and it's quite dusty once in awhile or in my cornfield, but listen Representative, I appreciate your answering these questions because Representative Lang and I are very good friends, and he and I sit up nights talking about when we go back to our districts, we're making presentations to groups, you know about what we do down here in Springfield. I'm just confident today after this lengthy explanation of this piece of legislation, the next time Representative Lang is in his district in Skokie, Illinois, and someone pops up a question, and says, now why in the world would you want to support House Bill 412, introduced by Representative Ackerman, dealing with dust collection and grain pits, he will be able to pop right to and be able to answer that question fully. I'm sure it will help him and many of my other colleagues for your explanation."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Biggert: "He indicates he will."

Hoffman: "Yes, Representative, why should such areas be exempt from the Federal Clean Air Act Standards?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "They're not exempt from the Federal Clean Air Standards."

Speaker Biggert: "Representative Hoffman."

Hoffman: "It is my understanding that what's this had a lot to do with, exempting them from the Federal Clean Air Act Standards, that's not correct?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "No, that is not correct."

Speaker Biggert: "Representative Hoffman."

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Hoffman: "So, does this Bill affect in anyway the Federal Clean Air Act as it applies to this situation?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "Let me read this, 'It does not cause or allow the discharge or emission of any contaminate into the environment that pollutes the air or violates regulations under the EPA Act'."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Is that the state EPA Act or the federal EPA Act that it makes reference to?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "We're referring to state legislation there, but I'm pretty sure that comes under the Federal Clean Air Act."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Well, is there a set back requirement for such grain elevators from residential areas?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "There's a 1000 feet setback from residential areas."

Speaker Biggert: "Representative Hoffman."

Hoffman: "So, is there any provisions regarding the zoning that would insure that this is enforce with regard to the setback requirements?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "The zoning does not enter into this."

Speaker Biggert: "Representative Hoffman."

Hoffman: "Now, with regard to the underlying Bill, it's my understanding that this was...or I thought that this initiative was Representative Persico's Bill. Have you now taken the Bill over, is that correct?"

Speaker Biggert: "Representative Ackerman."

Ackerman: "This Representative...this legislation was originally introduced Representative Leitch. I took it over from

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Representative Leitch because I had numerous meetings with the Feed and Grain Association and took a tour of some elevators and listened to some experts talk on this subject and we decided that I probably had the most knowledge of this particular Bill."

Speaker Biggert: "Representative Kubik in the Chair."

Speaker Kubik: "Further discussion? I'm sorry, Representative Hoffman."

Hoffman: "Yes, thank you, Mr. Speaker. I know about the 1000 feet setback in residential and populated areas, but it's my understanding that this Bill also has a provision that exempts it only if they are constructed outside of a major population area. What do we consider a major population area?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "They are listed in the legislation...I'm sorry, in the Illinois Administrative Code. Would you like me to elaborate on that?"

Speaker Kubik: "Representative Hoffman."

Hoffman: "Well, the only thing is, is it individual cities that are listed, or is it by population, like anything over a certain size or under a certain size?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "It's not only cities, it some counties and some areas."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So certain counties would...I apologize...I believe Representative Lang has a point of personal privilege."

Speaker Kubik: "Why don't we get to Representative Lang on a point of personal privilege after you finish your time Representative Hoffman."

Hoffman: "Okay, that's fine with me. So, the county provisions

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that are in there, you could actually say that these wouldn't be exempt or entire counties, for instance, Madison and St. Clair County may not be exempt because it's a major population area, but the county that you're from it could be exempt, is that right?"

Speaker Kubik: "Representative Ackerman."

Ackerman: "It's fully spelled out in the major...in the Illinois Administrative Code. Some of the counties that are included in this are Champaign, Cook, McHenry, Kendall, Macon, Peoria, Winnebago, Rock Island, Sangamon, St. Clair and McLean, but it is not all of the county, it is portions of this county."

Speaker Kubik: "Representative Hoffman."

Hoffman: "So, St. Clair and Madison County would be affected by this thing, in a positive way, this is good for them?"

Speaker Kubik: "Representative Ackerman, brief your response to the question."

Ackerman: "There's portions of this county that are designated as major metropolitan areas and would be affected by this."

Speaker Kubik: "Representative Lang, for what reason do you seek recognition?"

Lang: "Thank you. I did hear my name mentioned in debate by my roommate and friend, Representative Hartke, and I rise on a point of personal privilege, Sir."

Speaker Kubik: "Well, state your point."

Lang: "Thanks. I indicated to Mr. Ackerman earlier that he might want to consider whether limo drivers and limos around the dump pit areas ought to be regulated. I would just like to tell you that I just found out that the Senate refused to concur in the Limo Driver Amendment on Senate Bill 1039, so perhaps Representative Mulligan will now want to put that on this Bill."

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Speaker Kubik: "Thank you for those informative comments, Representative Lang. Further discussion? Seeing none, Representative Ackerman to close."

Ackerman: "Thank you, Mr. Speaker. I would be happy to invite Representative Lang to come down to my field about soybean combining time where he is able to observe what kind of dust is there, but in the meantime I think it would be very prudent to pass this Bill and add this immediate effective date."

Speaker Kubik: "Okay, the question is, 'Shall the House concur in Senate Amendment #1 to House Bill 412?' All those in favor will vote 'aye', those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'aye', none voting 'no', and none voting 'present', and this Bill having received the required Constitutional Majority is hereby declared passed. Representative Hartke, we will get to you, I would just like to recognize the Clerk for a moment, and then I will get to you. I promise you. Mr. Clerk."

Clerk McLennand: "Messages from the Senate. Mr. Speaker, I'm directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their Amendments to the following Bills: Senate Bill #130, House Amendments #5 and House Amendment #6; Senate Bill #721, together with House Amendments #6, 7, 8, 9, 10 and 15. Further directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of the following Amendments; To Senate Bill 721, House Amendments #4, 5, 11, 12, 13, 14, 15 and 16; Refused to concur with the House in the adoption

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of the following Amendments to Senate Bill 130, House Amendments #4 and 7; The Senate has refused to concur with the House in the adoption of their Amendments to Senate Bill 465, House Amendment #1; The Senate has refused to concur with the House in the adoption of House Amendment #1 to Senate Bill 907; The Senate has refused to concur with the adoption of House Amendment #1 to Senate Bill 925; And the Senate has refused to concur with the adoption of House Amendment #1 to Senate Bill 1039; And the Senate has refused to concur with the House in the adoption of House Amendment #1 to Senate Bill 368. These messages are from Jim Harry, Secretary of the Senate. Committee Reports, reported the Rules Committee has met and places the following Senate Bills on The Order of Nonconcurrency; Senate Bills 19, 50, 75, 164, 265, 293, 365, 368, 388, 428, 509, 587, 721, 741, 1037 and 1140, offered by Representative Churchill, Chairman of Committee on Rules. Committee Report from Rules, Representative Churchill, Chairman of Committee on Rules has met to which the following Resolutions were referred, action taken on May 24, 1995, reported sent back the following recommendations: 'due adopt' Senate Resolution #21 and House Resolution #53. Rules has also met to which the following joint action motion were referred, action taken on May 24, 1995 reported sent back due approved for consideration: On the Order of Concurrence, House Bill 90, together with Senate Amendment #1; House Bill 385, together with Senate Amendment #1; House Bill 544, together with Senate Amendment #1; House Bill 780, together with Senate Amendment #1; House Bill 1246, together with Senate Amendments 1 and 2; and House Bill 1654, together with Senate Amendment #1. On the Order of Nonconcurrency, due approved for consideration, House

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Bill 32, together with Senate Amendment #3; House Bill 314, together with Senate Amendments #1 and 2; House Bill 1248, together with Senate Amendment #1; House Bill 1279, together with Senate Amendment #2; House Bill 1462, together with Senate Amendment #2; House Bill 1470, together with Senate Amendment #1; House Bill 1523, together with Senate Amendment #1, correction, House Bill 1523, together with Senate Amendment #3; House Bill 1787, together with Senate Amendment #1; and House Bill 2403, approved together with Senate Amendment #1. Introduction of First Reading of House Bills: House Bill 2509, offered by Representative Blagojevich, a Bill for an Act in relation to the operation of motor vehicles. Introduction and First Reading of these House Bills."

Speaker Kubik: "And now, Representative Hartke, for what reason do you rise?"

Hartke: "On a point of personal privilege."

Speaker Kubik: "State your point, Representative."

Hartke: "Well, Representative Lang used my name in debate and I was overjoyed to hear that the Senate has rejected 1039 and so for the 10th time, we will have an opportunity to kill that limo Bill, let's hope. So, I'm happy to see that we'll have an opportunity to debate that issue again out here on the floor, again and aga...reminds of that little rabbit that keeps, maybe we can put the battery in it backwards this sometime."

Clerk McLennand: "Rules Committee has reported out Members...attention Members of the House. The Rules Committee has reported out Bills both on the Order of Concurrence and Nonconcurrence. Members are encouraged to file their Motions to Concur or Nonconcur or to Recede or Refuse to Recede. Members are encouraged to file their

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Motions for Joint Action in the well."

Speaker Kubik: "Mr. Clerk, on the Order of Concurrence, please call House Bill 686."

Clerk McLennand: "House Bill 686, a Motion to Concur with Senate Amendment #1 has been filed by Representative Andrea Moore and has been approved for consideration."

Speaker Kubik: "The Chair recognizes the Lady from Lake, Representative Moore, on Senate Amendment #1."

Moore, Andrea: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #1 changes slightly what you know as to be House Bill 686. It removes the unlawful use of weapons violation and adds battery and assault and aggravated assault where a firearm was used or possessed. Make the misdemeanor conviction for those offenses and requires that a person be convicted within the last five years. When a court orders the surrender of firearms as a condition of order of protection against a person who is a peace officer, the officer must surrender firearms used in the performance in his or her official duties to the chief officer of their agency. I would urge an 'aye' vote on this Concurrence Motion and be happy to answer any questions."

Speaker Kubik: "The Lady has moved to concur with Senate Amendment #1 to House Bill 686, and on that question, the Chair recognizes the Gentleman from Cook, Representative Blagojevich."

Blagojevich: "Thank you, Representative Kubik. Representative Moore, would you yield for a few questions?"

Speaker Kubik: "The Lady indicates she will yield."

Blagojevich: "Representative, can you just briefly outline some of the changes that the legislation experienced in the Senate?"

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Speaker Kubik: "Representative Moore."

Moore, Andrea: "Thank you. This limits the FOID cards denial and revocation authority to firearm related domestic battery, battery, assault, aggravated assault and violation of the order of protection committed within the last five years. So, what it does, is remove the unlawful use of weapons violation and adds battery and assault and aggravated assault where a firearm was used. And it also requires that the person be convicted within the last five years. So, it would be a misdemeanor conviction for those offenses and prevents firearm possession for five years from the last conviction rather than for life as required by the the original Bill. In addition, where the court orders the surrender of firearms as a condition of a order of protection against a person who is a peace officer, the officer must surrender firearms used in the performance of his or her official duty to the chief officer of their agency. The chief officer shall retain the firearms for during the period of the court order, and the firearms may be used by many officers in their official duties and is owned in many cases by the agency, so it should be turned over to that agency."

Speaker Kubik: "Representative Blagojevich."

Blagojevich: "Thank you, Representative Moore. With regard to the peace officer provision. How would that work if for example, a police officer were convicted of an act of domestic battery, through the...with the use of a gun or a firearm, that would be the nexus of the case, and he would turn his firearm into a supervisor, would that police officer be suspended from his police duties or would he allowed to carry the gun on the job and then have to return the weapon after the work day is over? How does that

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work?"

Speaker Kubik: "Representative Moore."

Moore: "That poses an interesting question. It is my understanding that the officer would be allowed to use the weapon during the course of his official duties, but not during the off hours as is often time is the case for police officers. They carry their firearms 24 hours a day. As you know, Representative, in cases of domes...where there are domestic problems, unemployment only exacerbate the situation, and so it's just also a combination would...would be a way to work some of the problems before police officers."

Speaker Kubik: "Representative Blagojevich."

Blagojevich: "Thank you, Representative. To the Bill. This Bill is not quite as good as it was when it left the House, its been changed, it's still certainly better then what the existing law is, and so I obviously add my support to the legislation and commend the Sponsor. It's a difficult philosophical question for those of us who like to see change in its pure form, but we have to recognize that this is a imperfect world that we live in. Not everything is black and white, we live in a world of grey and this one is not quite as black or as white that we would like. Let me say that, again that the five year position has been changed. The original Bill called for the loss of a firearm for as long as a convicted felon would lose a firearm, which would be in perpetuity, forever. Now we're putting a five year cap on that and again its better than it was, not quite what the Bill originally invisioned, but this is a first step and it is a step in the right direction. In 1993, 71% of domestic homicides occurred where a firearm was used, and so this Bill works to address

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that particular circumstance. I commend the Sponsor. I urge every one to vote 'yes'. I urge everyone to support the Sponsor when she attempts to have the Governor sign this into law and again, please vote 'yes'. Thank you."

Speaker Kubik: "Further discussion? The Chair recognizes the Gentleman from Rock Island, Representative Brunsvold."

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

Speaker Kubik: "The Lady indicates she will yield."

Brunsvold: "Representative, this is I believe the third or fourth time you and I have debated this Bill. Do you think this is less restrictive than you started with and would be more towards my position than originally...then what you originally started with?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "Regretfully, I must agree."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Representative Blagojevich brought up an issue...an interesting point, if we had a woman police officer that was convicted of violent...domestic violence with a gun and she was on duty, she could carry a gun, what is she going to do with that gun, because most officers take their gun home with them and then put it on when they leave for work, what is this woman going to do if she's in this situation?"

Speaker Kubik: "Representative Moore."

Moore: "Following her official duty on her shift, she would turn it into her shift commander, or whoever is responsible within the agency."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "So, if she ran across a situation on her way home, she would be unarmed and unable to stop a situation that she is hired and is in charge of doing, protecting the public, she can then become an ineffective police officer,

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is that correct?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "While she was on duty as an official police officer on duty, she would still be allowed to carry her weapon. When she is off duty, she would not be carrying a weapon, but would still have other means to defend herself."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Women state troopers are on duty until they get home. She will lock this gun in the car, or how would she proceed with this situation?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "It is my understanding that the agency would receive the weapon following the official shift. I think those kind of details can be worked out within the agency themselves and this is done after a full hearing with the court."

Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Well Representative, you know, I think this is a lot better than what we started with and I intend to vote 'yes' on this version, but I just have some questions about that. One more about confiscating the weapons. If this person was a gun collector, would the judge take all the antique guns if they were an antique collection? Would the judge remove all these weapons if there was a man involved in a domestic violence with a gun?"

Speaker Kubik: "Representative Moore."

Moore, Andrea: "This hearing that we have referenced that you have read about in the original Bill process, is a fact finding hearing where there would be some discretion on the part of the judge, and I think that determination would be made at the time as to how serious the threat was."

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Speaker Kubik: "Representative Brunsvold."

Brunsvold: "Thank you, Representative."

Speaker Kubik: "For what purpose does the Gentleman from Cook, Representative Blagojevich rise?"

Blagojevich: "Representative Kubik, my name was mentioned in debate. Point of personal privilege. I would just like to address Representative Brunsvold."

Speaker Kubik: "State your point."

Blagojevich: "First of all, let me tell him the name is pronounced Blagojevich, not LaDonovich or whatever that was that I heard."

Speaker Kubik: "I thought it was Blagojevich."

Blagojevich: "Ah."

Speaker Kubik: "I thought Black was the one who mangled your name, but I thought I pronounced it properly. Is it Blagojevich?"

Blagojevich: "It's Blagojevich. Black doesn't mispronounce it, he just yells it out."

Speaker Kubik: "Yeah, well. His name starts with a B too, but I don't think...your's has more syllables than his does."

Blagojevich: "Right."

Speaker Kubik: "So, state your point."

Blagojevich: "Thank you. Oh, I know that. I just wanted to clarify that for Representative Brunsvold and just reaffirm what the whole purpose of this Bill is. These aren't convicted criminals we're talking about, so that police officer and Representative Brunsvold's hypothetical, that woman police officer is a convicted criminal. She is a husband beater in your scenario, and so the fact that she's got to relinquish her firearm during the course of her non work day, I think is a small price to pay, and I simply wanted to point that out after I reminded Representative

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Brunsvold how to say my name."

Speaker Kubik: "Okay. Thank you."

Blagojevich: "I'm excited about this Bill. Great Sponsor, great Bill. Maybe next year we can go a little further."

Speaker Kubik: "Well, thank you. Okay. Further discussion? The Chair recognizes the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. Following up on what Representative Blagojevich had to say, I just wondered if the Sponsor would yield for a couple of questions."

Speaker Kubik: "Representative who? Yes, I think she will yield for some questions. Representative Dart."

Dart: "Representative, under your Bill, the removal of the gun...the language is it...is the State Police authorized to do that or required to do that?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Are you referring to the Amendment portion of the Bill that we are talking about or are you talking about the full body of the Bill itself?"

Speaker Kubik: "Representative Dart."

Dart: "With the Senate Amendment that we are moving to concur on, is it an authorization or is it a requirement that they remove the gun?"

Speaker Kubik: "Representative Moore."

Moore, A.: "It is mandatory."

Speaker Kubik: "Representative Dart."

Dart: "The provisions with...and you've touched on this already, I realize, but the provisions dealing with the officers who will be allowed to keep their guns, have the local police authorities been consulted in regard to this to make sure that they can and will be able to do this?"

Speaker Kubik: "Representative Moore."

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Moore, A.: "As you know, this Amendment was placed on in the Senate and the State Police Association was there as were members of the State Police Department and those negotiations took place there."

Speaker Kubik: "Representative Dart."

Dart: "In regards to the instances where we have an individual who is a responded to an order of protection so there has not been a conviction of any type yet, the Bill requires that the State Police then have the authorization to take the gun. How is it that the State Police is going to be notified that there is an order of protection in which there is a specification that the gun is to be removed?"

Speaker Kubik: "Representative Moore."

Moore, A.: "The court order shall serve as notification."

Speaker Kubik: "Representative Dart."

Dart: "But how does that physically... How does the State Police become aware of that because the order of protection would not be otherwise sent to them. The copies are given to the court, respondent, to the petitioner in this case. How is it the State Police will find out about this?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Through the court order, certainly there can be notification required through the actual court order where the FOID card is either removed and/or if the weapons are removed. That can be accomplished through the court order, but it is a very good point and one that we noticed also, and we might need to follow up, perhaps next year, for some further clarification of that."

Speaker Kubik: "Representative Dart."

Dart: "Yes, Representative, to be quite frank with you, your original Bill was real good in this area and had the notice provisions that I think were quite adequate to handle the

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situations; however, with the Senate Amendment, it removed that, and my experience with order of protections where it is a very limited circle of people who get copies of those. And unless there is some mechanism set up for there to be a transmittal of that to the State Police, the State Police will never know about this. So I agree with you, there needs to be some work on there, but in the interim, is there any purpose of legislative intent or whatever? Is there anything that you see in this Bill now that would be able to accommodate the State Police receiving this information?"

Speaker Kubik: "Representative Moore."

Moore, A.: "Certainly during the process of the hearing, the court can order that the circuit clerk goes forward and does this notification and you would hope that the judges would be willing to do that during their hearing process."

Speaker Kubik: "Representative Dart."

Dart: "In regards to respondents of order of protections again, in the event of an emergency order of protection where there is an ex parte proceeding, how is it that the offender is notified that their gun will be removed when they are not in court?"

Speaker Kubik: "Representative Moore."

Moore, A.: "First of all, there has to be a hearing, that's clearly stated in the full body of the Bill, that there has to be a hearing before there can be an order that the weapon is removed. And so, that process is there. What was your question? I'm sorry."

Speaker Kubik: "Representative Dart, I think you may want to restate your question. Representative Dart."

Dart: "Yes, Representative, if you could just clarify. In the instances where you have an emergency order of protection,

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where the offender is not in front of the court or the...usually the woman who has been the subject of the domestic battery is in front of the court, seeking an order of protection. She needs an emergency one right away because of the incident, the respondent, usually the husband or boyfriend in this case, is not in front of the court. They usually give them for fourteen days in which time the defendant has time to come into the court. In those instances where the respondent is not there, what is the mechanism that you have here so that A: you can get the gun from them, and B: that that individual is notified of this?"

Speaker Kubik: "Representative Moore to respond."

Moore, A.: "They have to receive actual notice, but if it's an emergency proceeding, there is an established...there are established rules for governing ex parte procedures."

Speaker Kubik: "Further discussion? The Lady from Cook, Representative Jones."

Jones, S.: "Mr. Speaker, I would like the record to show on Senate Bill 907, that I was wished to vote 'no' on Senate Bill 907..."

Speaker Kubik: "All right."

Jones, S.: "Would the record show that please?"

Speaker Kubik: "The Journal shall so reflect, Representative Jones. Further discussion? Before we continue, Mr. Clerk."

Clerk McLennand: "Members. Attention: Members, the Representative from the General Assembly Retirement System is in the corner office in the Speaker's hallway in the Parliamentarian's Office, is available to meet with you. Members are encouraged to see him. He'll be here for about another two hours. Thank you."

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Speaker Kubik: "Further discussion? The Lady from Cook, Representative Wojcik."

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

Speaker Kubik: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Moore to close."

Moore, A.: "Thank you, Mr. Speaker. This has been a process that has occurred over a period of over two years and trying to get this Bill passed has been a very bipartisan process. It has good support from both sides of the aisle, on both sides of this General Assembly, and I would urge everyone to concur with Senate Amendment #1 to House Bill 686. I thank my Cosponsor, Rod Blagojevich, for his help and cooperation."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 686?' Those in favor will vote 'aye'; those opposed will vote 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 111 voting 'aye', 0 voting 'no', 6 voting 'present', and this Bill, having received the Required Constitutional Majority, is hereby declared passed. Ladies and Gentlemen, if we could welcome the Calvary Christian School from Lake Villa, Illinois. They are from the districts of Representative Al Salvi and Representative Bob Churchill. Welcome to Springfield. They are in the Speaker's Gallery. Mr. Clerk, please read House Bill 731."

Clerk McLennand: "House Bill #731 is on the Order of Concurrence. A Motion to concur has been filed by Representative

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Bugielski with Senate Amendment #1 and has been approved for consideration."

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

Bugielski: "Thank you... Thank you, Mr. Speaker. Members of the House, I move to concur with Senate Amendment #1 to House Bill 731. Senate Amendment #1 adds each person nominated... This was the Bill concerning the local school councils in Chicago before we had...if they were convicted of sexual crimes that were defined. We had a long list of them that they were not able to run now. What Senate Amendment #1 points out is that each person nominated, who runs as a candidate, shall also disclose in a manner determined by the Board if she...if he or she has ever been convicted of any of the offenses specified in subsection (C) of Section 34 (18.5). And if the person should lie on his application, then all it would be is that the council would be able to remove that person from the Board if he failed to disclose this at the time of nomination, and I ask for a favorable Roll Call in the concurrence of Senate Amendment #1."

Speaker Kubik: "The Gentleman has moved to concur with Senate Amendment #1 to House Bill 731. On that, is there any discussion? The Chair recognizes the Lady from Cook, Representative Davis."

Davis, M.: "Thank you, Mr. Chairman...Mr. Speaker. I rise in support of this legislation. I think the new Senate Amendment helps to delineate those offenses that would be perhaps harmful to school children, and it also asks that the people who run for local school council positions state what their past has been if it has a possibility of having had criminal behavior. So, I compliment Representative

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Bugielski for bringing this legislation before us and I believe that it deserves a favorable vote."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Wojcik."

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

Speaker Kubik: "The Lady has moved the previous question. The question is, 'Shall the main question be put?' All those in favor will say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Bugielski to close."

Bugielski: "Thank you, Mr. Speaker. We've heard the debate on this issue. It's a fine clean up language that we have to this Bill and I would just ask that we vote 'yes' and concur with Senate Amendment #1 to House Bill 731. Thank you."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 731?' All those in favor will vote 'aye'; those opposed will vote 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'aye', 0 voting 'no', 0 voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 823."

Clerk Rossi: "House Bill 823, a Motion to nonconcur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Vermillion, Representative Black on a nonconcurrency Motion on Senate Amendment #1. Representative Black, could you just hold for one moment? Representative Dart, for what

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reason do you seek recognition?"

Dart: "Thank you, Mr. Speaker. I move, and I'm joined by Representative Lang here, in asking that this concurrence be divided to vote on each Amendment."

Speaker Kubik: "Representative Dart...Representative Dart, the question has been divided. As I understand the Motion, the Motion is to nonconcur on Senate Amendment #1. Okay? Okay. So, Representative...the Gentleman from Vermillion, Representative Black, on Senate Amendment #1."

Black: "I could have saved him all that trouble if he had just listened to the Motion. We want to nonconcur in Senate Amendment #1. The Amendment is improperly drafted."

Speaker Kubik: "The Gentleman has moved to nonconcur with Senate Amendment #1 to House Bill 823. Those in favor of the Motion will say 'aye'; those opposed will say 'no'. It is the opinion of the Chair that the 'ayes' have it. The House nonconcurs with Senate Amendment #1 to House Bill 823. Mr. Clerk."

Clerk Rossi: "A further Motion has been filed to concur with Senate Amendment #2 and approved for consideration."

Speaker Kubik: "The Chair recognizes the Gentleman from Vermillion, Representative Black, on a concurrence Motion on Senate Amendment #2."

Black: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. Senate Amendment #2 becomes the Bill and it has nothing to do with the title of my underlying Bill. Senate Amendment #2 provides that the Department of Conservation shall convey by 'quit claim deed' a piece of property in Douglas County to Illini FS Incorporated. In turn, Illini FS Incorporated shall deliver a piece of property in Douglas County to the Department of Conservation. Each party shall be responsible for any and

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all title costs. The Illinois Attorney General shall certify to the Director of Conservation that the State of Illinois will receive marketable title to the property before the close on this transaction. Furthermore, it provides that the Department of Transportation shall release an easement of land in Fayette County to the City of Vandalia upon the payment of \$1. That is the Amendment. That now is the Bill. I would move concurrence in Senate Amendment #2."

Speaker Kubik: "The Gentleman has moved to concur with Senate Amendment #2 to House Bill 823. On that, is there any discussion? Well, what I'll do is I will recognize Representative Dart first. Representative Dart. The Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker, an inquiry of the Sponsor, just one question. Representative, was it your intent to attempt to get this Bill to the Governor's Desk? Because if so, my understanding of the Amendments are that the second Amendment, which we have now, guts the Bill so that if we were to put Amendment #1 on the Bill, we could also get Amendment #2, which we are talking about also on the Bill. It would remove Amendment 1 and this would go right to the Governor then. Instead of having to go back to the Senate, we could send this right to the Governor."

Speaker Kubik: "Representative Black."

Black: "Well, what I would really like to do is to send the Bill back in hard cover form and bounce it off the heads of a couple Senators. I'm open to your suggestion."

Speaker Kubik: "Representative Dart."

Dart: "That being the case, I believe I'm moving to reconsider the vote on Senate Amendment #1, the Motion which was to nonconcur in."

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Speaker Kubik: "Before we do that, Representative Black, what reason do you rise?"

Black: "Yeah, let me just make an inquiry. I think we can settle this in about thirty seconds. Representative Dart, if we do what I think you are doing, and I have no objection, adopt Senate 1 which is drafted incorrectly, then also adopt Amendment #2. Are we sure we are gutting Amendment #1 or would the Governor have to Amendatorily strike Amendment #1?"

Speaker Kubik: "Representative Dart."

Dart: "Representative, I am looking at the Amendment right now. In line six of Amendment 2 says, 'by replacing everything after the enacting clause with the following:'. So it makes it \$1 instead of \$25,000. So I believe that that would become the entire Bill then and that we could then send this straight to the Governor."

Speaker Kubik: "Representative Black."

Black: "Yeah, I see the Gentleman's point."

Speaker Kubik: "Representative Dart, will you just hold on just a moment?"

Black: "Mr. Speaker, with leave of the Body, can we reconsider the action in which we nonconcurrred in Senate Amendment #1?"

Speaker Kubik: "Why don't I recognize Representative Dart's Motion which is to reconsider the vote by which Amendment...reconsider the vote of the concurrence Motion on Senate...the nonconcurrent Motion on Senate Amendment #1. All those in favor of the Motion to reconsider will vote 'aye'; those opposed will vote 'no'. This is a Motion to reconsider the vote. We did it on a voice vote? Can we do it on a voice vote. With leave of the Body, we will reconsider the...do the reconsideration Motion on a voice

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vote. Those in favor of the Motion will say 'aye'; those opposed will say 'no'. It's the opinion of the Chair that the 'ayes' have it. So, we are now on Amendment...Senate Amendment #2. Representative Black has explained the Amendment. Is there any further discussion? Representative Dart, do you wish to... The Gentleman from Cook, Representative Dart."

Dart: "I rise in opposition of this Amendment. Just joking, Representative. No, I understand we're dealing with Senate Amendment #2 as it is and it makes the one change in here, Representative. Can you just explain to me the one change that is now the entire Bill which is Amendment #2."

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

Black: "I'd be glad to. Senate Amendment #2, which becomes the Bill, provides that the Department of Conservation shall convey by 'quit claim' a piece of property in Douglas County to Illini Farmer Service Inc. In turn, Illini FS Inc. shall deliver a piece of property in Douglas County to the Department of Conservation. Each party responsible for any and all title costs associated with it's respective properties. Illinois Attorney General shall certify to the Director of Conservation that the State of Illinois will receive marketable title to the property before the transaction is closed. Furthermore, it provides the Department of Transportation shall release an easement of land in Fayette County to the City of Vandalia upon the payment of \$1. I also need to add, there is a reverter clause in the easement to the City of Vandalia. There is a reverter clause that specifically states that if that property in question, in Vandalia, is not to be used for public purposes, that parcel must then revert back to the

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State of Illinois Department of Transportation."

Speaker Kubik: "Representative Dart."

Dart: "Thank you. Representative, this is definitely not my area of specialty here, but why is it that we are transferring these properties?"

Speaker Kubik: "Representative Black."

Black: "Let me just tell you, the Department of Conservation wants to convey a fifty foot wide strip of railroad right-of-way approximately twelve hundred feet in length. That would be about 1.3 acres to the Illini Farm Service Company. This conveyance is an exchange for a fifty foot wide strip of land along the edge of the Illini Farm Service property for a distance of approximately 1400 feet or 1.79 acres. The purpose of the exchange will allow the company to expand a plant cite and a facility at the existing location so that we have a two-fold expansion here. One, being increased customer demand by Illini FS, the other being environmental by the Department of Conservation. So it's...the Department feels that it is a very reasonable trade and would ask us to concur in it."

Speaker Kubik: "Representative Dart. Representative Dart. No further questions. Representative Hartke, before we get to you, I'd like to recognize the Gentleman from Vermilion, Representative Black. Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, pursuant to House Rule 38(B), I would like leave of the Body to suspend the rules of all Floor Amendments, Joint Action Motions for final action be referred to the Rules Committee. I think that will make it very clear and plain that because we had nonconcurred in Senate Amendment #1, it means we can go back and reconsider both of these Motions and I think that is what the intent

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is, is to concur in both of these and that sends it to the Governor. So, with leave of the Body, I would like to suspend House Rule 38(B) so that this Joint Action Motion does not have to go back to Rules and immediately can be considered."

Speaker Kubik: "The Gentleman has requested leave and on that Motion, the Chair recognizes Representative Dart."

Dart: "Thank you, Mr. Speaker. As to this Bill only, we'd be more than happy. We're always happy to help the Majority Party out."

Speaker Kubik: "The... Your former candidate in other words. With leave of the Body, we will suspend the appropriate rule and we are now in discussion on a Joint Concurrence Motion on Senate Amendment #1 and 2. And on that question, the Gentleman from Effingham, Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. Now I am confused. Never mind. Let me ask Representative Black a question. Does the Department of Conservation..."

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

Hartke: "...at the present, does their land now abut Illini FS Services?"

Speaker Kubik: "Representative Black."

Black: "Representative, based on a very brief explanation that I have from the Department, that is true, and what this is is if this transfer cannot be made, then the Farmer Service Plant cannot expand because they will not be able to comply with environmental requirements and then be forced to close. And of course in the rural Douglas County, that is going to create a problem for local farmers. So it is just a trade-off of land that abuts the current Farmer Service Plant, allowing them to expand their business and meet the environmental requirements and also then gives more land

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actually to the Department of Conservation. So, since this is a DOC memo, I would assume that they stand in support of this transfer."

Speaker Kubik: "Representative Hartke."

Hartke: "I would assume that the Department of Conservation, since this sounds like a railroad right-a-way, acquired this land at some point from the railroad that maybe had been abandoned for a bike pass. Would that be true?"

Speaker Kubik: "Representative Black."

Black: "It would strictly be an assumption on my part. I see that the Amendment...or excuse me, the memo is entitled 'Prairie Wind Trail', camp Illinois property, Douglas County. My guess is is that it is railroad right-a-way that had one time been acquired by the Department of Conservation for a nature trail or something, but I don't know that. The memo is silent. It just doesn't say."

Speaker Kubik: "Representative Hartke."

Hartke: "I would imagine because the Department of Conservation is in agreement with this, that it would not be missing link in a planned bike path sometime because the Department of Conservation seems to be in favor of this land transfer. Is that correct?"

Speaker Kubik: "Representative Black."

Black: "As far as I know and assuming that because of the memorandum of understanding here titled 'Brief Description of Pending Legislative Proposal'. I'm making an assumption that the Department of Conservation not only is in favor of this, but since they get more land in the conveyance than they are giving up, that would be my assumption, that they would be in favor of this."

Speaker Kubik: "Representative Hartke."

Hartke: "I'm not familiar with the area either, but it seems to

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me as though...with the description you read, they may be giving some property on an adjacent side of the property to the Department of Conservation from where Illini FS is at the present time. I know that if I were a company, I would not want to have bikers and hikers and other people running through my fertilizer plant or whatever I'm trying to put up on the place to get from one point to another. I would imagine that the Conservation Department has a continuous adjacent property that if they want to continue the 'Prairie Trails', whatever you called it, would be a continuing program."

Speaker Kubik: "Representative Black. I'm sorry, Representative Hartke. Was that a question?"

Black: "Yeah, that would be my guess. In fact, I just found a copy of a letter from an attorney, evidently representing Illini FS. If Illini FS cannot secure this additional land, they cannot comply with environmental requirements, thus being forced to close. My client's contacted the Department of Conservation. Here it is, which owns a bike trail near the site. It did not take long for the Department and my client to work out a land trade, which enabled my client to remain on their current site, and yet, expand its plant. I believe this is an example of cooperation between government and private individuals. I am informed that various land exchange Bills will be et cetera, et cetera. So, I think that puts it into the perspective you are talking about."

Speaker Kubik: "Representative Hartke."

Hartke: "I don't want to stop this project because the last thing I want to do is see that an attorney lose his job. We might have to appoint him as a judge in your area or something, you know, to keep all the attorneys employed

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there. That is one point I want to make. I want to talk about Vandalia now. They were transferring a little land, too. Is that a transfer back and forth between the Department of Conservation and the Department of Transportation?"

Speaker Kubik: "Representative Black."

Black: "No, it isn't, Representative. That is a conveyance from the Department of Transportation. They are giving an easement for highway purposes that is located in Fayette County for \$1 to the City of Vandalia and there is a reverter clause in that that states that the City of Vandalia does not use it for public use, then the parcel must revert back to State of Illinois ownership."

Speaker Kubik: "Representative Hartke."

Hartke: "Is there a time requirement in that reverter clause?"

Speaker Kubik: "Representative Black."

Black: "If there is a sunset on the reverter clause, I don't see it. Generally, I think we use...we require those to be in perpetuity."

Speaker Kubik: "Representative Hartke, your time has expired. What I would like to do is, I know you've got friends waving out there, could I give you another minute? Do you think you can wrap up in another minute?"

Hartke: "Well, I hope so. I know that... I have personal experience sometimes, when we're talking about reverter clauses and old railroad properties, sometimes reverter clauses are there, but if they are not exercised or accepted after the reverter clause or the property is abandoned or not used, it becomes an opportunity for the individual to give a 'quit claim' deed to another individual and that is why I asked if whether there was a sunset on this piece of legislation."

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Speaker Kubik: "Representative Black."

Black: "I see no sunset or time limit on the reverter clause, and the 'quit claim' deed is in fact what the Department of Conservation is going to do in Douglas County. I guess my disadvantage, Representative, is neither one of these are in my district, so I'm not that familiar with it either quite frankly. You know, I seldom get to towns as big as Vandalia, so I don't know much about Vandalia at all."

Speaker Kubik: "Representative Hartke, could you bring your questions to a close? Representative Hartke."

Hartke: "Well, I'm sorry, Mr. Speaker, but I think this is important. Because of a personal problem, not that I have with this. But many times when land is transferred back and forth, if this reverter clause is not there properly, it may lead to properties that come into question later on down the road, and that is why I would suggest that there ought to be a sunset on this upon the transfer so that this reverter clause does come to a conclusion in some point in time. I can see down the road where the City of Vandalia or whatever, if they do not use this, they may determine that they do or do not own that property anymore, which causes other problems. Mr. Speaker, I want to thank you for your patience and Representative Black. I think we support this legislation for those individuals that are involved: Illini FS and Vandalia."

Speaker Kubik: "Further discussion? The Chair recognizes the Lady from Cook, Representative Wojcik."

Wojcik: "Yes, Mr. Speaker, it's a point of personal privilege."

Speaker Kubik: "State your point."

Wojcik: "I have the most wonderful opportunity to have standing next to me my seatmate of ten years, the ex State Representative, Don Henzel."

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Speaker Kubik: "Welcome back, Representative Henzel. Good to see you. We also, for the benefit for the Membership, we also had former Representative Dolly Holstrom who is in the rear of the chamber. Welcome, Representative Holstrom, it's good to see you again as well. Further discussion. The Chair recognizes the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I would like to move the previous question."

Speaker Kubik: "The Gentleman has moved the previous question. The question is, 'Shall the main question be put?' Those in favor will vote...say 'aye'; those opposed will say 'no'. In the opinion of the Chair, the 'ayes' have it. Representative Black to close."

Black: "Yes, thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, I just wish to congratulate the Senate for stripping out my Bill on how we could perhaps finance State Police cars and then putting a land conveyance Bill in it. I am not real sure if that is germane, but that is the case. I would ask your concurrence in Senate Amendments #1 and 2 to House Bill 823. These are conveyances not in my district. I'm just carrying the water for some good Democrats, I think, but that is all part of the process. So, I'd ask for an 'aye' vote."

Speaker Kubik: "The question is, 'Shall the House concur with Senate Amendment #1 and 2 to House Bill 823?' All those in favor will signify by voting 'aye'; those opposed by voting 'no'. The voting is now open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, please take the record. On this question, there are 117 voting 'aye', 0 voting 'no', 0

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voting 'present'. And this Bill, having received the Constitutional Majority, is hereby declared passed. Mr. Clerk, please read House Bill 1023."

Clerk McLennand: "House Bill #1023, a Motion to nonconcur with Senate Amendment #1 has been filed by Representative Cross and has been approved for consideration."

Speaker Kubik: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I would appreciate a favorable vote on my Motion to nonconcur on Senate Amendment #1 to House Bill 1023. Thank you."

Speaker Kubik: "The Gentleman has moved to nonconcur with Senate Amendment #1 to House Bill 1023. Those in favor of the Motion will signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. This Motion is adopted. The Chair... The House nonconcurs with Senate Amendment #1 to House Bill 1023. The Gentleman from Cook, Representative Lang, for what reason do you rise?"

Lang: "Thank you. Two points, Sir, and if you would respond to them one at a time, I'd appreciate it. The first point is that the rules do not provide that we can't debate a nonconcurrency Motion. There may have been Members in this Body that wanted to debate Representative Cross' Motion to nonconcur. So, we would appreciate it in the future if we would have that opportunity and we would also appreciate it if you would ask the Sponsors of such Motions to tell us what he wants us to nonconcur with. Can you respond to this?"

Speaker Kubik: "Representative Lang, the Motion was to nonconcur. All of the previous Motions that we have had to nonconcur have been voice votes. There have been no explanations.

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So this is the first time you ever risen to make that point. Representative Lang."

Lang: "Well, you recall on Mr. Black's Bill that was sort of messed up and the reason was because nobody explained what they were doing, and so I'm simply suggesting to the Chair that in the process of having an open and deliberative Body, that we know what we're talking about. The second inquiry, Sir, relates to the list that we are going with on the order of concurrence. You skipped over House Bill 859, which is Mr. Scott's Bill. He's ready on that concurrence matter. I don't...I would not presume that you skipped over it because it had a Democratic Sponsor, so I'm going to assume there was another reason, but I would like to know what that reason is because I don't want anyone to think that you, Sir, would skip over a Bill simply because it had a Democratic Sponsor."

Speaker Kubik: "Representative Lang, we will get to that Motion. I am just going through the Calendar and I apologize. I slipped over that Bill, but we will get to that Bill in due time. Representative Lang."

Lang: "Well, Sir, that was next in order and so you skipped right over that and went to this Bill. I don't know why you would skip the Bill. You've done all the other Bills in order as far as I can tell and it seems to me to be appropriate to do that Bill now. How about it? Huh?"

Speaker Kubik: "Representative Lang, we will get to that Bill in good time."

Speaker Black: "Representative Black in the Chair. Yes, Representative Lang, your light is flashing. Are you seeking recognition?"

Lang: "Yes, I renew my request to do these Bills on concurrence in order, Sir."

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You may have heard the argument that I had with Mr. Kubik or the discussion I had with Mr. Kubik relative to skipping over one Bill on this order and that is House Bill 859, sponsored by Representative Scott. Apparently, Mr. Kubik didn't care about having us think that he is partisan in this matter, but I know you, Sir, are a fair, impartial, and bipartisan sort of chap and you certainly would want to go right back to this Bill so that Mr. Scott, a good Freshman on our side of the who is not a target and does not pose a threat to you, Sir, would not feel aggrieved by the process. Surely, we would not want Mr. Scott to go home at the end of his first Session in Springfield feeling like the process has abused him. So, how about it? Huh?"

Speaker Black: "All those in favor of 'huh'... No, I... Let me take your Motion under advisement. I probably would have gone right back to that, but then you abused my previous Bill, saying we had made a mistake and here I was just trying to accomodate the Gentleman from Clinton. See, I didn't know what I was supposed to do on that. That is what happens when I carry those dog gone Amendments for Democrats. That is the problem, but I think we'll get right back to that. I have one item of business before that and let me get back to you on that issue. Mr. Clerk, on page ten of the Calendar, Motions of Concurrence, appears House Bill 1237. Please read the Bill."

Clerk McLennand: "House Bill #1237, a Motion to concur with Senate Amendment #1, has been filed by Representative Cross and has been approved for consideration."

Speaker Black: "And on that question, the Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. I have a Motion here, as you heard, to concur with Senate Amendment 1 to House Bill

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1237. Senate Amendment 1 cleans up the language of the definition about jackrocks. This is in response to one of the objections that Representative Hoffman had and I think over in the Senate, they spent a good deal of time in an attempt to clean up any concerns you had. I think this does it. I think it's an even better Bill than we had before and I concur with their Motion and I would appreciate a 'yes' vote."

Speaker Black: "On the Gentleman's Motion of concurrence, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, can you explain to me what necessitated these changes in the Senate?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, one of the concerns that I believe Representative Hoffman had in debate the last time on the Bill, was centered around the definition of jackrock or caltrop, and he indicated concern about maybe a parking garage area where you would have one of the devices that had maybe ten, twenty pointed spikes as part of one, a contraption that would go up so you couldn't go into the parking garage. This attempts to take away that concern. I think it does by...with the language, it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction. I think it is a good Amendment, maybe one we should have thought about in...when it was over in the House, but we didn't. But we tried to be responsive to Representative Hoffman. I think we have."

Speaker Black: "Representative Dart."

Dart: "Well, Representative, I think that was your first mistake,

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trying to be responsive to Representative Hoffman. The second mistake, I think, was allowing the Senate lawyers to get to this because, Representative, the way I look at this is that we have in fact gutted this Bill because... I really...I truly have looked at this from every angle and I don't think there's any other way to read it. The bottom Section says, and this is probably right out of...and actually I am looking at the LRB number. This was the Senate Republican Staff wrote this one. It wasn't LRB. It says, 'it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction'. This is the definition of what a jackrock is. So by using that sentence there, it says it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction. So that is what we have been referring to as jackrocks. If a conspicuous and clearly visible warning is posted at the devices location alerting people or persons to its presence. So the strict reading of this, and there is no other way to read this, that if in fact you have one of these...if you have one of these out there, Representative, 'Danger, jackrocks present', if you've got this sign out there, according to the Bill that the Senate put together, their definition...that is not an offense then. And I would defy anybody over there to explain to me how I'm misreading this because this is the exact words. It says, 'it does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction', that is our jackrock. If a conspicuous and clearly visible warning is posted, here it is right here, at the device's location, so that means that...where the jackrocks are. If you have this sign

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hanging there alerting the people that it is present. So have we not in fact, by going along with this Senate Amendment, you now have a Bill that does nothing?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I can see...well I don't agree with your logic. I do understand. I can see why you would head that way. What we're trying to attempt to address is what we all may know of, is a treadle, the device in a parking garage, and we're talking about when a vehicle has driven over it in particular direction: in or out of a garage. As we all know, these jackrocks can be used when they are thrown on a road and they can be driven over in any direction or from any direction. So it negates that argument that you just put up a sign. I think it...I think that is a weak argument and I do appreciate your suggestion that maybe I shouldn't have tried to respond to the Representative that I mentioned earlier, but the bottom line is this is not a situation that we can take lightly. It's not one for the clowns and I think it's...with this improvement, with this Amendment, it really does take away the concerns of the earlier Representative. I think it is a good Amendment."

Speaker Black: "Representative Dart."

Dart: "Well, Representative, I agree with that one statement about not taking the suggestion that one Representative, I couldn't agree with you more. However, this Senate Amendment has really messed this up. This no longer works. We can put all the legislative intent in the world we want on the record here and it won't make a bit of difference because the strict construction of statutes is how the courts interpret statutes, and they will construct... They will interpret this using the plain meaning of the

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words, so legislative intent will mean nothing. I understand the problem you were getting at, the kind of devices they have in rental car lots and the like and parking lots where they have the spikes that stick up, but when you read this, it is completely clear. There is no room for a court to interpret anything in here, but that if somebody makes and puts out a warning sign that, 'if you drive in this direction, there are jackrocks on the ground.' You cannot, and I emphasize, cannot be convicted of this offense. It was just poorly written, inartfully drafted, and so what we will have on the books will be a statute which will be ineffective, will give people the illusion that something is getting done and in reality, absolutely nothing will be getting done. And for that reason, I oppose this Amendment."

Speaker Black: "Ladies and Gentlemen, if we could keep the noise down, this is a very emotional issue for many people, very controversial. The future of the state may hinge on this debate. With that, further questions about caltrop and jackrocks? The Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "Yes."

Hoffman: "Now, it's my understanding that you are making it a crime, not only to utilize these devices, but also to sell them, manufacture them, or to possess them. Is that correct, Representative?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, that part of the original language of the Bill does not change. All we've done is amend paragraph B by replacing the original language of paragraph B with this language on the Amendment on which we are

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asking you to concur."

Speaker Black: "Representative Hoffman."

Hoffman: "So, it is still... If one of these devices, if you knowingly sell, give away, manufacture, purchase or possess a jackrock, then you would be guilty of a class A misdemeanor. Is that correct?"

Speaker Black: "Representative Cross to respond."

Cross: "Could you repeat that please, Representative?"

Speaker Black: "Representative Hoffman."

Hoffman: "What I'm saying is, so the initial legislation that says that if you knowingly sell, give away, manufacture, or purchase or possess a jackrock, you are guilty of a class A misdemeanor. That still is in tact, correct?"

Speaker Black: "Representative Cross."

Cross: "That is accurate, Jay."

Speaker Black: "Representative Hoffman."

Hoffman: "Now, I got in my hand and somebody gave this to me the other day, it's called Summer Tech Law Enforcement and Military Equipment, 1995 catalog. And in there, they have what they call portable road blocks and they look just like your jackrocks and they sell these portable road blocks. Now they sell these in Illinois. This is a company out of Bellingham, Washington. And it's my understanding that under your piece of legislation...in your piece of legislation, these individuals would be guilty of a class A misdemeanor for selling these jackrocks. Now, they are selling these portable road blocks to individuals that may be are telling them, could possibly be telling them that they are going to be used for police purposes, but there is no guarantee that they are going to be used for police purposes. So they call this company here in Bellingham, Washington and order them and then utilize them and come

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under your Act. This would make them guilty of a class A misdemeanor for just being in the business of making these available because they are not saying that they are going to be used for a particular purpose. Is that correct?"

Speaker Black: "Representative Cross."

Cross: "Well, Representative, I'd remind you...refer you to paragraph C of this Amendment and I believe you have a law enforcement magazine, this Section does not apply to the possession or transfer of use of jackrocks by any law enforcement officer in the course of his or her official duties. Now, with respect to the catalog, there are numerous catalogs out on the marketplace that sell all kinds of products, whether it's in the area of pornography or if it's in the area of some types of weapons that are illegal. They may be legal in some states, but they are illegal in others. And if the jackrock becomes illegal in this state, then the answer to your question is, yes. You would be guilty under this Section if you possessed one."

Speaker Black: "Representative Hoffman."

Hoffman: "But, Representative, that isn't what your Bill says. Your Bill says that if you sell these things and you don't know what the uses are, and somebody uses it for the wrongful purpose, you are still guilty. Sure, sure it could be used as a police officer in his official duties, but it doesn't prohibit...it doesn't say it's still not class A misdemeanor. Now, I'm running out of time. I believe somebody else wants to give me some time. I would hope that we wouldn't move the previous question because I have some other questions. But, Representative, isn't that exactly true that your Bill says that if you use it in a police...if you use it in possession, transfer or use of jackrocks by any law enforcement officer in the course of

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his duties, then you are not committing an offense; however, if you sell it and somebody tells you, 'I'm going to use it as a law enforcement officer, but doesn't...but doesn't use it as a law enforcement officer, then it comes back on them and you make this poor company in Bellingham, Washington who sells these portable road blocks, you make them guilty of a class A misdemeanor. Now, that may not be your intent, but that is the way it is drafted. That is what you are doing and I don't think you want to do that, or is it your intent to do that, Representative?"

Speaker Black: "Representative Cross."

Cross: "Representative, if you have the same Amendment that I do, the language you have been reading is prefaced with the word 'knowingly' and we seem to want to forget that word. It requires a person who knowingly sells, gives away, manufactures, purchases or possesses a jackrock or who knowingly places, tosses or throws a jackrock on public or private property commits a class A. There is a requirement of knowing, and to take that logic from the manufacturer to the retailer to the police officer to the person on the street, is extreme. And under this Bill, by the very nature of the fact that we've included 'knowingly', we've provided protection and I simply... I guess, with all due respect, I disagree with your position on this. The 'knowingly' is the protection."

Speaker Black: "Further discussion? The Lady from Lake, Representative Moore."

Moore, A.: "Thank you, Mr. Speaker. I would move the previous question."

Speaker Black: "The Representative has moved the previous question. The question is, 'Shall the main question be put?' All those in favor of putting the main question

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shall vote 'aye'; those opposed vote 'nay'. The voting is open. This is final action. We're voting to move the previous question. On this question, there are 64 voting 'aye', 53 voting 'no', 0 voting 'present'. The previous question is put. Representative Cross to close."

Cross: "Thank you, Mr. Speaker. We've had this debate before. We're talking about an instrument that has absolutely no redeeming value. We have attempted in this Amendment, to clean up the concerns of the opponents. I think we have done a good job. We have a good Bill now and I would appreciate a 'yes' vote."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1237?' All those in favor will signify by voting 'aye'; opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 70 voting 'aye'; 28 voting 'no', 14 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 1237 and this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Calendar, page 8. A Motion of Concurrence, appears House Bill 549. Please read the Bill."

Clerk Rossi: "House Bill 549, a Motion to concur with Senate Amendments 1 and 2 has been filed and approved for consideration."

Speaker Black: "And on the Motion, the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the General Assembly. Senate Amendment #1 and Senate Amendment #2 to House Bill 549 were pretty much technical Amendments to

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address some of the concerns by number one, the private security industry which Senate Amendment #1 removes the exemption of access control devices from the regulation under the Private Detective Private Alarm and Private Security Act. Senate Amendment #2 was a concern that building management companies had, and what Senate Amendment #2 accomplishes is that it permits any maintenance employee of a property management company at a multi-family residential building to service, install, repair, or open locks for tenants as long as the employee does not represent him or herself to the public as a locksmith. Both of these Amendments are agreed. This is...the whole Bill is agreed now and I would ask for your concurrence on these Amendments. Thank you."

Speaker Black: "The Gentleman from Clinton, Representative Granberg. I assume you want to divide the questions on the Amendments, is that correct?"

Granberg: "That is correct, Mr. Speaker."

Speaker Black: "Representative Saviano, we'll divide the questions on your Amendments. We'll take each one separately. I assume you are ready to discuss Senate Amendment #1. Is anyone seeking recognition to question on that Amendment? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you, Mr. Speaker. Representative Saviano, when you were explaining both Amendments, we were engaged in a discussion on dividing the question. Could you briefly go back to Senate Amendment #1, please, Sir?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, Representative, Senate Amendment #1 was an initiative by the private alarm people to make sure that the locksmith licensing did not encroach on their practice

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of installing electronic entry devices. It was very simple to make sure that they were exempt and they would not fall under Licensing of the Locksmith Act."

Speaker Black: "Representative Granberg."

Granberg: "So is that what the access control device refers to in Senate Amendment #1?"

Speaker Black: "Representative Saviano."

Saviano: "I need you to repeat that. I couldn't hear."

Speaker Black: "Representative Granberg."

Granberg: "Thank you. Is that what the term 'access control device' is in reference to in Senate Amendment #1?"

Speaker Black: "Representative Saviano."

Saviano: "That is correct."

Speaker Black: "Representative Granberg."

Granberg: "And that was at the request of the security alarm business community?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, that is the clarification that they requested."

Speaker Black: "Representative Granberg."

Granberg: "Excuse me, Representative, I'm trying to get the actual Amendment. Representative, thank you for your patience. So this would make sure that people who install home alarm devices security systems for companies, corporations, whatever would not be regulated by the underlying Bill that you had negotiated previously?"

Speaker Black: "Representative Saviano."

Saviano: "You are exactly correct."

Speaker Black: "Representative Granberg."

Granberg: "I assume, Representative, that the locksmiths are in complete agreement with the exception to the regulatory legislation?"

Speaker Black: "Representative Saviano."

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Saviano: "That is also correct."

Speaker Black: "Representative Granberg."

Granberg: "And, Representative, there is certainly no intent to have these people come under your legislation. Is there a public policy reason why that should be the case, that they should not come under control, that in fact they need this exception?"

Speaker Black: "Representative Saviano."

Saviano: "They are already regulated for that purpose under the current Act."

Speaker Black: "Representative Granberg."

Granberg: "They already are under control. What Act is that, Sir?"

Speaker Black: "Representative Saviano."

Saviano: "The Private Alarm, Private Security, Private Detective Act."

Speaker Black: "Representative Granberg."

Granberg: "Did you do that one as well, Representative Saviano?"

Speaker Black: "Representative Saviano."

Saviano: "That was a proud piece of work that myself and Representative Steczo worked on together."

Speaker Black: "Representative Steczo's name was used in debate. Proceed, Representative Granberg."

Granberg: "Is there any other area of the security industry that isn't regulated yet that you are going to attempt to regulate in this Session or the next?"

Speaker Black: "Representative Saviano."

Saviano: "At this point, I don't think so because I'm having trouble getting my concurrences called now."

Speaker Black: "Representative Granberg."

Granberg: "Maybe if you'd call Representative Steczo, he could be of some assistance to you. Is Representative Steczo here?"

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Maybe we'll have him come on the Floor and talk with you, Representative. So, as we indicated earlier, just so the Ladies and Gentlemen on this side of the aisle understand, because this will go to the Governor. I know we're supposed to be limited to Senate Amendment #1. If you could basically, though, just agree or disagree. This contains the fees with the security people, the locksmiths."

Speaker Black: "Representative. Representative..."

Granberg: "...so the Act can be regulated."

Speaker Black: "Are you done, Representative Granberg? All right. Representative Saviano."

Saviano: "If you are referring to the underlying Bill which we previously debated, all that was included, yes."

Speaker Black: "Representative Granberg."

Granberg: "Well, Representative, I appreciate that. I certainly find nothing... There would be no objection to this, would there, Representative? You've contacted all the groups or the groups have contacted you. They are aware at the Senate Amendment so there should not be any problem or any discussion against this Amendment."

Speaker Black: "Representative Saviano."

Saviano: "I can tell you confidently that there is no opposition to this Amendment."

Speaker Black: "Representative Granberg."

Granberg: "Well, thank you. To the Amendment, Mr. Speaker. Representative Saviano, I thank you for your time, but we rise in support of the concurrence Motion. I see no objection to this. Representative Saviano has been diligent in working with all the impacted groups. This was merely, I think, an oversight going over to the Senate. It impacted a group that was already regulated by the

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Department of Professional Regulation. They see no need for this duplicative effort that would in fact encourage and raise their fees as well. So, by concurring in Senate Amendment #1, this will limit the fees the home security people pay currently. This will avoid the duplicative effort that would take place with additional licensure. They are already regulated by the Department of Professional Regulation. The Department does not really particularly care for additional regulations over and above what Representative Saviano has worked on. So, I think the Gentleman and the groups have worked together on this. They have done a very good job of bringing these items together. Representative Bugielski has been instrumental, as usual, in working with the other side of the aisle. So I certainly stand in favor of the concurrence Motion to Senate Amendment #1 on House Bill 549 and I ask the Ladies and Gentlemen on this side of the aisle to concur with the Senate on Amendment #1."

Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 549?' All those in favor signify by voting 'aye'; all those opposed by voting 'nay'. The voting is open. This is final action on Senate Amendment 1 to House Bill 549. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'aye', 1 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 549. The Gentleman from Cook, Representative Saviano, on Senate Amendment #2 to House Bill 549."

Saviano: "Thank you, Mr. Speaker, members of the General Assembly. Amendment #2 to House Bill 549 was initiative of the building management people who had some concerns that

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they have people in their employment that do some work on their locks in apartment buildings, office buildings, et cetera, and this language which was inserted into the Amendment would take care of exempting those employees under the Act and I would ask for favorable approval and concurrence on Amendment #2 to House Bill 549."

Speaker Black: "On the Gentleman's Motion, the Gentleman from Washington, Representative Deering."

Deering: "Thank you, Mr. Speaker. I wanted to talk on the last Amendment and I didn't think our lights were jiving between each other, but will the Gentleman yield?"

Speaker Black: "There are a lot of electrical storms in the area, Representative, I'm sorry. Yes, he indicates he will."

Deering: "Representative, is there anything in this Bill now dealing with job...long time job protection for geologists?"

Speaker Black: "Representative Saviano."

Saviano: "Representative, I thought we were talking to the Amendment, not to the Bill."

Speaker Black: "Representative Deering."

Deering: "Is anything in this Amendment pertaining to long time job protection for geologists?"

Speaker Black: "Representative Saviano."

Saviano: "I'm going to have to yield to my colleague, Representative Pankau, who is the Sponsor on the geologist side of the Bill."

Speaker Black: "Representative Deering."

Deering: "Oh, I'm sorry. Representative, thanks for your indulgence. Anything in this Amendment that gives job protection to geologists and if there is, why do we need it?"

Speaker Black: "Representative Saviano. Yes. The Lady from

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DuPage, Representative Pankau, are you seeking recognition?"

Pankau: "Yes, Mr. Speaker, I believe I can answer Representative Deering's question."

Speaker Black: "Representative Deering, would you allow the Lady from Dupage to answer? Representative Pankau, proceed."

Pankau: "Long term job security, no. Will they now be licensed? Yes, and particularly we need it because of so many underground storage tanks that are being removed now by all different...I mean people in government, people in the private sector, that... A lot of times you don't know what the soil conditions are around those tanks. They're so old. You know, no one has maps and all that sort of stuff, so you need a geologist to help with the removing of these so that you do it geologically. So the reason for licensing them is for the safety and why now? Because of so much of the removal of underground storage tanks."

Speaker Black: "Well, Representative Deering, that was to the Bill. Now, do you have any questions to the Amendment?"

Deering: "Well, Mr. Speaker, I was informed that we could direct questions to the Bill also, because if it passes, it goes to the Governor. That is what my information was, but I would like..."

Speaker Black: "Proceed."

Deering: "So, Representative Pankau, never mind. This...forget that I even brought up the subject."

Speaker Black: "Is that a play on words when you are talking about geologists? Any further questions on the Gentleman's Motion? The Gentleman from Effingham, Representative Hartke."

Hartke: "I really don't have any questions, but I'd like to refer my time to Representative Granberg."

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Speaker Black: "Representative Saviano. What did you do, Representative Hartke? Did you yield some time?"

Hartke: "Yes, I did."

Speaker Black: "Sit down. Representative...the Representative from Clinton, Representative Granberg. You don't... Are you accepting Representative Hartke's time?"

Granberg: "Mr. Speaker, I think you referenced me as Representative Saviano. I would hope that you would distinguish the...distinguish us. Although at times, I would prefer to be called Representative Saviano because of his reputation, but not right now. So if you would, I would be more than happy and gracious to accept Representative Hartke's offer for his time."

Speaker Black: "Proceed."

Granberg: "Representative Saviano, on Senate Amendment #2, your Amendment describes any maintenance employee of a property management company. Now, would that be...it would have to be an incorporated or a corporation that is...that is legally registered in the State of Illinois to be impacted?"

Speaker Black: "Representative Saviano."

Saviano: "I would assume that could be a corporation or strictly a sole proprietorship, whatever the case may be, as long as they are an employee of a property management company, whether it's corporations; fine, companies; fine, but somebody that manages an apartment building just in case one of the tenants' locks break in the middle of the night, they have a full-time maintenance man there. He could come and fix the lock and be exempted under the Act."

Speaker Black: "Representative Granberg."

Granberg: "When you use the term 'property management company' in Senate Amendment #2, that doesn't necessarily mean a

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company. That can reference other types of ownership, is that correct?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, anybody that is an employee of a corporation or a company that manages a multi-unit building, residential building, it would concern."

Speaker Black: "Representative Granberg."

Granberg: "So this would not be applicable to a sole proprietorship or a partnership for the purposes of owning real estate?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, it would."

Speaker Black: "Representative Saviano to reply. Oh, he did. All right. Back to you, Representative Granberg. Your voices sound so much alike. I'm sorry."

Granberg: "No, there is a big difference."

Speaker Black: "Could you speak a little lower, Representative Granberg?"

Granberg: "I wish I could get mine lower."

Speaker Black: "Okay. Thank you."

Granberg: "So, Representative Saviano, when you reference that, you mean any type of ownership interest in a property management system. That can be a proprietorship, multi-owner property, but any type not limited to any legal corporation, legal entity?"

Speaker Black: "Representative Saviano."

Saviano: "Any type of ownership of a multi-family residential building."

Speaker Black: "Representative Granberg."

Granberg: "Now, you also state multi-family residential building. Would this apply to dormitories, the med school here in Springfield, any other type of multi-residential building?"

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Speaker Black: "Representative Saviano."

Saviano: "I appreciate you helping me with the legislative intent here. That is absolutely correct."

Speaker Black: "Representative Granberg."

Granberg: "Did you say that this would apply or would not apply in that circumstance...that set of circumstances?"

Speaker Black: "Representative Saviano."

Saviano: "The Amendment would apply."

Speaker Black: "Representative Granberg."

Granberg: "So the maintenance person who works for SIU, for the School of Medicine located here in Springfield, would have to be...no, he would be exempt from the licensing procedure?"

Speaker Black: "Representative Saviano."

Saviano: "That is correct."

Speaker Black: "Representative Granberg."

Granberg: "And so the maintenance person is well at say, the Hancock building in Chicago. Now that person would be...that would be...this standard would be applicable to him or her. I'm trying to distinguish the differences, Sir."

Speaker Black: "Representative Saviano."

Saviano: "Representative, when we first discussed the underlying Bill, if you remember, we addressed with the trades and with the retail merchants and with everybody that employed a maintenance person who does locksmith work, that they would be exempt under the Act. So this Amendment just primarily applies to residential buildings. We addressed the other concerns in the underlying Bill."

Speaker Black: "Representative Granberg."

Granberg: "Are there any other circumstances, Representative, that where you think you might need to draw an exception

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from the coverage of your Act?"

Speaker Black: "Representative Saviano."

Saviano: "Well, Representative, we've worked four long, hard months on this Bill and made sure that everybody is aware of the issue. It has not come to our attention that anybody else has anymore concerns regarding this issue on the Bill. I believe we've addressed it fully and I'm comfortable with the way it sits with this Amendment."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, Mr. Speaker, one last...two last questions. Who came to you with this language, Representative?"

Speaker Black: "Representative Saviano."

Saviano: "We all had...myself and Senator Madigan. We had some phone calls from constituents that had problems with the Bill and we addressed them accordingly."

Speaker Black: "Representative Granberg."

Granberg: "Oh, thank you, Mr. Saviano, but these were constituent problems and they came to you and Senator Madigan and said that they needed this exception?"

Speaker Black: "Representative Saviano."

Saviano: "Yes, they came to me and then subsequently, we voiced the concerns of Senator Madigan and he understood that he probably would have some problems with his constituents. So we addressed the problem with this Amendment."

Speaker Black: "Representative Granberg, your time has expired. Do you have another question? Proceed."

Granberg: "So, Representative Saviano, the constituents that came to you about this problem, how they would be deleteriously impacted. This seventy-five year old woman in one of these multi-residential buildings and she called you and said, 'Representative Saviano, I'm concerned about this problem and could you please help me address it in the Senate so we

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can draw an exception?"

Speaker Black: "Representative Saviano."

Saviano: "Yeah, I think she had a special affection for the superintendent in the building and didn't feel that he should be a licensed locksmith. So she wanted to make sure she protected his interests."

Speaker Black: "Representative Granberg."

Granberg: "Obviously, you must be Italian. Thank you, Representative Saviano, Mr. Speaker. I rise in support of the concurrence Motion."

Speaker Black: "The Lady from St. Clair, Representative Younge, are you seeking recognition, Representative Younge, on this issue? Yes, Representative Wyvetter Younge. I'm sorry, Representative, your light was on. Are you seeking recognition?"

Younge: "Yes, thank you very much, Mr. Speaker. I yield my time to Representative Granberg."

Speaker Black: "He has concluded his remarks. With no one else seeking recognition, Representative Saviano to close on Senate Amendment #2."

Saviano: "I would ask that we concur to Senate Amendment #2 to House Bill 549. I'd appreciate a favorable vote."

Speaker Black: "The Chair would just like to remind the Members...we had a division of the question. So, we've already adopted Senate Amendment #1 to House Bill 549. We're now about to adopt Senate Bill...or reject, whatever the case may be, Senate Amendment #2 to House Bill 549. I want to make sure we are all in sinc. It would be my intention that if this Amendment is adopted, the Bill is adopted. Does that meet with your approval, Representative Granberg? All right. The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 549?' All

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those in favor signify by voting 'aye'; opposed signify by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 549, and this Bill having received the required Constitutional Majority, is hereby declared passed. Yes, the Gentleman from Clinton, Representative Granberg, are you seeking recognition?"

Granberg: "Thank you, Mr. Speaker. Earlier today I raised the question for the Speaker regarding the Senate Bill that was passed last night in this chamber. The recorded data indicated that a vote was taken...or the Bill was passed at midnight and suggested that on May 24, the legislation was passed in violation of the Senate deadline for Third Reading or the House deadline on Senate Bills. So that was raised on behalf of Representative Younge. Representative Younge was in opposition to that legislation and I believe the Chair was going to confer with the Parliamentarian and your legal staff on whether that...whether the Bill passed legally or illegally."

Speaker Black: "Yes, Representative Granberg, your question was timely and the Parliamentarian has researched the issue. In response to your inquiry regarding 718, the record has been reviewed with the Clerk of the House and the following has been determined: the record was taken at 11:50 p.m. The vote was declared at 11:59 p.m. The Clerk's first printing of a copy of the vote occurred at 12:00 a.m. It is therefore, the ruling of the Chair, that Senate Bill 718 was passed before the Third Reading deadline. Yes, and on that, the Lady from St. Clair, Representative Younge."

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Younge: "Mr. Speaker, the ruling is contrary to the written data showing that the time that the Bill was passed was 12:00 a.m. on the 24 of May. I think that the written evidence is clearly against the ruling that you have just talked about. In addition to that, the facts are that the debate was cut off in this matter. Representative Fantin had given five minutes of her time for me to debate this matter and I never had an opportunity to use that time. The Speaker went to my presentation, but I wasn't given the time that she had given up so that I might talk about these matters. I think this is such an important matter. This matter is about the Illinois Community College Board being given the power to raise taxes, to take in 'overside' community colleges, and to dissolve them. It is such a fundamental matter. I think that there should be an appropriate ruling and we'd like to go to a Motion to reconsider the vote."

Speaker Black: "Representative Younge, the Chair has ruled on the procedure on how the vote was taken. The Chair fully understands the feelings that you have regarding that Bill, Senate Bill 718. I believe you are looking probably at a print out showing the time that the vote was printed out, but the Chair, in consultation with the Office of the Clerk, has little latitude in this matter except to tell you that we have ruled on the sequence of events on Senate Bill 718 and it is the opinion of the Chair...the ruling of the Chair that it was done in a timely fashion prior to the Third Reading deadline. Further discussion, Representative Younge?"

Younge: "Yes, I move to overrule the Chair, and then Representative Murphy has a Motion."

Speaker Black: "Well, the first Motion before us is..."

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Representative Younge has asked that the ruling of the Chair be overturned. We will phrase the Motion, 'Shall the ruling of the Chair be sustained?' All those in favor will vote 'aye'; those opposed will vote 'nay'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 62 voting 'yes', 52 voting 'no', and 0 voting 'present', 4 not voting. The ruling of the Chair is sustained. The Gentleman from Cook, Representative Murphy, for what purpose are you seeking recognition?"

Murphy, H.: "Yes, Mr. Speaker, last night on Senate Bill 912, I voted on the prevailing side. I would like to make a Motion to reconsider Senate Bill 912. I'm sorry, Speaker, 718."

Speaker Black: "Representative Murphy, regarding your Motion on Senate Bill 718, in all due respect to you, Sir, that Bill is now in the possession of the Senate and your Motion is out of order. Yes, the Gentleman from Madison, Representative Stephens, are you seeking recognition?"

Stephens: "Well just to say that the ruling of the Chair, in my opinion, correct and has ample precedent by the previous Speaker and on the last Motion, that Bill is no longer in the possession of the House and the Chair again has ruled correctly, and for a guy from Vermillion County, that is not too bad."

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

Murphy, H.: "Yes, Mr. Speaker. The question is, 'Have the read the Bill in the Senate, yet?' Senate Bill 719."

Speaker Black: "The Clerk informs me that the message has been read into the record in the Senate. The Bill is therefore, no longer under our pervade whatsoever. Your Motion is out

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of order. Mr. Clerk, on page nine of the Calendar, Order of Concurrence, appears House Bill 859. Please read the Bill."

Clerk Rossi: "House Bill 859, a Motion to concur with Senate Amendments 1 and 2 has been filed and approved for consideration."

Speaker Black: "And on the Motion, Representative Scott."

Scott: "Thank you, Mr. Speaker. House Bill 859 was a Bill that passed out of here virtually unanimously. It allowed for municipalities to remove graffiti within their corporate boundaries and also license demolition contractors. Senate Amendment #1 place for the provisions of House Bill 1125, which did pass out of here unanimously on... That was the Bill that allowed municipalities to have zoning ordinances prosecuted by administrative hearing under the same provisions as the building code enforcement ordinance that Maureen Murphy passed a couple of years ago. Senate Amendment #2 then took the graffiti provisions out of the Bill. There were some problems with that in the Senate and we really didn't have time to address those in the Senate, but I'd like to move concurrence of that. It was approved by the Counties and Townships Committee and I ask for concurrence on these two Amendments."

Speaker Black: "Further discussion on the Gentleman's Motion? Representative from Kendall, Representative Cross."

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

Speaker Black: "He indicates he will."

Cross: "Representative, does this in any way preempt home rule?"

Speaker Black: "Representative Scott."

Scott: "No, not at all. In fact, it is permissive... First of all, it's permissive language and secondly, home rule municipalities can already do both of these things. This

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was just really bringing non-home rule municipalities up to speed with home rule."

Speaker Black: "Representative Cross."

Cross: "I just wanted to check that portion, Representative. This looks like a great Bill, a good Amendment and I hope everyone on this side of the aisle will support your Motion to concur. Thank you."

Speaker Black: "Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he would be delighted."

Lang: "Thank you. Nice tie, Representative, very nice, very nice. Representative, if I'm reading these Amendments correctly, you needed Amendment 2 to straighten out something with Amendment 1 in the Senate version of this?"

Speaker Black: "Representative Scott."

Scott: "There were two provisions in the original House Bill 859 and Senate Amendment #2 struck out one of the provisions. Senate Amendment #1 added all the provisions of a separate House Bill onto 859."

Speaker Black: "Representative Lang."

Lang: "So there is no conflict between Senate Amendment 1 and Senate Amendment 2?"

Speaker Black: "Representative Scott."

Scott: "No, not at all. They're perfectly consistent."

Speaker Black: "Representative Lang."

Lang: "Representative, do you think we ought to split these up and vote on them separately?"

Speaker Black: "Representative Scott."

Scott: "Well, I'm in favor of both of them, but that is up to the Body, whatever the Body chooses to do."

Speaker Black: "Representative Lang."

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Lang: "Well, this Body would ask that they be voted on separately, Mr. Speaker. Roll Call votes, please."

Speaker Black: "Are you joined... Nobody joined you. Oh, I see. Representative Scott, if you look at your row, you have lots of friends in your row dividing your question. The question will be divided. Proceed, Representative Lang."

Lang: "Well, do you have a big problem with graffiti in Rockford, Sir?"

Speaker Black: "Representative Lang. I'm sorry. Representative Scott."

Scott: "Well, yes we do, actually, Representative and unfortunately... Although, we have...in Rockford, have a program which is designed to allow owners to take advantage of a free program where the city will come and 'eradicate' the graffiti. Unfortunately, a lot of owners don't take advantage of that. That is what House...part of House Bill 859 was designed to do. Unfortunately, that is the portion that was removed by Senate Amendment #2."

Speaker Black: "Representative Lang."

Lang: "So there are several Representatives and Senators that represent different areas of Rockford. Is that right, Sir?"

Speaker Black: "Representative Scott."

Scott: "There are three different Representatives that represent part of Rockford and two Senators."

Speaker Black: "Representative Lang."

Lang: "Have there been any surveys done to determine which Representative district has the worst amount of graffiti?"

Speaker Black: "Representative Scott."

Scott: "Not that I am aware of, but having been a city attorney in Rockford, I would guess it would be mine."

Speaker Black: "Representative Lang."

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Lang: "Well I know in the City of Chicago, we have some. In some areas we have some pretty nasty graffiti, but in some areas it's pretty colorful of pictures and all drawn. Does your Bill deal with the nice graffiti or just the pretty ugly and rotten and vile graffiti?"

Speaker Black: "Representative Scott."

Scott: "The Bill actually, now that it is amended, it doesn't deal with either kind, Representative, but in it's original intent it didn't differentiate between the pretty graffiti and the ugly nasty graffiti."

Speaker Black: "Representative Lang."

Lang: "Well Senator Syverson, who I believe put these Amendments on, he's from your area I believe, generally in Rockford. Did he discuss this with you? Apparently he doesn't have the same interests in this graffiti that you do."

Speaker Black: "Representative Scott."

Scott: "Yes, he does. He actually did discuss those Amendments with me and I appeared in Committee with him and with due respect to the Senator, he attempted, but we had some problems in the Senate with the graffiti. So, in the interest of getting the other portions of these two Bills through, we put the Second Amendment on."

Speaker Black: "Representative Lang."

Lang: "Oh, so the Representatives and Senators from Rockford understand the problems of the graffiti, but nobody else in the Senate understands those problems?"

Speaker Black: "Representative Scott."

Scott: "Well, we just had a little bit of difficulty explaining it to them."

Speaker Black: "Representative Lang."

Lang: "Well, in the interest of time, I'll give up my last minute and ten seconds. Thank you very much."

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Speaker Black: "Further discussion on the Motion? The Lady from Cook, Representative Monique Davis."

Davis, M.: "Thank you, Mr. Speaker. I'd like to yield my time to Tom Dart. Thank you."

Speaker Black: "He doesn't want it. He's very busy. Are you seeking recognition, Representative Dart? Yes, Representative Dart, proceed."

Dart: "Representative, just a quick question on Amendment #1. Why is this been a problem now? Why is this cannot be done already under the existing provisions?"

Speaker Black: "Representative Scott."

Scott: "The Bill that was passed out of here a couple years ago is Representative Maureen Murphy's Bill that allowed municipalities to establish a code hearing department and prosecute building code violations through an administrative process instead of going through circuit court, but that was specific to building code violations. This would extend it to zoning violations. Just talking with the city attorney office in Rockford, just in Rockford alone, there is at least seventy-five of these cases right now that are clogging up the circuit court, and since we weren't able to get a judge in the Bill last night that came through here, to add judges to the circuit court. It's even more important because we need to prosecute these administratively to move them along."

Speaker Black: "Representative Dart."

Dart: "Fine. Could these local municipalities... Would they have the ability to do any of these by virtue of their home rule authority without this?"

Speaker Black: "Representative Scott."

Scott: "Yeah, I believe home rule municipalities can already do this administratively without this, but this will bring the

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non home rule municipalities up to speed with the home rule municipalities."

Speaker Black: "Representative Dart."

Dart: "Okay, and will this allow them to access any money, whether it's federal or state, in regards to graffiti removal or would that have any impact at all?"

Speaker Black: "Representative Scott."

Scott: "No. Actually, the only impact is that it will save state funds because if we're taking things out of the circuit court, we won't be putting that burden on the circuit court system."

Speaker Black: "With no one seeking recognition, the Gentleman from Winnebago, Representative Scott, to close."

Scott: "Thank you, Mr. Speaker. I really appreciate you taking this Bill and hearing it today. These were two Bills that passed out of here, between them, I believe 129...229 to 1, and the two provisions that are remaining of the three that existed in the two Bills are very good for non home rule municipalities. Amendment 1 adds...that we are doing first... We're voting on Amendment 1 first. That adds in the provisions of House Bill 1125 which passed out of here unanimously and I would ask for favorable concurrence with Amendment #1."

Speaker Black: "The Chair would remind you that the question has been divided. We will act on Senate Amendment #1 to House Bill 859 at this time. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 859?' All those in favor signify by voting 'aye'; opposed note vote 'nay'. The voting is open. This is final action. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 117 voting 'aye', 0

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voting 'nay', and 0 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 859. Representative Scott, do you wish to close on Senate Amendment #2 to House Bill 859?"

Scott: "Thank you, Mr. Speaker, I would just ask for favorable concurrence on that as well."

Speaker Black: "The question is, and this will be final action on the Bill. 'Shall the House concur with Senate Amendment #2 to House Bill 859?' All those in favor signify by voting 'aye'; opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 1 voting 'no', 0 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 859, and this Bill having received the required Constitutional Majority, is hereby declared passed. On the Order of Concurrence, page 10 of the Calendar, appears House Bill 1696. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill #1696, Motion to concur with Senate Amendment #2 has been filed by Representative Winkel, and has been approved for consideration."

Speaker Black: "And on the Motion, the Gentleman from Champaign, Representative Winkel."

Winkel: "Thank you, Mr. Speaker. House Bill 1696, Amends the State Finance Act, The Higher Education and Student Assistance Act, and the Illinois Vehicle Code. It creates collegiate license plates. Senate Amendment #2, changes the distribution of funds. It includes, private colleges and universities within the state. They too, will receive money raised from the sale of collegiate plates. In the underlying Bill, there was simply the public schools that

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receive money, so this is the change, the central change in Senate Amendment #2. I'd be glad to take questions?"

Speaker Black: "And on further discussion, the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Representative, with regard to this Bill, this is the license plates Bill, but is in a different form than what it was originally introduced?"

Speaker Black: "Representative Winkel."

Winkel: "Well, except for that essential difference, I just described in Senate Amendment #2. Yes, pretty much the same form. It still creates the collegial license plates. Logos can be obtained and plates designed for the public and private universities and colleges within the State of Illinois. And as those plates are sold, money is raised for the respective colleges and universities participating. In the underlined Bill, the money was distributed only to the public universities and colleges. And with Senate Amendment #2, that distribution would also include the private colleges and universities in Illinois."

Speaker Black: "Ladies and Gentlemen, if I could have your attention, please. I would like to welcome a former member and current senator who has joined us in the chamber, former Representative and now Senator Dick Klemm. Welcome back, Dick. Representative Klemm, used to sit in front of me and for two years, I couldn't see anything over him. Proceed, Representative Hoffman."

Hoffman: "With regard to the fees, are the fees still the same? In other words, in the original Bill, it would be 25 dollars, would be deposited in a State University Grant Fund. 15 dollars would be deposited into the Road Fund and

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then it would set a renewal fee at 25 dollars, plus the regular renewal fee. Is that still the same? Or what are the exact fees?"

Speaker Black: "Excuse me, in an effort to be bi-partisan in these contentious days, also would want welcome the esteemed Senator Howie Carroll. The rumor has it that he wrote the original budget, when we became a state. Welcome, Senator Carroll. Yes, Representative Winkel, to respond."

Winkel: "That's almost right, Representative. The difference is Road Funds been replaced with the state university, excuse me, the Secretary of State's Special License Plate Fund."

Speaker Black: "Representative Hoffman?"

Hoffman: "And will that be used to aid the Secretary of State's office or what will that money be used for?"

Speaker Black: "Representative Winkel?"

Winkel: "That's correct. That money is used to defray the cost, the administrative cost in producing these plates. In the first time, when a person first buys these plates, there is a 40 dollar fee. And you're right, 25 dollars goes into the fund, to be distributed to the college or university. 15 dollars goes toward the cost of administrative cost of producing the plates. On renewal, the fee is 27 dollars, 25 dollars still goes to the university or college and 2 dollars goes to the administrative cost."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, the only concern would be, if we were going to buy regular plates, non-university type plates. I thought that some of the money went into the Road Fund. If it doesn't, please tell me and then I can stop my line of question on that... on that area. In other words, what I'm saying is, if you would not... if you would currently would

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just buy regular plates, wouldn't some of the money go into the Road Fund?"

Speaker Black: "Representative Winkel."

Winkel: "I see what you're getting at. This is an additional fee. This is a fee over and above what you would normally pay for your plates. So this is an additional 40 dollars fee, initially, and 27 dollars there after to renew each year."

Speaker Black: "Representative Hoffman."

Hoffman: "So then, no money would be lost from the Road Fund because of this. I just didn't want to see it transferred into a different fund by buying state university plates. No money would be lost to the road fund."

Speaker Black: "Representative Winkel."

Winkel: "Representative, that's absolutely correct. No money whatsoever will be lost to the Road Fund."

Speaker Black: "Representative Hoffman."

Hoffman: "How will this... I guess you've seen the recent articles regarding making new plates for the State of Illinois. And replating the state, many newspapers have editorialized about it. How do you think this would... would this have anything to do with that? Or how would it play in the potential of replating the state and getting all new plates? Would you have to then, buy... if you buy these, would you be able to keep these for a significant period of time? Is there a limit on how long you can keep these? Or is it one year?"

Speaker Black: "Representative Winkel."

Winkel: "To my understanding, that these plates will be designed to last a significant amount of time."

Speaker Black: "Representative Hoffman."

Hoffman: "And the plates will essentially reflect all the

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colleges and universities in Illinois, including the private universities?"

Speaker Black: "Representative Winkel."

Winkel: "That's within the discretion of the Secretary of State's office. The Secretary has discretion as to who will participate. The... all state and private universities and colleges are eligible to participate in the state."

Speaker Black: "Representative Hoffman."

Hoffman: "Last question, will Illinois State University, the Redbirds of Illinois State, have their own plate?"

Speaker Black: "Representative Winkel."

Winkel: "I'm afraid that's a distinct possibility."

Speaker Black: "Further discussion, the Gentleman from Bureau, Representative Mautino."

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

Speaker Black: "He indicates he will."

Mautino: "Representative, just to clarify, in your... or in the Senate Amendment, the funds which are collected from the public university plates will not or will go directly into the Public University Scholarship Funds?"

Speaker Black: "Representative Winkel."

Winkel: "That's exactly right."

Speaker Black: "Representative Mautino."

Mautino: "And with the private universities, the only monies, this is going to go to ISAC for distribution?"

Speaker Black: "Representative Winkel."

Winkel: "That's correct, Representative, and I want to emphasize that it goes to the schools that actually sell the plates. It doesn't enter into the general ISAC Fund for distribution to all private schools. It only goes to the schools, who are participating in the plate program and for whom the plates are sold."

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Speaker Black: "Representative Mautino."

Mautino: "Thank you, Representative, I just wanted to make clear that the only monies which would be going to the private institutions are those that are raised from the sale of their individual plates."

Speaker Black: "Representative Winkel."

Winkel: "You're absolutely right. That's the intention. That's the clear legislative intent of this Bill."

Speaker Black: "On further discussion, the Gentleman from Rock Island, Representative Boland."

Boland: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Boland: "Representative Winkel, could you answer just a couple of questions? Number one, regarding the private colleges, if let's say, Monmouth College, which is a private college here in Illinois. If they qualify they would be able to put out a plate and would that money that's from that, would that go to a scholarship fund for their college or would it go into a public college scholarship fund? Can you clarify that?"

Speaker Black: "Representative Winkel."

Winkel: "If Monmouth has plates, and they sell enough plates to raise 100,000 dollars, that money will go to ISAC and that money will then be given to Monmouth College, 100,000 dollars."

Speaker Black: "Representative Boland."

Boland: "It has to reach the 100,000 dollar mark before they can qualify or what? Would you clarify that."

Speaker Black: "Representative Winkel."

Winkel: "I was merely throwing out a figure. It could be 25 dollars. They could maybe sell one plate. But I would assume if the Secretary of State is going to actually

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prepare these plates, we're going to see a lot of sales and a lot of money raised. I picked that figure just for example."

Speaker Black: "Representative Boland."

Boland: "Now, what is the level that the Secretary of State would have to... how many requests would he have to get before he would do this?"

Speaker Black: "Representative Winkel."

Winkel: "The preparation and decision on who the plates would be prepared for, is solely within the discretion of the Secretary of State. The Secretary of State has that authority and discretion under this Bill."

Speaker Black: "Representative Boland."

Boland: "So it's totally within his discretion. In other words, if let's say, 1000 people want a Monmouth license plate and the Secretary of State just decides, well, you know I'm only going to do them for Illinois State and U of I and these... that would be within his discretion, he could just ignore their requests?"

Speaker Black: "Representative Winkel."

Winkel: "Well, clearly Representative, the intent of this legislation is to trust the good judgement and discretion of the Secretary of State's office in making this decision. Please bear in mind, that to produce one of these plates, the up... the up start or the up cost of starting up a plate, is about 45,000 dollars. So we have to be careful in who we choose to prepare plates for."

Speaker Black: "Representative Boland."

Boland: "One last question, are community colleges included in this or is this just strictly four year colleges?"

Speaker Black: "Representative Winkel."

Winkel: "Community colleges are not included in this Bill."

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Speaker Black: "Representative Boland. The Gentleman from Adams, Representative Tenhouse."

Tenhouse: "Mr. Speaker, Ladies and Gentlemen of the House. I am proud to move the previous question."

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

Winkel: "I urge a 'yes' vote on Senate Amendment #2 to House Bill 1696."

Speaker Black: "The question is, 'Shall the House concur with the Senate Amendment....' The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 1696?' All those in favor signify by voting 'aye'; oppose signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 1 voting 'no', none voting 'present'. The House does concur with Senate Amendment #2 to House Bill 1696 and this Bill having received the required Constitutional Majority, is hereby declared passed. On page 11, of the calendar, Order of Concurrence, there appears House Bill 2076, Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 2076, Motions to concur with Senate Amendment 1, 2, 3, 4, and 5 have been filed and approved for consideration."

Speaker Black: "Well, on the question, the Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I present House Bill 2076 with 5 Senate Amendments."

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I'll be willing to answer questions on they as they come up."

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

Lang: "Thank you, we would request that I'm joined by at least one other as required by the rules, to divide the question and ask for separate debate and roll call votes on each of the 5 concurrence Motions, Sir?"

Speaker Black: "You've divided the question. The Gentleman from Winnebago, Representative Winters, on Senate Amendment #1."

Winters: "Thank you, Mr. Speaker. Senate Amendment #1 allows counties to indemnify regional superintendents and assistant regional superintendents. Currently they are considered by state law neither state employees nor county employees, they are uncovered basically for legal purposes. This would allow the counties to indemnify them."

Speaker Black: "Further discussion? Nobody seeking recognition? The Lady from Cook, Representative Davis."

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

Speaker Black: "Yes, indicates he will."

Davis, M.: "Okay, I'm seeking information on Amendment #1. And Amendment #1 seems to provide that a county can indemnify and protect the regional superintendent of schools and assist the regional sups against civil rights damage claims and suits."

Speaker Black: "Representative Winters."

Winters: "I don't believe there's any distinction between the superintendents and the assistant superintendents."

Speaker Black: "Representative Davis."

Davis, M.: "Why would we want to indemnify people who are violating the rights... civil rights of anybody?"

Speaker Black: "Representative Winters."

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Winters: "The question is, dealing with employees that are paid by the state, but they are not considered state employees. They would be indemnified for their actions, not... I don't believe in civil right cases that that would apply. Simply in..."

Speaker Black: "Representative Davis."

Davis, M.: "Well, it specifically states that, when damages are sought for neglect or wrongful acts, that this Bill, or this Amendment would indemnify them. It's line 10 of the Amendment."

Speaker Black: "Representative Winters."

Winters: "Okay, this is not a mandatory action. It allows counties to do it. It does not require them to. And what that basically says is that the county is taking the responsibility rather than putting them on that specific person. There is still going to be coverage, in other words, the person that would be suing, would still... there's no lack of a right to sue, under the Civil Rights Laws. It would just determine who would be... who would be the ultimately responsible person or organization."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, let me just share with you, what this Amendment does state. Indemnify... I'm sorry... Indemnity of regional superintendent of schools and their assistants, a county may indemnify and protect the regional superintendent of schools and the assistant regional superintendent of schools against civil rights damage claims and suits. Constitutional rights damage claims and suits. Death and bodily harm, property damage claims, including the defense of those suits when damages are sought for negligent or wrongful acts. Now, my question to you, Representative is why would we want the county or

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anyone else to be responsible financially for people who commit wrongful acts. Specifically civil rights violations or acts that are unconstitutional."

Speaker Black: "Representative Winters."

Winters: "This is no different than any other state employee. If the state employee is doing something, and this has not been proven. They simply are... would be charged with this. The question is, who is going to handle their defense? Are we going leave this employee out to hang to dry by themselves or is the state going to step in and say, 'We will defend you for your actions.'. It's no different than any other state employee, which the state would cover for their legal defense. If they're found guilty, the state would cover the damages and then take what ever action against that employee would be appropriate. But the point is, we don't want these employees... or these people are not actually employees, even though they are paid by the state, we're trying to clean up a 'loop hole' that leaves them out in thin air. And that's the whole point of it."

Speaker Black: "Representative Davis."

Davis, M.: "But, specifically stated in your Amendment is wrongful acts. Now, I can understand us attempting to indemnify people against charges or civil damages when something perhaps occurred accidentally. But this Bill, specifically states 'a wrongful act'."

Speaker Black: "Representative Winters."

Winters: "Again, that would be an alleged wrongful act that has to be proven. They need some kind of legal defense for themselves during the trial. So the point is, the state will defend them, if they are found guilty, then the punishment would be carried out by the state. It's no

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different than any other state employee throughout our entire bureaucracy. We're just... this is one particular class of employees because of the way they're hired, even though the state pays them, they're not covered. So, this is cleaning up that small 'loop hole' It's no different than any other state employee."

Speaker Black: "Yes, Representative Davis, your time is about to expire. Please bring your questioning to a conclusion."

Davis, M.: "I'd like to know which county are we referring to here? Are we talking about all counties or is there a specific county where a superintendent is under charges and I'd like to also leave you with the remark, that Chicago has no regional superintendent."

Speaker Black: "Representative Winters."

Winters: "This will deal with any county superintendent. There is no pending case. And it would apply when we assign a superintendent to Cook County, it would also apply to them. It's the same as any of the Cook County School Board. They are also covered for indemnity. The same way that this would apply to the regional superintendents."

Speaker Black: "Yes, Representative, your time has expired. Let me go to the Gentleman from Rock Island, Representative Boland."

Boland: "Yes, thank you, Mr. Speaker, would the Gentlemen yield?"

Speaker Black: "He indicates he will."

Boland: "As far as the cost of this, Representative Winters, what would be the cost of this for all of the regional superintendents of... across the state?"

Speaker Black: "Representative Winters."

Winters: "There is no estimate on this, as it is permissive language. It would be a county expense and we don't have any numbers of how many would choose to do that. But it's

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not any expense to the state."

Speaker Black: "Representative Boland."

Boland: "So the county would have to pick up the entire cost of that?"

Speaker Black: "Representative Winters."

Winters: "Yes, if it so chose. Similar to the way they pick up all the other expenses of the Regional Office of Education, other than the superintendents' salary. It would simply be part of that overhead that they would cover."

Speaker Black: "Representative Boland."

Boland: "If they are found guilty of doing wrongful acts, are they... do they have to reimburse the county?"

Speaker Black: "Representative Winters."

Winters: "No, it would be exactly as any other state employee. The insurance that the state has would pick it up. There's no need to reimburse. There may be administrative penalties, there might be some other consequence, but the financial penalty that's the idea that we're covering them, with an insurance agreement."

Speaker Black: "Representative Boland."

Boland: "Now, what happens in a situation, you said, this is permissive for the... for the county to do this. What happens in those areas of our state where there are multi-county regional superintendents? How is this decided? Do all the county boards have to get together or what?"

Speaker Black: "Representative Winters."

Winters: "I would assume that they already have an operating agreement through the Regional Board of School Trustees, under which percentage each county picks up. And I would assume that it would fall in under that agreement. It wouldn't change the percentage split or anything. There

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are already are multicounty districts and they already know how to split up their overhead cost. So it wouldn't be any different, they would pick it up."

Speaker Black: "Representative Boland."

Boland: "What if the case arrives where one of the counties in this multicounty regional district says, 'Well, we don't want pay for this.'. And say two of the counties do, what happens then?"

Speaker Black: "Representative Winters."

Winters: "I assume that there would be a lot of 'hot' telephone lines between the different county board chairmen, trying to figure out what they were going to do. It's not anything the state will impose, it's up to them to arrive at some mutually agreeable situation."

Speaker Black: "Representative Boland."

Boland: "Now, again to clarify this. Who decides whether this is going to go into effect, is it the county board or is it the Regional Board of Trustees?"

Speaker Black: "Representative Winters."

Winters: "I assume that the Regional Board would make a recommendation to the county boards, that they work with. But it would be ultimately up to the county boards to approve the budget of the Regional Office of Education. And that is where the decision would be made, is in that budget process."

Speaker Black: "Representative Boland."

Boland: "Is there anything in this Bill, totally that involves a regional superintendent for Chicago?"

Speaker Black: "Representative Winters."

Winters: "No, there's nothing in this Bill, that deals with that at all."

Speaker Black: "Representative Boland."

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Boland: "Final question. Is there anything in this Bill that involves the 15,000 dollars a year pay raise for the regional superintendents?"

Speaker Black: "Representative Winters."

Winters: "Nothing what so ever that deals with that pay raise."

Speaker Black: "Representative Boland."

Boland: "One final comment, Mr. Speaker and to the Bill. I'm very glad that..."

Speaker Black: "To the Amendment, Representative."

Boland: "...unfortunately the last time, when that Bill came through, those of us who were opposed to that, pay raise for politicians, did not get a chance to speak on it, and I think that we should get our chance. And it's unfortunate that, that passed through at a time when we have over a 100 school districts, most of them downstate, that are on the financial watch list. And I wished that we'd a had as much attention and as much chance talk on that as we have on this. Thank you."

Speaker Black: "With no one seeking recognition, the question is, Representative Winters, you wish to close on Senate Amendment #1? The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 2076? All those in favor signify by voting 'aye'; opposed vote 'no'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 110 voting 'yes', 2 voting 'no', none voting 'present'. The House does concur with Senate Amendment #1 to House Bill 2076. And now, on Senate Amendment #2 to the same Bill, the Gentleman from Winnebago, Representative Winters."

Winters: "Thank you, Mr. Speaker. Senate Amendment 2, deletes language in Section 7-4 of the School Code. That in

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conjunction with a recent court case, is serving to block all school boundary change proposals in small unit districts. What it allows is that in school districts that would, because of a deannexation or boundary change, fall below below a population of 4,000. Right now, court cases have come in to say that that is absolutely not permissible. It would allow by local referendum, a change in those district boundaries. Be happy to answer questions."

Speaker Black: "And on the Amendment, the Gentleman from Macoupin, Representative Hannig."

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

Speaker Black: "He indicates he will."

Hannig: "Representative, I'm just a little confused as to what this Senate Amendment does, could you maybe explain it again? I didn't quite understand why we need it."

Speaker Black: "Representative Winters."

Winters: "Let me give you a hypothetical, that I believe is probably fairly close to the actual. A school district has two communities, each with it's own grade school, one of those communities has the high school and they're... it's a unit district. One of the community, the school board has decided to ship say, K-3, to one community, grades 4-6, to the other community and run two separate grade schools. One community would like to keep its K-8, grade school intact, would therefore like to deannex the grade school portion of the unit district. But still feed into the larger high school. Because the population of the overall unit district would fall below 4,000, they have not been allowed to make any kind of change in boundaries or deannexation. And this Bill would clean up that situation. It would have to be done by referendum of the entire unit

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district. They may not be able to get that referendum passed. This allows them the option to at least try that."

Speaker Black: "Representative Hannig."

Hannig: "So, did I... let me see if I followed what you said. This would allow them to actually form the unit, even though it would fall under the minimum statutory requirements? Is that what you're saying or is it the opposite?"

Speaker Black: "Representative Winters."

Winters: "If I understood your question, it would allow them to form a smaller grade school district. It would be able to drive the overall population of the unit district below 4,000, because there's now a separate grade school district. Even though they would still be under the high school of the larger and original school district."

Speaker Black: "Representative Hannig."

Hannig: "If we've got statutory language that establishes these minimums, and apparently there's some reason for that. And I can't quite tell you that I'm an expert as to why. But I do know that they're there apparently. Why is it that we want to have a proposal that allows this district to be in effect, created or at least in existence, when it falls beneath the statutory requirements? It seems that maybe we should change the statutory requirements? But I'm not sure why we need to make exceptions."

Speaker Black: "Representative Winters."

Winters: "This is a way to change those statutory requirements and that's what we're trying to do. Is to respond to a specific local situation by changing the requirements and really give the control back to the people in that community that are more rigid requirements are taking away from them at this point."

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Speaker Black: "Representative Hannig."

Hannig: "Why don't we just repeal the statutory requirements as far as size and let each school district and each school board decide for themselves as to whether or not they feel that a school district size of that nature is appropriate."

Speaker Black: "Representative Winters."

Winters: "That is an alternative approach that this community decided not to pursue. They sought a more limited change in the requirements rather than just simply repealing them."

Speaker Black: "Representative Hannig."

Hannig: "Who actually would make these determinations in the process of change? Now would the two that introduced the petition, actually begin the wheels spinning?"

Speaker Black: "Representative Winters."

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

Speaker Black: "Representative Hannig."

Hannig: "The Amendment is about requirements for petitions to change boundaries. And I guess I'm asking you how does that whole process begin? Does... who even begins the process and how does it work? Maybe it would help me understand what we're trying to do?"

Speaker Black: "Representative Winters."

Winters: "I would assume that a petition by the citizens could initiate it. I'm not actually sure. It could be by school... school board action to allow the referendum."

Speaker Black: "Representative Hannig."

Hannig: "Would it have to be approved by just a school board or would the citizens in that area have an opportunity to vote or who would make a determination representing the local people?"

Speaker Black: "Representative Winters."

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Winters: "I believe it would require a referendum. It could not be done solely by the school board."

Speaker Black: "Representative Hannig."

Hannig: "I'm not sure I saw that in your Amendment, maybe it's somewhere in the statute. Could you clarify that for me?"

Speaker Black: "Representative Winters."

Winters: "It's in the statute, that's the way that you'd deal with a deannexation. I understand it's in the statutes, not in this specific Amendment, but in the underlying statutes."

Speaker Black: "Representative Hannig."

Hannig: "Is this just for one school district in your district or could you tell us? Why we're doing this?"

Speaker Black: "Representative Winters."

Winters: "This originated in the Senate. It is not part of my district."

Speaker Black: "Representative Hannig."

Hannig: "Maybe you could share with us which Senator Sponsored it and if you know which area of the state it's from?"

Speaker Black: "Representative Winters."

Winters: "It was sponsored by Senator Sieben. But I believe it was the Elkhart district, north of Springfield, here. Not in his district either, but I believe he is the chairman of the committee."

Speaker Black: "Representative Hannig."

Hannig: "It says here, in one part of the language, that 'The district will not interfere with ultimate reorganization of the territory of such proposed district.' That's on the second page, of the Amendment and it's on like lines six and seven. What does that mean? Could you explain that to me?"

Speaker Black: "Representative Winters."

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Winters: "I couldn't hear the start of your question. I heard in lines six and seven on the second page, of that Amendment. Could you repeat the early part?"

Speaker Black: "Representative Hannig."

Hannig: "Yes, on page seven, on the second page, it says 'The district will not interfere with the ultimate reorganization of the territory of such proposed district.' Could you just explain that for me, Representative?"

Speaker Black: "Representative Winters."

Winters: "It's going to take us a minute to work out the language here. This is the existing language of the law that implies or says that the overlying, the larger district is not going to be damaged and that has to be certified by whoever it is in the... the Board of Trustees of the Regional School Trustees. So, it's just saying that it's not going, if you allow this deannexation, it's not going to destroy the originating district."

Speaker Black: "Yes, Representative Hannig, your time has expired. Do you want to bring your question to conclusion?"

Hannig: "Thank you for your patience, Mr. Speaker. One last short question. Will this cost the state anything?"

Speaker Black: "Representative Winters."

Winters: "There will be no cost to the State of Illinois."

Speaker Black: "Further discussion, the Gentleman from Rock Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. Will the Gentleman yield for a couple questions?"

Speaker Black: "He indicates he will."

Boland: "Now, Representative Winters, this deals with just deannexation, nothing dealing with annexation?"

Speaker Black: "Representative Winters"

Winters" "It could be an annexation in an additional district,

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but it's drafted specifically for that one district where they're just dealing with splitting off a portion as a separate grade school district."

Speaker Black: "Yes, Representative Boland."

Boland: "Now, this is bound to cost somebody some money, I mean, this is going to be a some sort of a legal battle, involved in this most likely. Especially, if it is an annexation. There's going to be cost to the state. There's going to be some legal cost. In the deannexation, wouldn't there be... who would bear this cost? The Regional Board of Trustees, the individual school district involved, the state, who?"

Speaker Black: "Representative Winters."

Winters: "The cost would be at the Regional Board of School Trustees level. They would be dealing with any change in boundaries. It can not be handled by the school district itself, so it would be the Regional Board of School Trustees, who would pick up any cost of hearings or referendum."

Speaker Black: "Representative Boland."

Boland: "So, is there a fiscal note filed on this?"

Speaker Black: "Representative Winters."

Winters: "There was none requested, so we have not filed one. We assume that there's no impact on the state. We don't have to, as a Senate Amendment, we don't have to file a fiscal Amendment."

Speaker Black: "Representative Boland."

Boland: "There has been one filed, apparently. Approximate expenses of about 13,500 dollars, it says in total. Let me ask you another question here. Representative Winters, yeah, go ahead."

Speaker Black: "Representative Winters."

Winters: "The, I believe the fiscal note that you're looking at

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is deals with a council, advisory council, under the original Bill. The Occupational Skills and Standard Act. That doesn't have anything to do with this Senate Amendment."

Speaker Black: "Yes, Representative Boland."

Boland: "Yes, right, okay, I understand that, that's very good. Let me ask you this now, is not the general trend and the general recommendation, and I know you have somebody from the state board there. Over the years, we had a school commission, years ago. I know under Representative Hoffman, that did a lot of research about what was the optimal size of school districts and so forth. Isn't the general trend to move to unit districts and if that's true, why would we want to encourage a situation where one particular grade school district would want to drop out of a unit school district?"

Speaker Black: "Representative Winters."

Winters: "This is simply an attempt to address a conflict between two communities on how they run their schools. It's simply a chance to give the local people a little larger say in how they run their own schools. And maybe the drive for consolidation, that we've seen over the past years has not, in this particular case, at least a part of that community is saying, it has not been effective in their eyes. This gives them the chance to make their case to the larger community and if they ca... if they can make that case effectively it offers them that options..."

Speaker Black: "Yes, I'm sorry, conclude your remarks."

Winters: "It doesn't force anything down either communities throat. It simply allows them to discuss this. They're not even allowed to discuss it at this point. It opens up that arena of discussion."

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Speaker Black: "Yes, Representative Boland, your time has expired. You have any additional questions?"

Boland: "Just one final question here. Again, now, would the... would the grade school area that was part of the unit district, would they... they would have to drop out, form their own grade school district, rather than go into a neighboring unit district? Or would they be required go to another unit district?"

Speaker Black: "Representative Winters."

Winters: "I believe they'd be allowed to do their own grade school district. They would not have to annex into another unite district. That was your last question, too, was it not?"

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

Hartke: "Thank you very much. Would Representative Winters yield for a question?"

Speaker Black: "Yes, Representative, I'm sure he will. Can we wait just a second? Let me, Ladies and Gentlemen of the House, if I could have your attention. In the Speaker's Gallery, We're joined today by the Wheaton Christian Grammar School. Who are here, guests of Representative Roskam and Representative Tom Johnson. So welcome the Wheaton Christian Grammar School with us today. Yes and Representative Hartke, the Wheaton School children have asked you to keep your remarks to the point and brief. Thank you, proceed."

Hartke: "Specifically to the point. Representative Winters, when you talk about school consolidation and reorganization of unit districts and so forth, that really raises some questions in my mind. When and if this should be put on the ballot, what would have to be the outcome of... of the

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referendums? Would that have to be on all three, units? I think you gave an example, where two grade school units and a high school unit. Now, would not the disposition of one of these referendums or one school district affect all of them?"

Speaker Black: "Representative Winters."

Winters: "They would not be separate referendums at this point, because they're one unit district. There would be one over all referendum. The citizens from the smaller community would have to convince a majority of the entire school district to approve the referendum."

Speaker Black: "Representative Hartke."

Hartke: "Yes, but would not the question of the separation of that unit effect all three units and therefore the description of the properties and boundaries that would be the outcome of that referendum. Would it not then be creating some separate districts?"

Speaker Black: "Representative Winters."

Winters: "The referendum, as I would foresee it, would be a single question that would go to the Regional Board of School Trustees, recommending a specific split. It would not take effect, the referendum would simply direct the regional board to go ahead and with the proper actions, after the referendum. But it would not... it could not be broken out into three separates, as you originally stated, because there are not three units at this point. There's only one unit."

Speaker Black: "Representative Hartke."

Hartke: "So I understand, there's just one unit now, but when you ask the school board, the regional school board, their outcome then, would be a question of whether this would be approved or not, correct? Are you not... you asking that

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board for this approval and you go to referendum for that, would not those three separate units have some idea on how they would wish the regional board to divide it?"

Speaker Black: "Representative Winters."

Winters: "Yes, they would obviously have a plan ahead of time and would sell that plan to their overall citizenry. If that passed, then it would be, the legalities would be taken care of by the school distr... or the school board trustees."

Speaker Black: "Representative Hartke."

Hartke: "Yes, at the present time, when you talk about that consolidation or moving around of boundaries, would then not, this referendum have to carry by a majority in all of the affected areas or the proposition would not carry."

Speaker Black: "Representative Winters."

Winters: "I don't believe so. I believe it would have to... because it basically de... breaking up an existing unit district, it would have to pass in that unit district overall. If 100% of the smaller community voted in favor and 49% of the larger community, I assume that it would still have the majority of the citizens of the original district. And that's who's holding the referendum, is that original district."

Speaker Black: "Representative Hartke."

Hartke: "'Who' would be doing then would be consolidating or splitting. Now, exactly what are you talking about?"

Speaker Black: "Representative Winters."

Winters: "We're dealing in this situation with the splitting up, pulling out one grade school district, from an existing unit district."

Speaker Black: "Representative Hartke."

Hartke: "Yes, and then, that's just my point. When you split it

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out and take it away, then there would have to be a temporary governing board, until the election. And this has to be laid out, so that the voters would be able to make a informed decision, whether they want to continue paying bonds, for example, maybe paying off some bonds that were in an old unit. As well as, how would the new interim board, until the next election, run and set up the new district? I think these are all questions that would have to be put forth in the resolution or the referendum. Not only a large educational effort, on the matter of the public, but I do believe all of the units, including that which is losing part of the assessed evaluation and the kids and the parents, would have to agree to that, as well as that unit that's leaving. And I think there are provisions in the law that says that, all of those units would have to agree, and it would have to carry in all three, or the referendum would fail. Is that not true?"

Speaker Black: "Representative Winters, the time has expired. Please answer Representative Hartke's question."

Winters: "Again, I believe there are not three separate units at this point. So, you could only have one unified referendum. I don't know if I'm answering your question, but I can't see how you could have three referendums when you only have one school district. They may need a separate referendum later to form the smaller one. I'm sorry if I'm not answering your question."

Speaker Black: "Yes, you want one more question? Your time has expired, Representative Hartke, do you wish to ask another question?"

Hartke: "Well, I guess we're not understanding one another. If you are dividing a district off, slicing it off, from the district as a whole, not only would the two remaining have

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to agree to that division, but also that portion which is divided off, also has to agree to go on its own by separate boundary. Now, I can see where a poor area, in a district, which would not want to be left alone, could be sliced off in a district. Say, we don't want this portion of the school district anymore. And the larger more affluent area, could divide them off. Now, I would think that that would be inherently unfair unless on the ballot and proposition were the fact of exactly where this boundaries were going to go and who was going to be sliced off. And it would require a majority in all three of the units that this could take place."

Speaker Black: "Yes, Representative Winters, you wish to respond?"

Winters: "Well, you raise an interesting situation of a district trying to rid itself of an unwanted area. In this case, however, it is an area that wants to be left alone. Or it wants to be apart."

Speaker Black: "Further discussion, the Gentleman from Will, Representative Meyer."

Meyer: "Representative, I have a couple of questions and quite seriously they probably follow along the line of the previous speakers here. I personally believe what we should be doing is in those areas of our state where we have a large number of small districts, we ought to be looking for ways to encourage the districts to combine together. Again, I say encourage them to do that as to oppose to force them to do it. I don't know if that I agree with forcing but, hearing what you're suggesting is that we're trying to allow them to split apart and I'm very concerned... It seems like I hear part of our state saying that they have school districts that can't support

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themselves, and therefore the children in our school districts may have a problem with not having all the resources available to them that more influential districts have. And my concern would be one of this unit district now, splitting apart and really making a poorer section. And Mr. Speaker, I noticed, I only have 39 seconds, so I don't think I've spoken for my full time, I'd appreciate additional time."

Speaker Black: "There are a lot of electrical storms in the area, proceed."

Meyer: "Well, the question, Representative, if he'd yield for the question, is that, what is it about this district, that's not going to allow for a smaller district to be there as a result of them pulling away. And now we end up with two or three poorer districts that can't adequately educate their children?"

Speaker Black: "Representative Winters."

Winters: "Again, this is a question of local control of that school. Where they don't want their kindergarteners being bussed 15 miles away to another school. The overall population, that entire district, has to approve it. The majority of that overall population. And the other thing is, that you've got kids going from this one community, when they're very small, going in one school bus and the older brothers and sisters going to a different school. The idea is trying to keep that local school viable and keeping that community viable. I think the issue, that you raise of deconsolidation if you will, is again a question of local control. That community feels that it can support its own school district. And if they're willing to take that risk, I'm willing to give them a chance to prove their case."

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Speaker Black: "Representative Meyer."

Meyer: "The portion of the district that wants to pull away. Are they the more... are they the part that has the assets to sustain the school? Is it an equal balance of those assets? So that neither district is harmed? Do they have the majority of the population, so they control what they want to do and they're going to leave another smaller part of the school district out in the cold?"

Speaker Black: "Representative Winters."

Winters: "My understanding it is the smaller community that is trying to pull away. I understand that they're relative well balanced as far as assessments. They feel they can support their local school. They simply want control over where their kids go."

Speaker Black: "Representative Meyer."

Meyer: "Thank you, Representative, I just still have serious questions on this. And from the stand point, that I've asked the questions, I'm concerned that we're not decentralizing as opposed to making the districts more viable and that would be my concern."

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

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

Speaker Black: "The Gentleman has moved the previous question. And all that... and on that, shall the main question be put? All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Winters to close on Senate Amendment #2."

Winters: "I believe this Amendment offers more local control of that specific school district. I don't believe we're opening a large 'can of worms'. I think, this is something that district needs and I would appreciate a vote."

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Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 2076. All those in favor, signify by voting 'aye'; opposed 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 65 voting 'yes', 44 voting 'no', 1 voting 'present'. The House does concur with Senate Amendment #2 to House Bill 2076. Representative Winters on Senate Amendment #3 to House Bill 2076."

Winters: "Thank you. Senate Amendment #3 makes some changes to the original language in the Bill, suggested by ED-RED. It provides that dealing with the Guaranteed Energy Savings Bonds, the original language forced those payments to go into that bond fund. This allows them to also be used in the Fire Prevention and Safety Fund or the Bond and Entry Fund. It would be by the decision of the school board, action by the school... by resolution of the school board."

Speaker Black: "And on that, is there any discussion? The Gentleman from Macoupin, Representative Hannig."

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

Speaker Black: "He indicates he'd be delighted."

Hannig: "Yes, Representative, was this a House Bill in a previous life? In other words, was this something we dealt with and how did it end up in a Senate Amendment? What was... what is the status of that House Bill?"

Speaker Black: "Representative Winters."

Winters: "This is part of the original House Bill. It's simply is a clean up in the Senate."

Speaker Black: "Representative Hannig."

Hannig: "So the main provisions were always in this Bill? Is that what you're saying, it's not the provisions of a Bill

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that was defeated or in some other way, held up in the House. It actually passed the House and was simply Amended in the Senate. Is that correct?"

Speaker Black: "Representative Winters."

Winters: "That is correct."

Speaker Black: "Representative Hannig."

Hannig: "So, I guess I didn't quite follow your explanation where the funds come from and they're transferred to. Could you help clarify that for me, please."

Speaker Black: "Representative Winters."

Winters: "Under the original Bill, the Guaranteed Energy Savings Bonds, any savings that were guaranteed in that, had to go to pay off that bond. The Amendment would allow the savings to go either for payment of that Bill or into the Fire Prevention and Safety Fund. It allows the savings to go in a slightly different direction."

Speaker Black: "Representative Hannig."

Hannig: "So, Representative, the if the purpose of selling the bonds, is to generate some savings and the thought is, that in the long run, we actually save money by doing this and it's for the good of the school. It seemed like the underlying idea to me that the money that was saved should go to pay off those bonds, would actually be a preferable place to put the money. Why do you think it is that the Senate is asking us now to put it somewhere else?"

Speaker Black: "Representative Winters."

Winter: "I can't argue with your statement. The other point that I would bring out is that under the underlying Bill, they did not require a board resolution and this adds that language."

Speaker Black: "Representative Hannig."

Hannig: "So you're saying one of the changes that's made by this

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Senate Amendment is that it actually requires that the money be going to one of two funds? Where as in the previous language, in the House, it only suggested? Did I misunderstand your... okay, maybe you could explain that again, please."

Speaker Black: "Representative Winters."

Winters: "The original transfer did not require a board resolution to transfer those energy savings funds. And this... that's the Amendment that now requires board resolution to do anything with it."

Speaker Black: "Representative Hannig."

Hannig: "Where would the money go, if for some reason the board would not make that transfer? If they just simply didn't vote to put it in bonds, then what?"

Speaker Black: "Representative Winters."

Winters: "The or... under present law, they can spend it anyway they wanted. The savings could go operations maintenance, it could go to salaries, it could go to buying school buses, anything what so ever. And the idea, was to try to tie it back into either paying off those bonds or the specific... or the Fire Prevention Safety Fund."

Speaker Black: "Representative Hannig."

Hannig: "So, you're saying, I guess I still didn't quite understand. You're saying under the current law, the money could go anywhere. Under the House Bill, as we passed it, you're saying that the money could only go and pay off the bonds that actually generated this savings, but in the Senate Amendment, you're saying, by resolution, the money can go to either to pay off the bonds or at least one other account. Is that a correct understanding, Representative?"

Speaker Black: "Representative Winters."

Winters: "Yes, the... you're correct. It could go either to the

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bond and interest fund or to the Fire Prevention Safety Fund."

Speaker Black: "Representative Hannig."

Hannig: "Now, I understand that the language says, 'shall'. Does it mean that the money, that at least some of the money has to automatically go into the Fire Prevention Fund or is that up to the board to decide, a division between those two funds?"

Speaker Black: "Representative Winters."

Winters: "That is up to the board by resolution. It could go into which ever fund they determine that it should. But it can not go anyplace else than into those two funds."

Speaker Black: "Representative Hannig."

Hannig: "Back to an earlier point. Again, if these bonds are being sold and they indeed save some money, why shouldn't the savings entirely be devoted to paying off the bonds? Why should we open it up to any additional funds? Wouldn't we be better served to simply say that we should pay these bonds off?"

Speaker Black: "Representative Winters."

Winters: "This does offer an option for that board, if they see an immediate need for protection of children, for the fire, you know... under fire... some particular issue they may need it for."

Speaker Black: "Representative Hannig."

Hannig: "Yeah, but it also gives them an option to put the money somewhere else. I would personally feel more comfortable with this provision, if we simply used all the money that is generated from the savings and dedicated it to paying off these bonds. Which were sold for the purposes of generating some savings. And it would seem to me, the physically sound thing to do, would be to write the

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language in that manner."

Speaker Black: "Yes, the Gentleman from Clinton, Representative Granberg. Are you seeking recognition? To this Amendment?"

Granberg: "Well, Mr. Speaker, I rise in a Point of Personal Privilege."

Speaker Black: "Yes, state your point."

Granberg: "Take this opportunity to thank Jerry Clark, of the House Republican staff, for his great gesture. I just read in the extra of 'Capitol Facts', about the party he's offered to throw for the end of Session. And I want to thank Mr. Clark, for that. Because that's going to be at 1929 South Second, at the end of Session. And Mr. Clark has graciously agreed to pay for the entire party. So, I'm sure... there goes the Democrats... well, I want to thank him for that. Great gesture."

Speaker Black: "Yes, Mr. Clark, Mr. Clark, the Democrats were thanking you for your magnanimous gesture of the after Session party. So, they thank you very much. Further discussion, the Gentleman from Grundy, Representative Spangler."

Spangler: "I move the previous question."

Speaker Black: "The Gentleman has moved the previous question. And on that the question is, 'Shall the main question be put?'. All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Main question is put. Representative Winters, please close on Senate Amendment #3 to House Bill 2076."

Winters: "Senate Amendment 3 is simply allows the local school board to choose between two different funds with their energy savings and it requires board resolution which the original underlying House Bill did not."

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Speaker Black: "The question is, 'Shall the House concur with Senate Amendment #3 to House Bill 2076?'. All in favor, signify by voting 'aye'; opposed signify by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 voting 'yes', 2 voting 'no', none voting 'present'. The House does concur with Senate Amendment #3 to House Bill 2076. And on Senate Amendment #4, to House Bill 2076, the Gentleman from Winnebago, Representative Winters."

Winters: "On Senate Amendment 4, I would defer to Representative Mitchell."

Speaker Black: "The Gentleman has deferred the explanation of Senate Amendment #4 to the Gentleman from Whiteside, Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. Senate Amendment 4, basically combines three Senate Bills into Mr. Winters' package. They were all non-controversial and passed through this Senate unanimously. The first of those, Senate Bill 164, is a Amendment that contains provisions to allow, supervisory expenses for the regional superintendent to be paid with one check, rather than being spread out over the entire year. And cutting twelve checks, which cause more paperwork and more expense for the State Board of Education. All of the requirements for accounting, are still in the provision for the regional superintendents. The second of these Bills, is Senate Bill 165, which deletes the language in the State's Billing Code for schools health, life, safety requirements to extend to a point of 12 feet beyond the exterior of each building. Senate Bill 292, is a change in the wording in the School Code and changes references to handicap children and

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handicap child, in the code and the council on Vocational Education Act, the Higher Education Student Assistant Act, and the Personnel Code, to the terms, children with disabilities or child with disabilities. Be happy to answer any questions on this Amendment."

Speaker Black: "Discussion on the Gentleman's Amendment, the Gentleman from Winnebago, Representative Scott."

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

Speaker Black: "He indicates he will."

Scott: "Representative Mitchell, start with the... first of all, were these all parts of other House Bills or how did they all come into this particular Amendment?"

Speaker Black: "Yes, Representative Mitchell."

Mitchell: "Representative Scott, these three Senate Bills, 164, 165, and 292, were all Amended originally on to Senator's Sieban's 17 year old, GED Bill, we call it, Senate Bill 365, at one time and were taken through committee. For some reason, unbeknownst to me, they were not concurred with, put on Representative Winters' Bill, and have come back to the House for concurrence. They basically were three simple Bills that came through the Senate unanimously and were attached at one time to a Bill that I was carrying in the House."

Speaker Black: "Representative Scott."

Scott: "Well, I realize in this entire huge Amendment of 137 pages, that most of it is technical. Wording changes to change the words handicap to people with disabilities. And I understand that. But let me direct you to page 7, of the Amendment, if you have it in front of you. And you've deleted lines 5 through 16 on that particular page. Could you tell me why that language was deleted? What's the purpose for that?"

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Speaker Black: "Representative Mitchell."

Mitchell: "Basically, Representative Scott, when the regional superintendents office, and usually it's the assistant regional superintendents office, goes to the various buildings to inspect. There was a problem at one point, they were afraid of some entrance ADA problems, with the entrances of buildings. So the inspections would be carried out to 12 feet beyond the building itself. They found that that is not necessary, those changes that are needed are covered through both ADA and OSHA, and there is no need for that inspection to be covered out 12 feet beyond the building itself. That's the on... the reason that language is taken out."

Speaker Black: "Representative Scott."

Scott: "I guess that leads me to two questions. The first one is, that portion that you just referred to, is roughly half of the language that you have deleted and the other half of it, you've... First of all, are you deleting more than just that provision that you said and the other portion that you have deleted, looks to me to be language that's directly there to protect kids by providing minimum requirements for buildings to be used for public school students. Why would we want to delete language like that?"

Speaker Black: "Representative Mitchell."

Mitchell: "Representative Scott, that's certainly not the intent of this language. The intent of the language is to get rid of the 12 foot restriction. This already passed out of the Senate. We're not... this is 'no end run'... we're not trying to change the minimum requirements for all buildings. It's only deleted in that portion of the entire Amendment, because that pertains to the 12 foot sector."

Speaker Black: "Representative Scott."

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Scott: "Well, all right, so we're deleting a sentence, and just for the edification of the body, let me read it. It says, 'The Health, Life, Safety Code for public schools, shall establish the minimum requirements for all buildings used for housing public schools students, including but not limited to temporary school facilities, leased or rented school facilities, existing school facilities and new school facilities that are to be constructed.' We're deleting that in addition to the 12 foot requirements that you talked about earlier. So with that sentence that I read, explain to me, where, elsewhere in the code, that particular sentence is covered, or are we just deleting it altogether?"

Speaker Black: "Representative Mitchell."

Mitchell: "Hang on a minute, Representative, we're going to get the other sections. It is, there's two other places that relates to this same area. This is not the only place in the code. This simply is in there as redundant language. It is covered. This simply talks about that 12 foot section. As soon as we find one more file from either, Representative Winters or Representative Spangler or where ever it wound up, we'll get you that answer."

Speaker Black: "Representative Scott."

Scott: "Well, I guess, since we're on final action, that's something that's important for us to know ahead of time. I'm wondering, Mr. Speaker and Representative Mitchell, if we can't take that out of the record for a minute while we're trying to find that language. Cause, I don't think any of us want to be in a position of exempting language that's going to... that's there for the protection of school kids. While we're waiting."

Speaker Black: "Representative Mitchell."

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Mitchell: "No, that's okay, we can find it here, right quick. Just hang on, just a second, Doug. In the mean time, if you have other questions, Representative Scott, I'd be happy to answer those or if you prefer, we'll just wait for this answer."

Speaker Black: "Do you have an additional question, Representative Scott?"

Scott: "Let me ask now, with the check procedures that we talked about at first, is there any cost differential between writing it in one check as opposed to writing the separate checks?"

Speaker Black: "Representative Mitchell."

Mitchell: "Well, certainly in the the time and the bookkeeping involved, it's probably negligible but it would be a reduction in the cost to the Illinois State Board of Education to go through the bookkeeping procedures, writing the checks, mailing the checks out themselves. So, basically, I don't think there's a whole lot of savings but certainly it does move towards a savings."

Speaker Black: "Excuse me, Representative. Yes, for what reason does the Gentleman from DuPage, Speaker Daniels, seek recognition?"

Daniels: "Mr. Speaker, Ladies and Gentlemen of the House, on occasion, every once in a while, you have to give a special thanks to somebody who has really done a service to all Members of the General Assembly, and to their staff. Today is such an occasion. And I'd be remiss if I didn't point out to all Members on both sides of the aisle, the great service that Rich Miller has done for us, in reporting the fact that Jerry Clark will have an after Session party. So to Mr. Miller, thank you very much."

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

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Granberg. Are you seeking recognition?"

Granberg: "Yes, will the Gentleman DuPage, answer a question?"

Will you entertain a question, please?"

Speaker Black: "Mr. Speaker, is it your desire to entertain a question from the Gentleman from Clinton? Yes, proceed, Representative Granberg."

Granberg: "Thank you, Mr. Speaker, Representative Daniels, now I just want to make sure all of us understand where this is going to be. Do you have an address, where this party is after the end of Session?"

Speaker Black: "Speaker Daniels."

Daniels: "Yes, I do, I am trying to gather that address. Somebody must have it with them right now. By the way, I did give it to you. Could you tell me what that address is?"

Speaker Black: "Representative Granberg."

Granberg: "Yeah, I'm sorry, I forgot. I just happened to find this and for anybody who wants to right this down and to invite all their friends, it's 1929 South Second. And I think Mr. Clark is going to supply everything and that's awfully gracious of him. So we appreciate the bi-partisan effort at 1929 South Second, at the end of Session. Just south of South Grand, that's right, 1929 South Second. Thank you."

Speaker Black: "Yes, Speaker Daniels."

Daniels: "Representative Granberg, do you know if people can bring somethings to help, like chips and dips and things like that?"

Speaker Black: "Representative Granberg."

Granberg: "Well, there's certainly no shortage of dips, we can use."

Speaker Black: "Speaker Daniels."

Daniels: "What time would this be from? You know, approximate,

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is this Friday night?"

Speaker Black: "Representative Granberg."

Granberg: "Well, I assume it would be, Speaker. Jerry Clark is your employee and I'm sure he would do what ever you would indicate, so I'd assume it would at the end of Session, Friday night, at 1929 South Second. And I'm sure everyone is invited."

Speaker Black: "Speaker Daniels."

Granberg: "Anytime, I would assume. Four in the morning, three in the morning, whatever the time might be. I'm sure Mr. Clark, does not mind what so ever, and they can stay as long as they desire."

Speaker Black: "Speaker Daniels."

Daniels: "Parking can be on the lawn too, in case you're..."

Speaker Black: "As I recall, that's only in my district. Yes, I would like to point out that the Speaker and Representative Granberg, forgot to mention a very important thing. Evidentially, there will be door prizes for the first 500 people. Mr. Clerk, announcements, Supplemental Calendar announcements."

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

Speaker Black: "Yes, now Ladies and Gentlemen of the House. After the serious business, if we could get back to Senate Amendment #4, to House Bill 2076. We were waiting with baited breath for an answer from Representative Mitchell to a question posed by Representative Scott. Representative Scott, I don't remember the question and I don't know whether it's been answered. So, proceed, Representative Scott."

Scott: "The question, thank you, Speaker. The question had to do with whether or not the language that was being deleted on page 7 of the Amendment, actually was redundant or not."

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Staff has graciously come over and shown us in the School Code, where that language was contained elsewhere. I appreciate that. That does answer my question, and I know there are some other Representatives who have questions, thank you."

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

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, relative to these advance checks, who writes these checks now?"

Speaker Black: "Representative, are we answering... Representative Mitchell are you still answering the question, Sir? Yes, Representative Mitchell."

Mitchell: "Representative Lang, those checks are written through the State Board of Education."

Speaker Black: "Representative Lang."

Lang: "I'm sorry, they're written by the State Board of Education?"

Speaker Black: "Representative Mitchell."

Mitchell: "Pursuant to vouchers by the State Board of Education that are written by the treasurer."

Speaker Black: "Representative Lang."

Lang: "So the treasurer actually writes the checks. The State Treasurer for the State Board, based on their vouchers?"

Speaker Black: "Representative Mitchell."

Mitchell: "That's correct."

Speaker Black: "Representative Lang."

Lang: "And how much are we saving the State Treasurer by doing this?"

Speaker Black: "Representative Mitchell."

Mitchell: "Well, we're estimating at this point. It is a

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savings, processing charges, they've estimated to be about, 80 dollars a check. Times the number of regional superintendents equals whatever that would be."

Speaker Black: "Representative Lang."

Lang: "Well, I didn't hear. I'm sorry it's noisy in here. Could you give me a round figure as to what you think the total savings for the State Treasurer will be, if we do this?"

Speaker Black: "Representative Mitchell."

Mitchell: "My sources of information have stated simply, that it's not going to save a lot of money, will save some time."

Speaker Black: "Representative Lang."

Lang: "Well, give me a round figure! Is it a 100 dollars, is it 500 dollars? We're interested in saving money, however small the number. But we would like to have some idea how much you're saving here."

Speaker Black: "Representative Mitchell."

Mitchell: "Well, Representative, without going on record as an exact figure but a round figure, we would like to estimate that, that possible savings could be as much as... hold on a minute. First of all, just as an asterisk, okay, the cost savings really isn't as important as the need to cut down the paper work, save a little time, expedite entire situation for both the regional superintendents and personnel in the State Board of Education. Now, I think we're still calculating over here."

Speaker Black: "Representative Lang."

Lang: "Thank you. Well, would it be fair to say that this won't save the State Treasurer, 30 million dollars?"

Speaker Black: "Representative Mitchell."

Mitchell: "Representative, I think that's about as fair a question that you've asked me in a long time."

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Speaker Black: "Representative Lang."

Lang: "So, this Amendment #4, which is 137 pages, has a little bit of cost savings for the State Treasurer, but is not going to make up for the 30 million dollars of tax payers money that was given away, is it?"

Speaker Black: "Representative Mitchell."

Mitchell: "Well, Representative, when we look at all the various things that the State Board of Education has to do and the minute amount that this will save. I think the effort of the people that are in the State Board of Education Regional Superintendents, I think, I think, the expeditious movement that we will have concerning this particular area, which is not as you say, a great savings, but it is an area that can help out both sides somewhat. And by the time we're all done with this situation, everybody's going to be a little bit happier and probably can do a little bit better with the job that they have to do. I really think that this is more of an issue..."

Speaker Black: "Oh gosh! Time has expired. The Gentleman from DeKalb, Representative Wirsing."

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

Speaker Black: "The Gentleman from DeKalb, has moved the previous question. The question is, 'Shall the main question be put?' All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The main question shall be put. Representative Mitchell do you wish to close on Senate Amendment #4? The question is, 'Shall the House concur with Senate Amendment #4 to House Bill 2076?'. All those in favor, signify by voting 'aye'; opposed 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. And on

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this question, there 115 voting 'aye'; none voting 'nay', none voting 'present'. The House does concur with Senate Amendment #4 to House Bill 2076. I'm sorry, Representative Morrow."

Morrow: "Yes, Mr. Speaker, I would have liked to been voted as 'aye' on House Bill 2076 on Amendment."

Speaker Black: "The Journal will so reflect and I will personally vouch for that at the appropriate time. Representative Winters, on Senate Amendment #5 to House Bill 2076."

Winters: "Thank you, Mr. Speaker. Senate Amendment 5, includes two Senate Bills, 657 and 658. 657, Amends the School Code and allows petitioners seeking a detachment of certain petition, certain territory from one school district and its annexation to another school district. To Amend the petition to require the previously detaching to pay the tuition for every student within the territory, who attend the schools of the previously annexing district. And if that is not perfectly clean and clear, then let me give you the Senate Bill 658, which also Amends the School Code, and requires the State Board of Education to assume the powers and duties, previously exercised for the Regional Board of School Trustees, with respect to detachment and annexation petitions. I'd be happy to answer questions."

Speaker Black: "And further discussion, the Gentleman from Effingham, Representative Hartke."

Hartke: "Well, thank you very much, Mr. Speaker. Could Judge Winters give us an explanation of exactly, say an example, of what you're trying to do here?"

Speaker Black: "You want an example of what? I'm sorry."

Hartke: "The example of what he just said, I mean, about detaching and school board authorization."

Speaker Black: "Yes, I'm sure he will, and by the way,

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Representative Hartke, Representative Hartke? Yes, your tie. It that... your tie smells like bacon. I don't know if it looks very nice, but it smells like bacon."

Hartke: "No, Sir, this is not a pig tie."

Speaker Black: "Oh, I see."

Hartke: "It's a hog tie."

Speaker Black: "Okay. Representative Winters."

Winters: "Thank you, Mr. Speaker. This... the provision on the deannexation involves only situations where the high school and the elementary school districts, you don't have a unit district to start with. Your high school and elementary school districts, are not identical, the boundaries are not identical. You may have a situation where one elementary school, part of the district goes to one high school, part goes to the other. They would like all their students to go to one district. Instead of changing the boundaries, which might affect the assessed values of the different school district, it simply allows the... it allows those students that have been previously going to one high school, while the rest of their compatriots go to another one. They could all go to the second high school, instead of deannexing, they would simply pay the tuition. To send those kids to a high school."

Speaker Black: "Representative Hartke."

Hartke: "Wouldn't it be almost easier to dissolve that district and form one unit and make the two compatible? And make a unit district out of it?"

Speaker Black: "Representative Winters."

Winters: "That would still be allowed. This is another option. Instead of trying to go through the deannexation, annexation process, it would simply allow the petitioners to ask that the tuition be paid. In getting their ultimate

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purpose done, without going through the battles of a deannexation."

Speaker Black: "Representative Hartke."

Hartke: "How is the tuition determined, by that? Would one... I mean would the others... There were two tuitions, then, right? And parents would have a choice of going to high school 'A' or high school 'B'. How would you work the bus routes and the tuition and so forth, in this situation? Wouldn't it be double running of the transportation cost? Or is there a clear cut dividing line?"

Speaker Black: "Representative Winters."

Winters: "What was the initial part of your question, I'm sorry, I missed that."

Speaker Black: "Representative Hartke."

Hartke: "Well, let's divide the question, okay. Who determines the tuition?"

Speaker Black: "Representative Winters."

Winters: "The tuition would be determined by the school district that is accepting the students. There's standard, each school district has to set a tuition level. The whole point of this is, it allows the district, instead of giving up its property tax base, to choose to pay tuition."

Speaker Black: "Representative Hartke."

Hartke: "And so, both high schools then would, set tuition. Is that not right?"

Speaker Black: "Representative Winters."

Winters: "They're already set. Every school district already sets tuition. And it would, it would be the same that they set for any other student coming into their district."

Speaker Black: "Representative Hartke."

Hartke: "How would the school district determine, a bus route for example, if you had two of these districts or three of

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these districts? Would it not be a real... that's almost like a voucher system, or such, isn't it? Is that not correct?"

Speaker Black: "Representative Winters."

Winters: "The students that would be paying tuition in coming into a new district, would be treated as out of district students and they would not need to be picked up by the normal school bus routes. Their parents or themselves would be responsible for at least getting them to an adjoining school bus route."

Speaker Black: "Representative Hartke."

Hartke: "But those students that wish to stay in their present district, would they not be afforded the bus route?"

Speaker Black: "Representative Winters."

Winters: "The district that is losing the students, that choose to go, in return for not giving up its tax base, would still need to run a school bus route for any students that chose not to go."

Speaker Black: "Representative Hartke."

Hartke: "Would that not bankrupt that school district?"

Speaker Black: "Representative Winters."

Winters: "That would be a determination that they would have to make. How much impact it would have on them. Whether they would choose to deannex and lose the property tax base, or whether they simply would choose to send tuition and have slightly higher cost of transportation. That a decision for them to make."

Speaker Black: "Representative Hartke."

Hartke: "It's my understanding, there's a committee established. How many members would be on that committee, to make that determination?"

Speaker Black: "Representative Winters."

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Winters: "Could you fill me in a little more on that committee... committee of 10, I'm sorry, committee of 10 members."

Speaker Black: "Representative Hartke."

Hartke: "Who would appoint that committee? Would that be done by the school board, who is losing the students or the school board that is gaining the students?"

Speaker Black: "Representative Winters."

Winters: "The committee is 10 is self-appointed. They are petitioners seeking to change where their kids are going. So, they are... they are bringing a petition to the school boards and they themselves would be that committee of 10."

Speaker Black: "Representative Hartke, your time has expired. Conclude your questions, please."

Hartke: "Would this committee be some what contiguous? I mean, I can imagine in my school district, that covers three counties, if they tried to do this. We have some in Shelby County, some in Cumberland, some in Effingham, if we had scattered petitioners, it would seem to me that somewhere in here it ought to be that they ought to be somewhat close to what we want to do. Is the thought of recruiting basketball players ever been brought into this?"

Speaker Black: "Representative Winters."

Winters: "I believe you're the first one to bring up that whole idea."

Speaker Black: "The Gentleman from Teutopolis, Representative Hartke."

Hartke: "Well, thank you very much. We had a similar situation in our school district, where it was questionable, whether we could bring a student in, who was in our area, but yet, not in our area, because they had built a new home across the road. Same family..."

Speaker Black: "Bring your remarks to a conclusion, please."

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Hartke: "Was in another school district. And it's not what you'd call recruitment, it was a real question, because those students, those parents, wanted their children to come to the unit that they had always been brought up in. But because of the new house, they were denied and sent to another school. We beat them anyway, but you know, would you not be setting up a precedent in doing this? A recruitment?"

Speaker Black: "Representative Winters, you wish to answer the question?"

Winters: "I don't believe it would setting up a precedent, because again we have to realize that this is only for districts where the high school and grade school districts are not parallel in their district boundaries, which is a very limited set of cases."

Speaker Black: "Further discussion, the Gentleman from Adams, Representative Tenhouse. Representative Tenhouse, are you seeking recognition?"

Tenhouse: "Sure am. I move the previous question."

Speaker Black: "The Gentleman has moved the previous question. And on that, shall the main question be put? All those in favor, signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Representative Winters to close on Senate Amendment #5 to House Bill 2076."

Winters: "I ask for your favorable Roll Call vote."

Speaker Black: "Now Ladies and Gentlemen of the House, this is final action on the Bill as well as on the Amendment. The question is, 'Shall the House concur with Senate Amendments #5 to House Bill...' Excuse me. That's not the way we've done it, Representative. We asked your side the last time. The question is, 'Shall the House concur with Senate

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Amendment #5?' And you will be voting on the entire Bill, as amended, to House Bill 2076. All those in favor signify by voting 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 105 voting 'aye', 6 voting 'no', 3 voting 'present'. The House does concur with Senate Amendment #5 to House Bill 2076, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Representative Johnson in the Chair."

Speaker Johnson, Tim: "Proceeding under Supplemental Calendar #1 on the Order of Concurrence, Mr. Clerk, read House Bill 544."

Clerk McLennand: "House Bill 544. Representative Persico has filed a Motion to concur in Senate Amendment #1 which has been approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from DuPage, Representative Persico, proceed."

Persico: "Thank you, Mr. Speaker, Members of the House. I move to concur on Senate Amendment #1 to House Bill 544. Basically Senate Amendment #1 contains two provisions: amends the Environmental Protection Act to include licensed industrial hygienists as environmental professionals who can conduct one or more aspects of an environmental audit. The second provision of House Bill 544, Amendment #1, is what is commonly referred to as the brown field legislation. This is a Bill that we have debated quite extensively last week. It's a Bill that will bring certainty in a risk base approach to cleanup. It's also a Bill that will encourage more voluntary remediation of property and I ask for your favorable support of House Bill

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544 on Senate Amendment #1."

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

Hoffman: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates he will, proceed."

Hoffman: "Yes, Representative, isn't this the same as...the brown
field legislation anyway, isn't this the same as Senate
Bill 46, Amendment #1?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Your absolutely correct, Representative, Senate
Amendment #1 to House Bill 544 is exactly the same
legislation concerning the brown field aspect as Senate
Bill 46."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well I guess the question is, why do we have to do this
again? It's my understanding that Senate Bill 46 just went
to the Governor."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, this is a Bill that many of us have
worked on quite extensively for the past two months and
House Bill 544 is a...the final Bill that I would like to
pass over to the Governor."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I understand that, Representative, but why do we need
to concur in the Senate Amendments when the brown field
legislation just minutes ago passed out of the Senate and
went to the Governor? I guess I should congratulate you on
a job well done on Senate Bill 46 because that Bill is
already at the Governor. So why don't we just nonconcur in
this Amendment and move on from there?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Well, Representative, I appreciate your congratulations

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to that effect, but being in the House and being over here and listening to all these Bills for the past few days I really have no idea what the Senate is doing at any particular moment."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, Mark O'Brien is listening and they just passed the Bill. So the brown field stuff is already on the Governor's desk or at least Senate Bill 46. They just passed it because I understand that it failed once and then they reconsidered the vote and they just recently passed it. So why don't we just nonconcur on this Bill and then we can vote on the original part of the Bill which deals with industrial hygienist."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Well, Representative I appreciate your thoughtfulness and if I knew that probably a little bit ago I probably would not have called it, but sense it's on the board I think it's in our best interest to go ahead and move this Bill to the Governor's desk as well."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well I guess the concern is that some people didn't vote for the brown field legislation who would want to vote for the industrial hygienists legislation and maybe we don't want to put those people in that type of a situation whereby they may be against one portion of this Bill and not...and for the other, so since it's already passed maybe we should just take it out of the record. We could nonconcur and then they can send it back over, they could recede and go to the Governor's desk."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Well, Representative, as your well aware there are many times in this process where they combine several Bills

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together. Some of the aspects we might be in favor of some we are not and then it's our duty as elected Representative, you know representing 96,000 people that we make what we feel is the best vote on the overall Bill."

Speaker Johnson, Tim: "Representative Hoffman, further inquiry?"

Hoffman: "Yes, well the concern is, is obviously we keep rolling all these Bills together although this one could possibly could be okay. I think it probably violates the single subject matter provisions of the constitution. And I think your taking a chance when you roll something together unnecessarily. Since the brown field legislation is already passed, I think we should not take that chance of violating the single subject matter. Take this out of the record and let's move to nonconcur and let's move on from there. What do you say?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "I think we should proceed on concurring on Senate Amendment #1 to this Bill."

Speaker Johnson, Tim: "Further comments? Representative Hoffman, proceed."

Hoffman: "Well, since now we are going to be dealing with the brown field legislation I guess, I know that we debated it but that was a couple of days ago, many Bills ago. Could you please tell me what that is again?"

Speaker Johnson, Tim: "Go ahead, Representative Persico, proceed."

Persico: "Basically, Representative, and if you would like me to take your remaining time I can do that, but basically...excuse me?"

Speaker Johnson, Tim: "You have 40 seconds, Representative Persico."

Persico: "Basically it's a Bill to establish a cleanup and

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liability release program for all properties in Illinois which have been contaminated by prior use. As I mentioned in my opening remarks, this Bill brings certainty and risk base approach to cleanup. It encourages more voluntary clean up of properties. I feel it's a good Bill. It's a Bill that's been negotiated by industry and the Illinois Environmental Protection Agency. It's a Bill that offers substantial agreement on most provisions of this Bill and I would like to see it pass on to the Governor."

Speaker Johnson, Tim: "The Gentleman from Effingham, Representative Hartke. Representative Hartke, proceed."

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

Speaker Johnson, Tim: "He indicates that he will."

Hartke: "Recently President Clinton has suggested that rather than fining industry for clean up for environmental problems that rather than impose a \$1, 2, 3, 5 million fine or whatever, but rather that the industry should keep these dollars in use of the cleanup. Are you in support of President Clinton and his move for the environmental cleanup."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I feel that House Bill 544 as amended by the Senate. It's an excellent piece of legislation that deals with these contaminated properties and this is a Bill that is of the concern of mine at this particular moment."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "The Bill talks about limiting liability. Could you explain that?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Yes, Representative. One of the problems that industry has had is it's perception of liability in terms of cleanup and not only industry, but bankers, in terms of lending

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money to cleanup these properties. I believe that we dealt with this issue in House Bill 20, the Tort Reform Act, which we enacted and passed into law earlier in this Session, but again this lingering or perception of liability is still out there. What this does is it puts into the Environmental Protection Agency the proportionate share aspect that is needed in order to make this a very good Bill."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I noticed that in the support area as well as those that are opposed, can you tell me where the City of Chicago stands in this piece of Legislation?"

Speaker Johnson, Tim: "Representative Persico, do you have a response?"

Persico: "The City of Chicago is very much in favor of this particular legislation."

Speaker Johnson, Tim: "Representative Hartke, further questions?"

Hartke: "I have reason to believe that that's not what was stated in the Senate as this Bill passed over there. I do know that the Illinois Manufacturers Association and the Chemical Industries Council as well as the Illinois State Chamber of Commerce is in support of this. And if it is environmentally sound in cleanup, can you tell me why the Environmental Council and the Illinois Protection Agency is opposed to this legislation?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, as I mentioned in my opening remarks this Bill has been negotiated for many, many months during this particular legislative Session. There has been substantial agreement reached on most provisions of this Bill. The disagreement area comes in this proportionate share area. This is where the Environmental Protection

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Agency as well as the Illinois Environmental Council have some concerns about the proportionate share aspect."

Speaker Johnson, Tim: "Representative Hartke, further inquiry?"

Hartke: "Yes, what is required before they can qualify under this Act?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Basically, Representative, when an industry wants to cleanup a particular piece of contaminated property, they can hire a licensed professional engineer to do a program to see what needs to be cleaned up. They would take this program if they decide to go that route to the Environmental Protection Agency, submit that plan to them for final approval, or they can use the Environmental Protection Agency themselves to submit...to have a plan to cleanup this property. In all cases, the ultimate authority always rest with the Environmental Protection Agency."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Is it true that they have to be on the national priority superfund list to qualify under this program?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "No, Representative, superfund cleanup sites are excluded from House Bill 544."

Speaker Johnson, Tim: "Further questions? Proceed, Representative Hartke."

Hartke: "Well, is there any set requirement on disposal of the contaminated ground or area?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, depending on what they would like to have this property used for will determine the environmental cleanup that is needed. If they are going to use for industrial purposes there are...it's a risk base

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approach. There are certain parameters that they need to stay within in order to clean it up to that particular concern. If they want to use it for residential areas then additional cleanup activities would be needed."

Speaker Johnson, Tim: "Representative Persico, you want to bring your comments to a close?"

Hartke: "Sure."

Speaker Johnson, Tim: "Representative, proceed."

Hartke: "Yes, is there any indication or any authorization in here for the spreading of the contaminant on agricultural land?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I believe that this has been dealt with in this particular piece of legislation. I think Representative Woolard asked that question when it was debated before and I was assured that, that part of the...that's included in this language in this particular Bill."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Kankakee, Representative Novak. Representative Novak, proceed."

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

Speaker Johnson, Tim: "He indicates that he will."

Novak: "Representative Persico, it's my understanding... I just got word that Senate Bill, I think 46, was concurred with and I think it's been sent out to the Governor and I know the reason that your adding this on because we has some type of a fear that we might not get some type of brown field legislation to the Governor's Office for further consideration. I just want to simply speak to the Amendment and the concurrence on Senate Amendment #1 to House Bill 544. I rise in strong support of this. This

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subject has been thoroughly debated. I believe last week or...how we all get a little bit disoriented around here. A few days ago it was debated at a very long period of time. There's a lot of legal questions involved and I know there's some reservations by some people, but it passed overwhelmingly out of the House. It's a very serious problem, that we, that the General Assembly is trying to address concerning contaminated and polluted sites, to get contaminated and polluted sites to be remediated, to get them cleaned up, to get them back on the tax roles, to get responsible parties to construct a job creating facilities in those neighborhoods, in the inner city neighborhoods in those City of Chicago and other urban areas around the state and even in some non-urban areas around the state. We have well over 100 contaminated sites, so I think we should move forward with this new approach and try to ameliorate all these contaminated sites. This is not a perfect Bill. We know that, but it's a great start and we need to move forward with a much innovative, new approach to remediating contaminated sites. I simply would ask my colleagues to join me in concurring with Senate Amendment #1 on House Bill 544."

Speaker Johnson, Tim: "The Chair recognizes the Lady from Cook, Representative Kaszak. Representative Kaszak, proceed. Representative Kaszak."

Kaszak: "Thank you, Speaker. I just also want to rise in strong support of this Bill. I believe the people who have been working on this have worked long and hard. It's not a perfect Bill, but I do want to clarify one thing on the record. The City of Chicago has informed me that they are in strong support of this Bill. They have concerns regarding the orphan share, but that they are in strong

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support of this Bill and urge your support also. Thank you."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. The 'ayes' have it. The main question is put. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 544?' All those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 106 voting 'yes', 4 voting 'no', and 7 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 544. And this Bill having, received the required Constitutional Majority, is hereby declared passed. Proceeding further on Supplemental Calendar #1 on the Order of Concurrence. Mr. Clerk, read House Bill 1279."

Clerk Rossi: "House Bill 1279. A Motion to nonconcur with Senate Amendment #2 has been approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Peoria, Representative Leitch. Proceed. Representative Leitch, proceed."

Leitch: "I'm trying to. Thank you. This... I'm moving for nonconcurrency because this will have some medicaid language in it and I need to put this House Bill 1279 into conference."

Speaker Johnson, Tim: "The question is, 'Shall the House nonconcur with the appropriate... Representative Currie."

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Currie: "Thank you, Speaker. Will the Sponsor yield for a question or two?"

Speaker Johnson, Tim: "The Sponsor indicates he will yield."

Currie: "Thank you. Representative Leitch, I think it would be helpful to the Members of the chamber to know what plans you have for House Bill 1279. Generally, when there is a nonconcurrency Motion, it means that either you are interested in a conference committee or that you have a substantive problem with the Senate Amendments. Could you tell us which direction you intend to take if the nonconcurrency Motion succeeds?"

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Sure. As I mentioned, the Amendment is only an effective date, and so my concern is not the Amendment. What I had hoped would happen was that the Senate would have put on an Amendment in the Senate that we could have concurred in, which it would have done. A couple of the substantive points that I think from last year we wanted to address. One of them was to make sure that the will of the General Assembly is complied with as it relates to implementing the electronic benefits technology in the smart card and the other technical changes that we had wanted. Another one takes another look at the guarantees which the state found itself absorbing last year with respect to the managed care program, which many of us want to get rid of."

Speaker Johnson, Tim: "Representative Currie."

Currie: "Thank you, and is the problem that the language to accomplish both of those goals isn't ready? Possibly, the Senate could have adopted those items as Amendments which we would be then in a position to see today. Do you have draft language?"

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Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Yes, I have some language. I don't have it at my desk here right now, but I'd be happy to show it to you."

Speaker Johnson, Tim: "Representative Currie, are you ready to entertain the Gentleman's Motion?"

Currie: "I'd be happy to look at the language, and I guess my question was whether the reason for not putting the language on the Bill when it was in the Senate was because the language wasn't ready or because there still are wrinkles to be ironed out. Maybe you could enlighten us on that score."

Speaker Johnson, Tim: "The Gentleman moves to nonconcur with the Senate Amendments to House Bill 1279. Those in favor signify by saying 'aye'; those opposed by saying 'no', and the Motion carries. The House nonconcur with the Senate Amendments to House Bill 1279. On the Order of Concurrence... Representative Leitch."

Leitch: "Yes, I'm not through answering the lady's questions. It's just been a matter of paperwork and the fact that this is more my Amendment than it is Senator Rauschenberger or Senator Maitland's. It's more of a House Amendment than a Senate Amendment and I think they preferred to have it come from me as opposed to from them."

Speaker Johnson, Tim: "Go ahead, Representative Currie."

Currie: "Thank you, Speaker. I much appreciate the Sponsor's courtesy in answering the question and I will support his Motion to nonconcur in the Senate Amendment."

Speaker Johnson, Tim: "The Gentleman moves... Restating the Motion, Representative Leitch, your Motion is to nonconcur with the Senate Amendments to House Bill 1274. Those in favor...1279. Those in favor signify by saying 'aye'; those opposed by saying 'nay' and the Motion carries. The

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House nonconcur with the Senate Amendments to House Bill 1279. Now, on the Order of Concurrence, on the main calendar, not the Supplemental Calendar, appears House Bill 122. And on that, the Chair recognizes the Gentleman from Vermillion, Representative Black. Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. I had talked with some people on the other side of the aisle a little earlier. What I need to do is to nonconcur in Senate Amendment #1, request a conference committee. The reason for that is it has been brought to my attention that we have a situation that evidently can't be solved except by legislation. There was a State Trooper who was killed in the line of duty on Interstate 57 in Champaign County some years ago. Our law, our tuition waiver law, says that the surviving children of that trooper, correctional officer, or fire official can get a tuition waiver to go to the...any public college in the State of Illinois. Well, because of some harassment of the trial, his widow moved to Indiana. That... His child is now ready to go to school and applied and of course is being denied the tuition waiver because of the fact his mother moved to Indiana. So if we can put this in a conference committee, ISAC has said they will work with us and take care of the situation and clarify it for any and all subsequent dependents of police, fire, or correctional officers killed in the line of duty. So I'd ask to nonconcur in Senate Amendment #1."

Speaker Johnson, Tim: "The Gentleman moves that the House nonconcur with Senate Amendment #1 to House Bill 122. Those in favor signify by saying 'aye'; those opposed by saying 'no', and the Motion carries. The House nonconcur with Senate Amendment #1 to House Bill 122. Again, on the

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main calendar, appears House Bill 270. Mr. Clerk, read House Bill 270."

Clerk Rossi: "House Bill 270. A Motion to concur with Senate Amendment #2 has been filed and approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Vermillion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. The underlying Bill was passed the House comfortably, permits certain sanitary districts to appoint a chief administrative officer for a maximum four year renewable contract. The Senate Amendment that I'm asking you to concur in changes the population threshold from 100,000 to 90,000 for certain sanitary districts to have a five member board. Currently, they have a three member board. It deletes the provision that no more than three members of a five member board may be of the same political party. This is requested by the Aurora Sanitary District, but it may effect sanitary districts that serve Rockford, Springfield, and Peoria. I'd ask your concurrence in the Senate Amendment #1...no, excuse me, #2 to House Bill 270."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Johnson, Tim: "He indicates that he will."

Hoffman: "Representative, I think the underlying Bill passed comfortably through the House and then this was put on in the Senate by, I believe, Senator Petka, and I know that you named the areas that this would affect. What is the practical effect of it and why is it good for those areas?"

Speaker Johnson, Tim: "Representative Black."

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Black: "Yes, I'm sorry, I didn't hear the question."

Speaker Johnson, Tim: "Give the Gentleman from St. Clair your attention. Representative Hoffman, do you want to restate your inquiry?"

Hoffman: "Yes. You indicated that this would amend...that this Amendment would amend the Sanitary District Act to bring the minimum population level down to 90,000 and you named some areas that this would affect. Do these people not have a sanitary district now and now they would form one or would be required to form one?"

Speaker Johnson, Tim: "Representative Black."

Black: "It is my understanding that they do have a sanitary district, and what the Senator's Amendment does is, it provides that a board of trustees may be created with three members in any sanitary district that includes one or more municipalities with a population over 90,000, but less than 500,000. He's lowering the population threshold from 100,000 down to 90,000, but less than 500,000, and saying that you can have a board of trustees of a sanitary district with three members."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I can't recall the... Was Belleville on that list that you read?"

Speaker Johnson, Tim: "Representative Black, did you understand the question?"

Black: "In all honesty, I didn't even hear it."

Speaker Johnson, Tim: "I didn't either, Representative Hoffman. Can you restate the question?"

Hoffman: "Yes. You went through a list and my question was, was Belleville on that list?"

Speaker Johnson, Tim: "Representative Black, if you understood the question, can you respond?"

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Black: "Yes. Here is the only list I have Representative. This Amendment was requested by the Aurora Sanitary District, but it may also affect sanitary districts currently serving Rockford, Springfield, and Peoria."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes. I know my colleague from Rockford may have a bit of a concern. How does it... I believe that they already have a sanitary district. Now, if you already have a sanitary district, I guess I can't quite understand how that is going to affect a current sanitary district. Representative Black."

Speaker Johnson, Tim: "Representative Black..."

Hoffman: "Over here."

Black: "Yeah, I think it could. Let me make sure now. That is the way I interpreted it because it deletes the provision that a five member board of trustees be selected with no more than three from one political party. All other sanitary districts, except those I've mentioned, consists of five members. So, it looks like...I'm sorry. It looks like it is limited to the towns and the cities that I have mentioned, but it would allow them to go from a five member board back to a three member board."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "It doesn't require them to do that. It's just a permissive act."

Speaker Johnson, Tim: "Representative Black."

Black: "Yes, that is my understanding."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So, if the Rockford Sanitary District didn't wish to comply with the provisions of this Act, they could still maintain the same make up of the board as they currently have."

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Speaker Johnson, Tim: "Representative Black."

Black: "Yeah, you know, I don't like to answer something if I'm not sure. It's my understanding that it would be permissive. I don't think it is mandatory that they roll back to three, but yeah, I have to be honest with you. I don't really know that. I just... I am not that familiar with this Amendment. Quite frankly, Representative Cross is much more familiar with this Amendment than I am, but he is...here he comes. So maybe he could answer your questions. I don't want to tell you something that is not in the action."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, Mr. Speaker..."

Speaker Johnson, Tim: "With leave, we'd let Representative Cross respond to your inquiry. Is that okay?"

Hoffman: "Yeah, that would be fine if he heard it. He just came into the chambers."

Speaker Johnson, Tim: "He was here..."

Hoffman: "Okay."

Speaker Johnson, Tim: "Representative Cross in response."

Cross: "Jay, your questions with respect to the sanitary district, it would go from three to five when the population level goes above ninety. So, it is required."

Speaker Johnson, Tim: "Representative Hoffman, your time has come to a close. The Chair recognizes the Gentleman from Winnebago, Representative Scott."

Scott: "Thank you, Mr. Speaker. Will the Sponsor or his collaborator there yield?"

Speaker Johnson, Tim: "The Sponsor indicates he will yield and with the consent of the Body, Representative Cross can respond where appropriate. Is there leave? Leave. Proceed with your question."

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Scott: "Thank you. Obviously because Rockford's name was brought up here, I've got a concern about it. Rockford already has a sanitary district: Rockford Water Reclamation District. Its members are appointed. It's a five member board. Tell me if you can, exactly how this would apply to them. Do they have to go to three? What is the provision?"

Speaker Johnson, Tim: "Representative Black or let Representative Cross to respond. Representative Cross."

Cross: "What this does is increase the board from three to five and it also takes away the requirement that...of a certain political party. It takes that out of the picture. So, if this passed in our area, for the Aurora Sanitary district, for example, we would go from three to five members and it wouldn't matter what party affiliation they had. I totally want to take away the party affiliation and the Aurora Sanitary District, which has been renamed, covers the Aurora area and goes throughout the Fox Valley over into DuPage, down into Kendall County and covers a big area outside of Aurora, even to the North and West. And we were trying to make sure we had enough representation instead of just in the City of Aurora. So we are trying to broaden the representation and take away the political party."

Speaker Johnson, Tim: "Representative Scott, do you have any further questions? Go ahead."

Scott: "Yeah. Well, I understand that increasing the number from three to five, I understand that. What is the necessity of eliminating the political party affiliation. It would seem that you would want to keep that in if you are going to increase the membership so that it wouldn't be loaded one way or another."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, we thought that would be a fair way to do

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it so we wouldn't have partisanship issue. We wanted to just take that totally out of the picture and it wouldn't matter... I mean, for example, the City of Aurora is about half and half. It's a city of almost 100,000, half Republican, half Democrat, and we just want to take that out. It doesn't matter what party you are in. We just want people that are well qualified to be on the board."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Now, if the district is totally located within one county, all those appointments are made by the county board for the county, isn't it? Isn't that the case?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "This particular sanitary district actually goes as...Kane County, DuPage County, and Kendall County."

Speaker Johnson, Tim: "Representative Scott."

Scott: "But speaking for the 'Rock' Riverwaters Reclamation District, they are all appointed by one county board, in essence, Winnebago, because they are only in Winnebago County."

Speaker Johnson, Tim: "Have you concluded your remarks, Representative Scott?"

Scott: "No, I'm asking a question."

Speaker Johnson, Tim: "Is that a question? Representative Cross, do you wish to respond?"

Cross: "Representative, this particular board is appointed...or appointed and approved by Members of the General Assembly. Anyone, any Legislator that has any part of the sanitary district in their legislative district or senate district has a vote on these particular spots."

Speaker Johnson, Tim: "Representative Scott."

Scott: "What if you've already got a reclamation district who has five members? What affect does this legislation have?"

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Any?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "It would... My understanding of it and reading of it, Representative, is they would stay at five."

Speaker Johnson, Tim: "Representative Scott."

Scott: "But the elimination of the political party would still apply to them?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "That is correct. If you look at page 3 of the Amendment on lines 19 and 20, the party...political party aspect is just deleted."

Speaker Johnson, Tim: "Representative Scott."

Scott: "Does this Amendment replace the underlying Bill or is it an addition to the underlying Bill?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, the latter. It's an additional language to the underlying Bill."

Speaker Johnson, Tim: "Representative Scott."

Scott: "So, the provision regarding the four year renewal book contract for the director would still be part of the Bill?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, I don't have...I'm not aware of that portion of the Bill, but maybe Representative Black can address it. But my understanding is that is accurate from...getting some help here."

Speaker Johnson, Tim: "Representative Scott, if you could bring your questions and comments to a close."

Scott: "Thank you, Mr. Speaker, and I appreciate the answers to the questions. Unfortunately, eliminating the requirement that no more than three be of any one political party, seems to me and other folks on this side of the aisle as potentially a power grab on behalf of the Majority Party."

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For that reason, I think I'm going to oppose it and would ask my colleagues to do the same."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Peoria, Representative Leitch. Representative Leitch."

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

Speaker Johnson, Tim: "He indicates he will."

Leitch: "Has anyone from Peoria expressed an opinion about this since it changes our sanitary district?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Representative, I'm not aware of any opposition from anyone from Aurora or any other sanitary district."

Speaker Johnson, Tim: "Representative Leitch."

Leitch: "Of course there wouldn't have been any opposition because nobody knew about that until it just showed up here in this Amendment. I, too, share the opinions of the Representative Scott. I'm very concerned about this. I don't think it is appropriate in any way in either Rockford, nor in Peoria County, to have the make up...the political make up of that board adjusted by virtue of something we do here in the General Assembly and I would urge the Gentleman to withdraw this Amendment, and ask you if you were willing to do so."

Speaker Johnson, Tim: "The Gentleman from Vermilion, Representative Black."

Black: "Yes, thank you very much, Mr. Speaker. Obviously, this Amendment from the Senate has caught some of my colleagues by surprise. I think it would be the... It would behoove me to move to nonconcur in this Senate Amendment until we can get everything worked out. I move to nonconcur in Senate Amendment 2 to House Bill 270."

Speaker Johnson, Tim: "The Gentleman moves the House nonconcur with Senate Amendment #2 to House Bill 270. Those in favor

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signify by saying 'aye'; those opposed by saying 'no'. The Motion carries and the House does nonconcur with Senate Amendment #2 to House Bill 270. Proceeding on the regular calendar, on the Order of Concurrence. Mr. Clerk, read House Bill 340."

Clerk Rossi: "House Bill 340. A Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Sponsor, the Gentleman from DuPage, Representative Tom Johnson. Proceed."

Johnson, Tom: "Mr. Speaker and Members of the House, Senate Amendment #1, in which I'm going to ask for concurrence on, really provides that under the Public Fund State and Publication Act, that townships in lieu of publishing every employee's individual salaries per that Act dollar for dollar, would give the townships the option to either publish an individual's given salary down to the actual penny..."

Speaker Johnson, Tim: "Excuse me, excuse me. If we could give the Gentleman your attention, it is an important Bill. Give the Gentleman your attention. Proceed, Representative Johnson."

Johnson, Tom: "Or at their option, they could publish the names of the employees in four categories in the amounts of pay under fifteen thousand, fifteen to twenty-four thousand, twenty-five to thirty-nine, forty and over. The rationale as I understand it of the Senate Amendment is that employees often look in the newspaper and they see what the person in the desk across from them is making and it might be fifty dollars more or less, and quite honestly, this just gives the townships the flexibility. They would still

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have to publish. They would have to publish the individual's names and the amounts and I would ask that we concur in this Amendment."

Speaker Johnson, Tim: "Questions of the Sponsor? The Chair recognizes the Gentleman from St. Clair, Representative Hoffman."

Hoffman: "Yes, would the Sponsor yield?"

Speaker Johnson, Tim: "He indicates that he will yield."

Hoffman: "Yes, Representative, this says that individuals who are on the payroll of a township, you don't...you no longer would have to publish their salaries and what they make?"

Speaker Johnson, Tim: "Representative Tom Johnson."

Johnson, Tom: "No, Jay. It says that you have to continue to publish as they normally do. The difference is that you can publish employees' salaries based in terms of these categories. In other words, they're making between fifteen and twenty-five thousand as opposed to making twenty-one thousand two hundred and fifty, for example."

Speaker Johnson, Tim: "Representative Hoffman..."

Johnson, Tom: "That is optional with each township."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, why do we want to make this change? Does it save money in any way?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "No. As I understand it, the reason for this change has to do with esteem within an office. We all work in offices. Many of us do. I might have two secretaries in my office, two fellow attorneys or whatever. As you know, we are all very interested in what the next guy is making. Now, if I've worked there for a year and you've worked there for a year, but I'm getting fifty dollars more than you, it creates this sort of problem internally within

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the office. As I understand it, this is an attempt to try to get away from that micro knowledge of everybody's individual pocketbooks in the offices."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Is this pushed by any given group?"

Speaker Johnson, Tim: "Representative..."

Hoffman: "Or is it just something that Senator Dillard thought would be appropriate?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "I'm not aware of any group that pushed it. You know, Senator Dillard put this on and I think it makes sense. I don't have a problem with it."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "I don't necessarily disagree. My question is regarding specifically the township officials organization. Many people on this side of the aisle and your side of the aisle respect what they think about given legislation. You don't know that they are against or for or have any position on this Bill?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "Yes, I have just been told that in fact they support this legislation, yes."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes. So the township officials do indeed support this legislation. The only real other avenue that I think we need to delve into with regards to this... Does this only apply to townships or could it also apply to county offices? Because what...the language says 'public officer is required to report all money that is paid out as compensation.' Could this potentially apply to counties, municipalities, and other public entities?"

Speaker Johnson, Tim: "Representative Johnson."

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Johnson, Tom: "As I understand it, it applies principally to the townships. Could it possibly apply to another public officer in terms of publication? I don't believe so, Jay. As I read it, if you begin in Section 1, it deals with these different municipalities and clerks and so on that are required to report in a different fashion, and I believe that it is principally just the township that...the townships that are involved here."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "In looking through the charts on this Senate Bill, one of the charts... It indicates under 15,000, which I guess is fine. Then...it goes in really different increments: 15,000 to 24,999, 25,000 to 39,999, and then the last category is 40,000 and over. Well that is a pretty broad range, and I mean somebody may be making 150,000 and then we are showing that they are only making 40,000 and over. Don't you think maybe we would want to have another subcategory above that?"

Speaker Johnson, Tim: "Representative, do you want to bring your comments to a close?"

Johnson, Tom: "Yes, Representative, I don't know about your townships where you are, but I got to tell you, in my townships, I'm not aware that that would apply to anyone. Maybe we should move downstate, huh?"

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Blagojevich. Representative Blagojevich, are you in your Chair."

Blagojevich: "Thank you, Representative Johnson. Representative Johnson, can you yield for a question or two?"

Speaker Johnson, Tim: "He indicates he will."

Blagojevich: "So, what township does this apply to?"

Speaker Johnson, Tim: "Representative Johnson."

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Johnson, Tom: "All townships that come under this Act that have to publish and I presume that is all the townships in the State of Illinois. Do you have townships in Chicago? I'm not real familiar with that."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "Representative Johnson, why have you found it necessary to apply this only to townships, but you have failed to include county government?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "We're not failing to exclude anybody who would fall under this because any public officer, other than the exclusions that are within this Act that have reporting requirements different than this publication, are required to do this. So, we are not."

Speaker Johnson, Tim: "Representative Blagojevich, further questions?"

Blagojevich: "Yes, does this legislation do anything with respect to municipal employees and their pension or life insurance policies? And if so, to what extent would it change present law?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "It doesn't apply. It doesn't do anything."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "And this is not... Incidentally this is not, by any means, confined to only DuPage County or the townships in that area? Right? Fair to say?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "No, we wouldn't want anything to apply only to Dupage."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "What about the fiscal impact on changing implementing this change? Could you tell us what the cost

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might be, the projected costs? And to what degree of certainty are those numbers accurate?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tom: "There would be no additional cost because you are required to publish these names and numbers now and you are going to be required to publish them after. If anything, it might be cheaper because you might only have to print a few numbers instead of the cents and the decimal point."

Speaker Johnson, Tim: "Representative Blagojevich."

Blagojevich: "I have one more question and I'll speak briefly to the Bill. Representative Johnson, this prohibits the township from paying premiums for what people? What people are prohibited from paying premiums, or what townships are prohibited from paying premiums and how would that apply?"

Speaker Johnson, Tim: "Representative Johnson."

Johnson, Tim: "That has nothing to do with the Senate Amendment. That is the underlying Bill which already has passed out of here, Representative. This is just a publication."

Speaker Johnson, Tim: "To the Bill, Representative Blagojevich."

Blagojevich: "Thank you, Representative Tim Johnson. One brief question for Representative Tom Johnson. The retired public officials, the retired officials that you are talking about, can you tell us who they are again? And then I will speak to the Bill."

Speaker Johnson, Tim: "Representative Tom Johnson."

Johnson, Tom: "Again, that applies to the underlying Bill, Representative. It does not apply to what we are talking about here."

Speaker Johnson, Tim: "Representative Blagojevich, to the Bill."

Blagojevich: "Thank you, Representative Tim Johnson and thank you, Representative Tom Johnson and to Mr. Johnson, let me say that this Bill seems to be appropriate. The answers

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were well addressed by Representative Tom Johnson. Tom Johnson has elucidated the specifics of the Bill in a manner that convinced me that this is something that I should support and vote for and so accordingly, I intend to do so. And I intend to not only vote for it, but I'm here to encourage as many of our colleagues to support Tom Johnson. This may or may not have a sufficient number of votes. I hope it has the sufficient number of votes. I hope it reaches more than sixty votes. In fact, I'd like to see 115 votes for this or even 118 votes. And so anyone who is on the fence, please get off the fence. Vote in the affirmative. Tom Johnson's Bill seems appropriate. It seems realistic. It seems responsible and it seems like something that makes government better today and tomorrow than what it was yesterday and the day before. So I hope all of the Members of the General Assembly, all 118 Members of this illustrious body, the People's House, the People's chamber. I hope each and every one of you support Tom Johnson on this Bill. This is a Bill that needs to be passed. It needs to be passed, frankly, now. Justice delayed is justice denied. Why wait? Let's vote and pass Tom Johnson's Bill today before this Session of the General Assembly adjourns. I urge all of you to join me, to join Representative Hoffman, join Representative Dart, and of course last but not least, join Representative Tom Johnson to vote 'yes' on this Bill and of course, let's not forget Representative Al Salvi. Thank you."

Speaker Johnson, Tim: "I assume you don't want Representative Martinez to vote for this since he is excused today, so 117. The Chair recognizes the Gentleman from McDonough, Representative Myers. For what purpose do you rise?"

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

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Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' All those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the Chair, the 'ayes' have it. The main question is put. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 340?' Those in favor, signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 116 voting 'yes', 1 voting 'no', 0 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 340. This Bill having received a Constitution Majority, is hereby declared passed."

Clerk Rossi: "Attention Members: there are a number of Bills that appear on the Order of Concurrence and Nonconcurrence that need Motions to be filed. Members are encouraged to file those Motions."

Speaker Johnson, Tim: "Regular Calendar, on the Order of Concurrence, appears House Bill 438. Mr. Clerk, read House Bill 438."

Clerk Rossi: "House Bill 438, a Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Johnson, Tim: "The Chair recognizes the Lady from McHenry, Representative Hughes."

Hughes: "Thank you, Mr. Speaker. Senate Amendment #1 to House Bill 438 is in response to a commitment I made to this chamber when we voted on the underlying Bill. The underlying Bill relates to the conditions where by referendum to abolish township government would be passed. The Bill passed this House on a vote of 100 'ayes' and 0

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'nays'. With my word that I would clarify language to require that not only would it take a majority and three quarters of the townships, but those three quarters of the townships must contain a majority of the population of the county. That is the summoned substance of this Amendment and I move to concur in Senate Amendment #1 to House Bill 438."

Speaker Johnson, Tim: "On the Lady's Motion, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Representative Hoffman, proceed."

Hoffman: "Yes, Representative, would the Sponsor yield?"

Speaker Johnson, Tim: "She indicates that she will."

Hoffman: "Thank you, Speaker. Now, Ann, I think this now is the final version and I think it takes care of some of the questions that I, as well as Representative Woolard had. Could you just explain to the Body what the difference between Amendment #2 was and Senate Amendment #1?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes, House Amendment #2 states that in order to pass this referendum county wide, it must pass with a vote of a majority in each of three quarters of the townships in a county. Senate Amendment #1 adds to that the provision that those three quarters of the townships represent at least a majority of the population of the county; thereby, precluding a minority of voters determining the outcome of a referendum."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So here is what would happen is that we would have a county, and let us say that there were 21 townships...28 townships in a county. In a county with 28 townships, we would have to have three quarters or 21 of those townships would have to have the majority vote to abolish township

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government in that district. So 21 of those townships must vote to say, 'we want to get rid of township government' in that county. And in addition, that must represent the entire majority of voters in that district. Is that correct? In that county, I'm sorry. In that county."

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Is it the majority of those voting in that county or the majority of the population in that county?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "They must represent a majority of the population of the county."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So a majority of the population doesn't have to vote to abolish township government, you would just have to have the three quarters that make up the... In other words, the 21 one townships that would have voted in order to say they want to get rid of township government. The population of all those together would have to be a majority of the county."

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So indeed this does address the concern that many had that we could have three quarters of the twenty-one townships that voted to get rid of township government in that county. Could it, Representative, a very small population base... For instance, not the biggest area or the biggest city in the county and therefore, the minority would be opposing the will on the majority of the population?"

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Speaker Johnson, Tim: "Representative Hughes."

Hughes: "That is correct."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Now, do you know of any opposition to the Bill?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "There are no organizations opposing this Bill. It is supported by township officials. The only opposition that I am aware of is from a small number of constituents in my county where we had such a referendum and they were the proponents of abolishing township government. I've had a letter from two individuals opposing it."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So the township officials are in favor of this legislation strongly?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "Yes."

Speaker Johnson, Tim: "Representative Hoffman, further questions?"

Hoffman: "Yes, just to the Bill. I think I would like to commend the Sponsor of this legislation. She came to this Body with a piece of legislation that I think needed to address a situation that was crying to be addressed in this state. What was being allowed in this state is that a small minority of individuals could essentially deprive an entire county of township government. Now what we are doing with this Bill is that we are saying it has to be a majority of the individuals in a given county to abolish township government. With this, I think is something that needed to be addressed. I'd like to commend the Sponsor. She really worked hard on this Bill and has a very good, fine piece of legislation. I urge an 'aye' vote."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from

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Williamson, Representative Woolard."

Woolard: "Thank you, Mr. Speaker."

Speaker Johnson, Tim: "Give Representative Woolard your attention, please. Representative Woolard, proceed."

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

Speaker Johnson, Tim: "She indicates she will."

Woolard: "I think that Representative Hoffman covered the basis pretty well and I, too, would like to commend you for...I think what is a great piece of legislation that you have addressed, all of those concerns. And I believe, to the best of our ability and especially your ability, that we now have something that can work effectively and reasonably. Of those people that have contacted you in opposition, is there anything that you could have done in trying to come up with some kind of solution that would have satisfied them in your opinion?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "The only thing that would have satisfied them would be outside the scope of existing law, and that is to allow a repeat referendum without recirculating petitions."

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "So, in other words, they have tried, in your county, to abandon or abolish the township form of government and failed. And now you believe that they would like to proceed along those same lines that they did before if they could and if this law does not come into effect before that happens?"

Speaker Johnson, Tim: "Representative Hughes."

Hughes: "We had a referendum in November of 1994 which failed at roughly three, three and a half to one. I think this is something that will be coming up again, perhaps in our county and in other counties, and I think the purpose here

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is not to institutionalize townships, it's not to preclude referendum where there is a debate on the continuing townships, but to eliminate the possibility here which I don't know occurs anywhere else, regarding local government, where the voters of one township can effectively take away from the voters of another township, township government. The voters of one municipality don't have the power to remove municipal government from the residence of another municipality. And, yet, as the law stands today, that is possible for township government. That is what this particular Bill is all about."

Speaker Johnson, Tim: "Representative Woolard, further questions or comments?"

Woolard: "To the Bill, Mr. Speaker..."

Speaker Johnson, Tim: "To the Bill."

Woolard: "I stand in strong support of the Lady's legislation. I think that she has accomplished something that can be very effective and real. I think that each and every one of us should stand together in supporting this because she just stated that this disallows someone making a decision on our behalf that is not representative of a majority of those people wanting to make that decision. It also disallows someone else making a decision for us where we might live in a township that someone else decided in that county that they wanted to eliminate without our acceptance or beliefs that that is the right approach. Once again, I think that everyone should be proud of the fact the way the system does works sometimes, and I think this is something that we can be proud of. I urge an 'aye' vote."

Speaker Johnson, Tim: "There being no further discussion, the Chair recognizes the Lady from McHenry, Representative Hughes, to close."

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Hughes: "Thank you, Mr. Speaker. This Bill in concept has passed both Houses unanimously and I'd appreciate a 'yes' vote. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 438?' Those in favor signify by voting 'aye', those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 1 voting 'no', 3 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 438. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Proceeding on the Order of Concurrence on the Regular Calendar, Mr. Clerk, read House Bill 471."

Clerk McLennand: "House Bill 471. A Motion to concur has been filed by Representative Cowlshaw and has been approved for consideration."

Speaker Johnson, Tim: "Is Representative Cowlshaw present? Proceed with your Bill, Representative Cowlshaw. The Chair recognizes the Lady from DuPage, Representative Mary Lou Cowlshaw. Representative Cowlshaw, proceed."

Cowlshaw: "Thank you very much, Mr. Speaker. Ladies and Gentleman of the House. This is the Legislation which when it passed out of here, it was the initiative of the Illinois Student Assistance Commission to create for itself a special fund in which to place the map monies..."

Speaker Johnson, Tim: "Proceed, Representative Cowlshaw."

Cowlshaw: "Monetary Award Program monies that had not yet been awarded so that all of those monies could be awarded and not carried over or lost from one fiscal year to another. Because of the language in that legislation, the Bureau of

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the Budget was concerned about how it could be interpreted. So the Bureau of the Budget worked with ISAC to develop this Amendment. The Bill essentially does the same thing that it did when it left here by an overwhelming vote. It's just that the language has been changed slightly to satisfy the questions of the Bureau of the Budget. Therefore, Mr. Speaker, I move that we concur in Senate Amendment #1 to House Bill 471."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from St. Clair, Representative Hoffman. He has yielded his time to the Lady from Cook, Representative Erwin. Rather than do that, I'll recognize you on your own time."

Erwin: "Thank you."

Speaker Johnson, Tim: "So, I'll recognize the Lady from Cook, Representative Erwin. Proceed."

Erwin: "Thank you, Speaker. In Committee the other day, there were a number of us that raised some questions and I want to let the Sponsor know that after taking a look at this, we do feel fairly comfortable that the integrity of the monetary award program will be preserved. We understand that this was a compromise. We think the Representative's original Bill was a lot stronger, but I would rise to support the Senate Amendment #1 to House Bill 471 and urge my side of the aisle to support this concurrence."

Speaker Johnson, Tim: "There being no further discussion, the Chair recognizes the Lady from DuPage, Representative Cowlshaw, to close."

Cowlshaw: "Please, vote 'yes'. Thank you, Mr. Speaker."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 471?' All those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 115 voting 'yes', 0 voting 'no', 1 voting 'present', and the House does concur with Senate Amendment #1 to House Bill 471. And this Bill, having received the required Constitutional Majority, is hereby declared passed. Still on the Order of Concurrence, Mr. Clerk, read House Bill 505."

Clerk McLennand: "House Bill #505. A Motion to concur for Senate Amendment #2 has been approved for consideration. A Motion to concur for Senate Amendment #1 has been approved for consideration."

Speaker Johnson, Tim: "Representative Brady, proceed."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen. Senate Amendment #1 did not change the intent of the Bill. It simply clarified some portions of the Bill to keep the intent so that Sheriffs, in addition to any other person authorized by law, may administer the oath of office required of a deputy sheriff, and I ask this Body to concur with Senate Amendment #1."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from St. Clair, Representative Hoffman. Is there a problem?"

Hoffman: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Johnson, Tim: "Yes, state your inquiry."

Hoffman: "It's my understanding there are two Amendments to this Bill and we are only dealing with Senate Amendment #1. Is that correct?"

Speaker Johnson, Tim: "The Motion on the board is to concur with Senate Amendment #1. That is correct."

Hoffman: "That is my understanding, but the problem is that there...the problem is that there is also a Senate

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Amendment #2. So we concur here with Senate Amendment #1 and don't deal with Senate Amendment #2, what happens to the Bill?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I have filed an alternative Motion to nonconcur with Senate Amendment #2 today."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So, when are we going to do this nonconcur... If they could converse real quickly, I would appreciate it, to figure out what is going on."

Speaker Johnson, Tim: "I'm sorry, Representative Hoffman. I didn't understand your inquiry."

Hoffman: "If they could converse real quickly, we may be able to figure this out."

Speaker Johnson, Tim: "I'd be more than happy. If the House could be...be...be...be at ease for just a moment. Representative Hoffman."

Hoffman: "Parliamentary inquiry."

Speaker Johnson, Tim: "Proceed."

Hoffman: "It is my understanding that Senate Amendment #2 is still in Rules, or somewhere. Is that incorrect?"

Speaker Johnson, Tim: "Mr. Clerk."

Clerk McLennand: "There was a Motion filed to concur in Senate Amendments #1 and 2. That Motion was divided in Committee with the Motion to concur in Senate Amendment #1 approved and the Motion to concur in Senate Amendment #2 was not approved. Subsequently, a Motion to nonconcur in #2 has been filed."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, but the problem is...inquiry of the Chair."

Speaker Johnson, Tim: "Yes."

Hoffman: "It is my understanding that the alternative Motion to

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Senate Amendment #2 has to go to Rules prior to time we do the nonconcurrence on the Floor. I believe that that has been the practice that these nonconcurrences have gone through Rules."

Speaker Johnson, Tim: "This issue, as you are aware, Representative Hoffman, has been raised previously. The Parliamentarian ruled that only final action Motions had to go to Rules. A Motion to nonconcur in Amendment...Senate Amendment #2 was not as to final action, and therefore, your point in that respect, if you are making a point of order, is not well taken. Representative Hoffman."

Hoffman: "It is my understanding that that is not what was done yesterday, Mr. Speaker."

Speaker Johnson, Tim: "That is...you are correct in so stating that I have stated what the rules of the House are and the ruling of the Parliamentarian, and that is what we intend to proceed with today. Representative Hoffman."

Hoffman: "So, would we say then that the Parliamentarian was in error yesterday and he is right today? Or is he in error today and was right yesterday?"

Speaker Johnson, Tim: "You can say, Representative Hoffman, whatever you choose to say. I'm not making a judgement."

Hoffman: "Well the question is, do Motions to nonconcur have to go through Rules? And you are saying they don't."

Speaker Johnson, Tim: "The answer is 'no'."

Hoffman: "Then I have a questions to the Amendment #1."

Speaker Johnson, Tim: "Proceed."

Hoffman: "Yes, Representative, in all the commotion, I guess I lost exactly what Amendment #1...Senate Amendment #1 does to the Bill."

Speaker Johnson, Tim: "Representative Brady."

Brady: "Senate Amendment #1 does not change the initial intent."

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It becomes the Bill and it adds a clause that states, 'a sheriff, in addition to any other person authorized by law, may administer the oath of office required of a deputy sheriff.'

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "So the provisions which would raise the property taxes in Dupage and Lake Counties are not on this Bill?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, would the adoption of Senate Amendment #1... All that is on this Bill is what I read."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well I understand what you are saying, but that ain't my question. My question is, is the property tax increase that passed out of the Senate, is that on this Bill, on this concurrence?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, there is language in Senate Amendment #2 which you may be referring to that I have made a Motion to nonconcur with."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes. So all this would do then, it would expand the authorization regarding the 'old to deputy' sheriff, so that a sheriff could give that oath to the deputy sheriff. Is that correct?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Correct, and I believe that measure passed unanimously out of this chamber."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Yes, but...I know that it did, but we are expanding it now from what the original Bill did. The original Bill said that the sheriff or the designated notary republic, or a court clerk judge, clerk of the court or county clerk

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could do this. How does this change existing in law?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, all the items you mentioned, regardless...excuse me. Aside from Sheriff or in existing law is my understanding... Does that back rub feel good, Representative...under existing law, and we are simply clarifying that a sheriff has the authority to swear in their own deputy sheriffs, a practice that has long happened in this State and we are making it statutory."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well it was my understanding that 'Gail Fransend', the Dupage County Board Chairman, was a big proponent of Amendment #2. So, we are not going to be dealing with what the Dupage County Board Chairman wishes to do with respect to Amendment #2, and increase the property taxes in DuPage County?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, as I've stated for the third time now, we have filed a Motion to nonconcur with Amendment #2."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Does Amendment #1 gut the entire Bill and then become the Bill?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Yes, Representative."

Speaker Johnson, Tim: "Proceed, Representative Hoffman."

Hoffman: "So, now what would happen here is that the individuals listed, other than the sheriff...other than the sheriff, the only individuals that can administer this oath are other persons authorized by law. Is that right?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, all we're doing is adding the sheriff."

Speaker Johnson, Tim: "Representative Hoffman."

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Hoffman: "Well I thought that is kind of what the original Bill did and I don't know why we are changing it. There has got to be some reason we're changing the original Bill because it says... Well, your Bill now reads...it says, 'a sheriff, in addition to any other person authorized by law'. The question is, who are other persons authorized by law?"

Speaker Johnson, Tim: "Representative Brady."

Brady: "Representative, I can't defend the Senate's action, nor why they did what they want to do. I do believe that what they have done is exactly what we have tried to do: coroners, treasurers, judges, clerks of the court, and so on, all have the designation of the authority."

Speaker Johnson, Tim: "Representative Hoffman."

Hoffman: "Well, if you don't want it, then let's nonconcur. Let's nonconcur with something just because we want to do it. Let's move to nonconcur. I make that Motion..."

Speaker Johnson, Tim: "Mr. Clerk."

Clerk McLennand: "Attention, Members. Members have been issued tickets for tonight's dinner and they should proceed through the line in the Speaker's hallway at this time. Dinner is provided by Saputo's. Members with their tickets should proceed through the food line."

Speaker Johnson, Tim: "There being no further discussion, the question is... Representative Hoffman."

Hoffman: "Yes, I just made a substitute Motion and I understand that substitute Motions don't have to go through Rules to nonconcur on this Senate Amendment."

Speaker Johnson, Tim: "Our Rules provide that only the principal Sponsor can make the Motion and accordingly, your Motion is out of order. Representative Hoffman."

Hoffman: "Well, I think he just said that he doesn't defend the

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Senate's actions which to me is a request; although, not in the proper form, was a request to nonconcur. I just, being a lawyer, am attempting to put it into proper form in asking that we nonconcur. We'll join him. We don't want to defend the Senate's actions here either."

Speaker Johnson, Tim: "The Chair has ruled."

Hoffman: "All right."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 505?' Those in favor signify by voting 'aye'; those opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 113 voting 'yes', 1 voting 'no', and 0 voting 'present'. And the House does concur with Senate Amendment #1 to House Bill 505. Mr. Clerk."

Clerk McLennand: "A Motion to nonconcur in Senate Amendment #2 has been filed by Representative Brady."

Speaker Johnson, Tim: "The Gentleman moves to nonconcur with Senate Amendment #2 to House Bill 505. Those in favor signify by saying 'aye'; those opposed by saying 'no, and the Motion carries and the House nonconcur with Senate Amendment #2 to House Bill 505. Mr. Clerk, on the Regular Calendar, proceed with House Bill 513."

Clerk McLennand: "House Bill #513. A Motion to concur with Senate Amendments #1 and 2 has been filed by Representative Persico and approved for consideration."

Speaker Johnson, Tim: "The Gentleman from DuPage, Representative Persico."

Persico: "Thank you Mr. Speaker, Members of the House, I move to concur in Senate Amendments #1 and 2 on House Bill 513. These Amendments were given to us be the township officials

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of Illinois, and basically, I would like to go through the Amendments at this time. Senate Amendment #1 adds to the Bill and amends the Township Code. It allows persons to vote at special annual town meetings if they have registered to vote at least 28 days prior. It exempts some competitive bidding the sale of any property declared surplus by the electors and sold to another governmental body. It requires the township supervisor to furnish copies of this report which is required to be submitted to the comptroller or the township trustee. It authorizes townships and road districts to finance for a period of 20 years in the case of real estate and a period of 10 years in case of personal property. It's identical to language offered in House Bill 606 by Representative Hoeft."

Speaker Johnson, Tim: "Representative Persico, before you proceed, Representative Lang has moved to divide the question. So...prior to your proceeding, the Clerk does have an announcement. Mr. Clerk."

Clerk McLennand: "The House Rules Committee will meet on Wednesday, May 24, at 6:30 p.m. in the Speaker's Conference Room. Rules Committee, 6:30 in Speaker's Conference Room."

Speaker Johnson, Tim: "With my apologies, Representative Persico, now proceed with Senate Amendment #1 to House Bill 513."

Persico: "Thank you, Mr. Speaker. I am finished with Senate Amendment #1 and what the provisions are. I'd be happy to answer any questions."

Speaker Johnson, Tim: "On Senate Amendment #1, the Chair recognizes the Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, an inquiry of the Chair."

Speaker Johnson, Tim: "State your inquiry."

Novak: "Mr. Speaker, I am getting many complaints I know on my

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side of the aisle as well as on that side of the aisle. You know, the Clerk... Terry made the announcement about the dinner and everything and we all have our dinner tickets, but I know here we are, once again. Steve Spangler is the first guy in line and he's the first guy with his plate. Can you please give us a ruling, a reasonable ruling, that the slimmer, smaller people get in line first before these big guys get in line? Take all the food away?"

Speaker Johnson, Tim: "Well, as the Chairman of the slimmer, smaller people caucus, I guess I have to see to Representative Spangler wait at all because I don't have any choice. So, Representative...if you want to deal with Representative Spangler, Representative Novak, have at it. The Chair recognizes the Gentleman from Effingham, Representative Hartke. But your point is well taken, Representative Novak."

Hartke: "Thank you very much, Mr. Speaker, Members of the House. Will the Sponsor be so kind as to yield to some questions?"

Speaker Johnson, Tim: "I'm sorry, Representative Hartke. I didn't understand."

Hartke: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Yes, he will yield."

Hartke: "Thank you. Representative Persico, I think I heard you say something about Senate Amendment #1 dealing with elections. Are we changing the township elections here in any way?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, the thing that that provision in Senate Amendment #1, it allows persons to vote at a special or annual town meetings if they have registered to vote at least 28 days prior to the election."

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Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yeah, Mr. Speaker, could you... After the discussion about the food line and everything else..."

Speaker Johnson, Tim: "I'd be more than happy to restore your time."

Hartke: "Thank you..."

Speaker Johnson, Tim: "In regard to the food line, Representative Mautino has raised the issue of the application to the law of the jungle, and his point is well taken, as well. Proceed with your five minutes."

Hartke: "Well, thank you very much. Representative Persico, you said something about changing it to 28 days for the registration. What is the current law?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I don't have the answer to that question right now. I would say it is very similar to what it is for the general election. Thirty days, probably."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Thirty days, probably? Would you explain what you mean by that?"

Speaker Johnson, Tim: "Representative, I would suppose that it is similar to what it is to vote for a general election which is 30 days prior. This will make it 28 days."

Speaker Johnson, Tim: "Representative Hoffman...Hartke."

Hartke: "Yeah, he almost looks like me. We've been on a diet together."

Speaker Johnson, Tim: "Pardon?"

Hartke: "Nevermind. Representative Persico, why would we want to change election law to take it and confuse people, township - 28 days, general election - 30 days? Why would we want to do that? That really doesn't make a whole lot of sense. Does it?"

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Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I'm only guessing now, and my guess would be that if we can get more people involved in township government. And by doing that by easing the restrictions let's say, a few days, this would allow more people to vote in the annual town election...or the annual township election. And as you are well aware as I am in township elections, at the town meetings and so on, there are very few people that come out to vote in these particular elections and we're probably trying to encourage more participation by the people in these areas."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well I would think that this would be confusing people because now we have changed the law again and we want to... Does this apply to all elections now or just the township elections?"

Speaker Johnson, Tim: "Representative, in response."

Persico: "Representative, this Bill or this Amendment only applies to township elections and town meetings."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I would think that there would be no need to change that from the present 30 days. You know, I don't think two days is going to make a whole lot of difference and it's doing nothing more than confusing the general public. Now, when you registered to vote for this township election, do you do that at the County Clerk's Office with normal registration, or is there a separate registration process within the township?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I believe that it would either be the...it could be either the County Clerk or the Township Clerk where you can register."

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Speaker Johnson, Tim: "Representative Hartke."

Hartke: "If you register for a township election would you also qualify then for county and statewide elections?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "I guess if we register to vote, it would apply to all of the elections, but, Representative, I believe that the time limitation of 28 days only applies to special elections for townships or the annual township elections."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Do you mean that as a registered voter myself, if I do not register to vote in the township special election, then I would not be allowed to vote in that election?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I'm sorry, it's a little noisy in here. Could you repeat that question?"

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I know there's a lot of munching going on around here, but I would think that as a registered voter in a state election, federal election, I'm registered to vote now. Do I have to re-register to vote in a township election?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "No, Representative, you do not. If you're already registered to vote in a general or a primary election, you are still eligible to vote in the township election. I think what they're trying to do is encourage more participation by people that possibly have not and have been moved by a particular issue in a township or so on, that these are people that have not registered to vote in, you know, they only have to register 28 days prior to this election."

Speaker Johnson, Tim: "Representative Hartke, if you want to

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bring your comments and questions to a close."

Hartke: "Well, I would hope somebody would give me some time. I've just gotten through part of the first Amendment and I've got another Amendment here to go on. Let's talk about the finance area just a little bit. Why are we changing law...township law to allow the financing of equipment?"

Speaker Johnson, Tim: "Representative Persico, you have three seconds to answer the question. If you just simply respond to the question."

Persico: "Representative, it's allowing them to...for the...for surplus to not do the competitive bidding. Just surplus property."

Speaker Johnson, Tim: "Further discussion? There being none, the Chair recog...Representative Hartke, your time is expired. I gave you extra time to begin with and extra time afterwards. If you want to ask one more question, go ahead."

Hartke: "Well, I have a whole lot of questions."

Speaker Johnson, Tim: "Well, there are time limits that we have and I've extended it. So go ahead and ask your question. Proceed with the last question."

Hartke: "No, I think that part of what you're asking is...We're also changing that section about surplus property, but we're also allowing for township government to finance pieces of equipment they're buying. Why do we want to do this?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Are you asking why we want them...allow them..."

Speaker Johnson, Tim: "Go ahead."

Persico: "Excuse me. Are you asking that why are we allowing townships to finance equipment and so on for a period of ten years? Is that your question?"

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Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes, it is. My analysis says, the Illinois Highway Code to change to better allow the townships to finance or purchase or lease the highway construction and maintenance equipment. Now, what we're doing is financing this lease. Why are we allowing townships to do that?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, obviously some township governments are having difficulty and they would require...I mean, they need this additional time in order to purchase, you know, either maybe trucks that they need for the highway department or, you know, computer...a new computer system or something like that for the assessors."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Stroger."

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

Speaker Johnson, Tim: "Proceed. Let me ask. Of any of the lights that are on, do any of you wish to defer your time to Representative Hartke? No independent questions? I'd be more than happy to entertain Representative Hartke's questions. Representative Hartke, proceed."

Hartke: "Well, thank you very much. I want to thank my colleagues. If someone would be so kind as to go get me dinner, then I'm sure...that'd be nice too. Let's talk about this financing just a little bit. Who would sign that finance lease for the township? Would that be..."

Speaker Johnson, Tim: "Representative. Representative. Representative."

Hartke: "...the Supervisor or the Road Commissioner. Would the Trustees have to vote on this finance lease?"

Speaker Johnson, Tim: "Representative Persico."

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Persico: "Representative, I believe that at their monthly meeting, the township Trustees would vote on whether or not to purchase a particular piece of equipment, and they would take a vote and it would be signed by the township supervisor in order to give them the okay to go ahead and purchase this equipment."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "I would think that it would be done by the Road Commissioner of the township as opposed to the Trustee. Does this legislation authorize just the Supervisor?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, this does not address the Road Commissioner, but my understanding of township government is that the Road Commissioner submits a budget, and if I may guess...You may be correct in that aspect, that if it falls within his budget or her budget, they would be allowed to purchase this particular piece of equipment. But I think if they're putting it over or financing it over a period of 20 years or 10 years, I think then that is when they would be...need the approval of the township Trustees."

Speaker Johnson, Tim: "Representative Hartke, further questions?"

Hartke: "Yes. There also makes a change to the Public Funds Statement Publication Act. Could you explain that?"

Speaker Johnson, Tim: "Representative Persico. We're still proceeding under Senate Amendment #1 now."

Persico: "Is Amendment #1...are you talking about? Is this your question dealing with Amendment #1?"

Speaker Johnson, Tim: "He indicates, yes, that it is. This is Senate Amendment #1, per Representative Persico."

Persico: "Representative, I believe you're talking about where they have to submit a report to the Comptroller and to the

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township Trustees. This just has them submit one report."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "This is done at the annual town meeting, it's my understanding. Is that correct?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Yes, it is, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I think this expands that. It says the Supervisor shall provide each member of the Township Board with a copy of his or her statement filed in accordance with Section 1 of the Public Fund Statement Publication Act as soon as possible after the filing of the statement. Would that be two weeks or three weeks?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, according to my understanding of rating the legislation, they still...the Supervisor, he or she still has to submit the report. They just have to submit it to the township Trustees."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, this is expanding and it's another job that the Supervisor has to do. Is this an unfunded mandate on the townships?"

Speaker Johnson, Tim: "Representative Hartke (sic - Persico)."

Persico: "No, Representative, the...he or she is currently doing that at this time."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I look at it as a 'shell' and it's another job that the Township Supervisor is required to do. He's required to file these reports with the State of Illinois. Is that with the State Treasurer or is that with the State Comptroller?"

Speaker Johnson, Tim: "Representative Persico."

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Persico: "That would be to the State Comptroller, Representative."

Speaker Johnson, Tim: "Proceed, Representative."

Hartke: "Yes. What does the State Comptroller do with these audit reports?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, they probably do the same thing they do with other reports, hopefully they're reading them."

Speaker Johnson, Tim: "Representative Hartke, you bring your comments to a close."

Hartke: "Do you know of any townships that have had a real problem that the auditor...the Comptroller's Office says, ah ha, here's a real problem in the township, so now we're going to require you to also give these copies to the Trustees of the township so they can help the Comptroller to see if there is any irregularities in the report?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, basically what we're doing here is cutting down on the amount of paperwork. We're taking the same report...taking the same report and having them give that report to the Comptroller as well as the township Trustees. We're basically cutting down on paperwork and the amount of time that the Supervisor has to put in under this report."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Lang. Representative Lang is...right here. Representative Lang."

Lang: "Thank you. I would love yielding my time to Representative Hartke."

Speaker Johnson, Tim: "Proceed, Representative Hartke."

Hartke: "Well, it would seem to me, Representative...By the way, thank you very much, Representative Lang."

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Speaker Johnson, Tim: "You're welcome, Representative."

Hartke: "It would seem to me you're adding to paperwork when you require that they now give the reports to the Trustees as opposed to just sending it to the Comptroller's Office."

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, currently they have to report...or they have to submit separate reports to the Trustees and the Comptroller. This is letting that person submit the same report to the Comptroller and to the Trustees rather than doing two separate reports."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So, it just...he has to copy this...this same report. Is that correct?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "That is absolutely correct, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Part of this piece of legislation also talks about surplus property. Is that correct?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "That's correct, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Could you explain in lengthy...the details on surplus property?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, basically what this legislation will do if it becomes law, it exempts township...they can declare property surplus and exempt them from competitive bidding of this if they...by the electors if they sell this property to another governmental entity."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "So could you give me an example of something like what you're trying to do here?"

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Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I would say an example might be that they have a truck, a highway truck, used for snow plowing and they are declaring this surplus property and selling it to either another township, maybe a municipality, maybe the county highway commissioner, and they're just exempting this particular piece of property from competitive bidding and selling it to another governmental entity."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Yes, do they have to sell this property at an appraised value?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I think they would find a fair market value of this particular piece of property while they sold it to..."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I guess that may apply to a piece of equipment. What about real estate?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I guess if I served on a township board and we had a particular piece of real estate, I would definitely get a fair appraisal of that piece of property if I wanted to sell it to another governmental agency."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I guess that's the reason why we want more participation in township government and why we want more people to register to vote 28 days ahead of time so that everybody at the town meeting can then vote to decide whether to declare the town hall surplus property or the snowplow surplus property, and..."

Speaker Johnson, Tim: "Representative Persico."

Persico: "I don't believe that was a question, I think that was a

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statement, Mr. Chairman...Mr. Speaker."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, Representative Persico, are you...have you ever been a township official?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Yes, I was. For a brief time."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Have you graced the township with your presence at annual town meetings since then?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, I believe I was a Trustee at two annual meetings and in the audience were probably maybe 10 or 15 people at these annual meetings."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Is there any requirement of the number of individuals at an annual town meeting to make it a...an official town meeting?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "No, Representative."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Would motor-voter help get people there? I mean, is...if that were brought into the process?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "I believe that anytime an issue comes up that moves a particular electorate, they will show up at a meeting."

Speaker Johnson, Tim: "Representative Hartke, if you could bring your comments and questions to a close."

Hartke: "I will certainly try. Well, I...Representative Persico, I think I'm going to support your piece of legislation here. I know you've worked very hard on it and I know it's an initiative of the township officials in Illinois. They've done a good job. I really have some questions of

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moving it from...from 30 days to 28 days because I think that will be more confusing than helpful, but..."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'. Those opposed say 'no'. In the opinion of the Chair the 'ayes' have it, the main question is put. And the question is, 'Shall the House concur with Senate Amendment #1 to House Bill 513?' All those in favor signify by voting 'aye'; those opposed signify by voting 'no'. Voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no' and none voting 'present', and the House does concur with Senate Amendment #1 to House Bill 513. And now, pursuant to Representative Lang's request, Representative Persico on Senate Amendment #2 to Senate...House Bill 513. Proceed."

Persico: "Thank you, Mr. Speaker and Members of the House. I move to concur on Senate Amendment #2. Senate Amendment #2 adds to the Bill. It amends the Election Code. It prohibits a person from voting in a February primary election if that person has also participated in the township political party caucus of another political party within 45 days before the first day of the calendar month in which the primary is held. Only applies to township caucuses in primaries and would prohibit a person from voting twice for the same offices. This is identical to the language contained in House Bill 2131...2131, Representative Meyer, from the 88th General Assembly. I would ask your favorable support of Senate Amendment #2 to

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House Bill 513."

Speaker Johnson, Tim: "The Lady from Cook, Representative Schakowsky."

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

Speaker Johnson, Tim: "Representative Hartke, proceed."

Hartke: "Representative Persico, what brought about this legislation other than Representative Meyer's previous Bill in the 88th General Assembly?"

Speaker Johnson, Tim: "Representative Persico."

Persico: "Representative, this was brought forward by the township officials of Illinois, and I believe that Representative Meyer would like to answer questions concerning this particular Amendment since it was his legislation earlier."

Speaker Johnson, Tim: "With leave of the House the Gentleman from Will, Representative Meyer, will be permitted to respond to questions. Representative Meyer, leave is granted."

Meyer: "Thank you, Mr. Speaker. Representative, this was brought to my attention, as a matter of fact in my home township, where it occurred that one political party had a caucus, the other political party had a primary, and some that participated in the caucus of the first political party tried to vote in the primary of the other political party. Under current state law, if one participates in a primary of one party, they are forbidden from participating in the primary of the second party. If they participate in the caucus of one party, they cannot participate in the caucus of the second party. But the current law is silent as to whether you can participate in the caucus of one and the primary of the other party. It's clear that the intention is that you should only participate in one political

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process, and therefore, this language is needed just to clarify the law."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Representative Meyer, does this have to be an established political party?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "I have not seen the specific language of the Amendment, in mind that, yes, it had to be an established political party and that was the case. It was the Democratic and Republican parties that were involved."

Speaker Johnson, Tim: "Representative Hartke."

Meyer: "Excuse me. Representative, I have the language. I believe it's for candidates for the same office, so it would be any political party."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Let me put forth a scenario. Let's say that Mr. Jones wants to run for Road Commissioner and he is hoping to be nominated at a party caucus, but he puts his name on the ballot of the opposing political party. Individuals go in and he fails to win in that primary, but yet he is running against an incumbent of his own party but does not show up at the caucus and does not participate in that caucus, yet fails to get a majority. Can he still run as an independent candidate although he participated and voted in one of the primaries.?"

Speaker Johnson, Tim: "Representative Meyer, in response to the hypothetical question."

Meyer: "Well, if the language of this Amendment is pretty straightforward. If a person has participated in a town political party caucus under the Township Code of another political party by signing an affidavit of voters attending the caucus within 45 days before the first day of the

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calendar month in which the primary is held, so it would...If you participated in one caucus you cannot participate in the primary of another. And I think that pretty well..."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Out of my scenario he did not participate in the caucus nor in the primary, but failed to win the primary without present at the caucus, but yet was nominated in both caucuses and so forth. He could still run as an independent, is that correct?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "I'm not sure if he could or not. This legislation is not geared towards that. It's geared toward actually voting in a primary of one party if you participate in the caucus of the other is what the legislation's geared towards."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, I don't know that there's a great outcry from the general public to change township law to avoid voter fraud or whatever. I would think we would want as much participation as possible in township elections and township business, and it would seem to me what we're trying to do here is...is avoid what we're trying to do in Amendment #1. We're trying to get as many people involved as we possibly can in the primaries and town meetings and so forth and here you're disallowing participation. Isn't this a little reversal of what we're trying to do in Amendment #1?"

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Clinton, Representative Granberg."

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

Speaker Johnson, Tim: "Yielding the time. You want to respond to

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the question, Representative Persico."

Persico: "Thank you, Mr. Speaker. Representative, you used the term voter fraud. I would think this Body would like to prevent voter fraud no matter where it occurs whether it's in a primary or a caucus or whatever, and that's simply what this is intending to do is in the spirit of the law you cannot participate in the primary of different parties at the same...in the same election. You cannot participate in the caucuses of different parties in the same election, and this just follows through with the same logical thread there that you can't participate in a primary of one party and the caucus of a second party in the same election. It doesn't prevent you in the next election from participating in additional caucuses of other parties or primaries of other parties. But in the true sense, if one follows it through logically, one should not participate in both election processes."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, you know I...I'm a little bit familiar with township law and I was...I'm not aware that one party can hold an election and the other party hold a caucus. Why do you think that is? Would that not be an expense for the township and the county which is the chief election official in each county, that a township...one particular party would be allowed to hold an election, a primary election, and the other one a simple caucus, which is nothing more than a room where all those members of the party gather, stand up and vote for this person or that person, and the other party be allowed to have a primary with ballots, voting machines, election judges. It would seem to me that if we wanted to avoid this, we ought to require that each party hold a party caucus on the same

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day, on the same day and have an election on the same day, a primary on the same day. Wouldn't that avoid all of this problem rather than trying to change 45 days before one party having a caucus, the other party having a primary, one causing an additional cost to the public. Wouldn't that be a simpler method of solving this problem?"

Speaker Johnson, Tim: "Representative Meyer."

Meyer: "Well, Representative, current election law has been in force for some time. It is provided in current election law that one party can hold a caucus and a second party can hold a primary. That's just a part of election law that's there to start with and it's not required that they're held in the same...on the same date. Obviously, primaries are set by the calendar and caucuses can be held at other times. And again, this is a real scenario that did occur in my home township where one party rightfully chose to hold a caucus and the other party, by law, rightfully chose to hold a primary for the same election. And the law provides that they can so choose and this seeks to remedy the situation of where one...of where individuals try to participate in both the caucus of one party and the primary of an opposing party which I think logically you'd have to admit that just doesn't ring true either."

Speaker Johnson, Tim: "Representative Hartke."

Hartke: "Well, logically, if we're changing election process requiring and not requiring who can't participate either in a caucus or a primary, wouldn't it logically be...us to say, since we're changing the law anyway, to say that both parties shall hold a primary or both parties shall hold a caucus. That would make it consistent and solve the problem."

Speaker Johnson, Tim: "Representative Meyer, in a brief

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response."

Meyer: "Thank you, Mr. Speaker. I believe that the Amendment, as put forth, is consistent with current law and it's a good Amendment and I would ask for your favorable vote on it."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Coles, Representative Weaver."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'. Those opposed by saying 'no'. In the opinion of the Chair the 'ayes' have it, the main question is put. The question is, 'Shall the House concur with Senate Amendment #2 to House Bill 513?' All those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 116 voting 'yes', none voting 'no' or 'present', and the House does concur with Senate Amendment #2 and having previously concurred with Senate Amendment #1 to House Bill 513. And this Bill having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 632 on the Order of Concurrence. Is Representative Saviano in the chamber? Take the Bill out of the record. Mr. Clerk, on the Order of Concurrence read House Bill 939. The Lady from Lake, Representative Clayton."

Clerk McLennand: "House Bill 939. A Motion to concur with Amendment #1 has been filed and approved for consideration."

Speaker Johnson, Tim: "Representative Clayton, proceed."

Clayton: "I move to concur in Senate Amendment #1 to House Bill

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939. This has to do with the Bikeway Act and the statewide bicycle planning group. This Amendment only adds an additional representative to the council, the interagency council, providing that a representative of the Cook County Forest Preserve should be a member of this council. I think it's a good Amendment. It helps to provide for local planning."

Speaker Johnson, Tim: "On the Amendment the Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Johnson, Tim: "She indicates she will."

Lang: "Representative, what does the Cook County Forest Preserve District say about your proposal on this Amendment?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "The Cook County Forest Preserve requested this Amendment."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Now, when you say they requested it, who requested it?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "Their lobbyists."

Speaker Johnson, Tim: "Representative, proceed."

Lang: "So this is a Bill for a lobbyist, Representative? A lobbyist requested this Bill? No. This isn't a lobbyist's Bill, this is your Bill, right?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "That's right, it's my Bill. It was originally requested by the County of Lake. They had felt that this interagency council should include a county engineer that was chosen from the...their statewide association to ensure that there be county...or that there be local planning on this bikeway system. The Bill passed. Later the lobbyists for the Cook County Forest Preserve approached me and said

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that they have a large bicycle pathway and they felt that they would like to be a part of this interagency council."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And now, Representative, I see this deals with bikeways that's way...a pathway for a vehicle to move. Is there anything in here regarding licensing of limousines?"

Speaker Johnson, Tim: "Representative Clayton, do you wish to respond?"

Clayton: "No, I'm sorry, we didn't include that in this."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, aren't you concerned about whether the fact that those dangerous limousines on our roadways might be driving down these bike paths?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No, they're not allowed."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Representative, how will the representative of the Cook County Forest Preserve District be chosen?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "From the..."

Speaker Johnson, Tim: "Give the Lady your attention."

Clayton: "The forest preserve will select their representative."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, who there? Not the lobbyists. And does the Bill say...the Amendment give any indication how this person should be chosen? It wouldn't be one of the limo drivers that drives the lobbyists around, would it?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "I suppose, if he was on the forest preserve board, it might be."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Yeah, but the Bill doesn't say it has to be a member of

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the forest preserve board, does it? In fact, it could be anybody, correct?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No...I don't have a copy of the Amendment. Just...could you hold on, please?"

Speaker Johnson, Tim: "We will be at ease just a moment while the Lady's obtaining a copy of the Amendment. Representative Lang, sure, proceed."

Lang: "Well, I'll be glad to wait, but it seems to me that since Representative Clayton has taken three minutes of my time without even having the Amendment in front of her, I think I'm entitled to my whole five minutes. What do you guys think? There you are."

Speaker Johnson, Tim: "Proceed with your questioning."

Lang: "...not, huh. Okay. Representative, do you have an answer to my last question?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "How was it? That you wanted five more minutes? What was your question? I'm sorry."

Speaker Johnson, Tim: "Representative Lang, state your question again."

Lang: "Oh, sure. The question was, does this person have to be a member of the Cook County Forest Preserve District Board? I don't see that in the Bill."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "My analysis says that it should be a representative of the Cook County Forest Preserve."

Speaker Johnson, Tim: "Representative Lang."

Lang: "However, that doesn't mean that person has to be a member of that board does it? It just simply means a person chosen by them. Is that correct?"

Speaker Johnson, Tim: "Representative Clayton."

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Clayton: "That's correct."

Speaker Johnson, Tim: "Representative Lang."

Lang: "And so we're going to allow this board, with no characteristics, with no comments in the legislation, with no guidelines, to just willy-nilly choose somebody to do this job?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "The Cook County Forest Preserve Board is a governmental agency that is well respected and they are certainly capable of selecting a good representative for this agency."

Speaker Johnson, Tim: "Representative Lang, if you could bring your comments and questions to a close."

Lang: "Well, we're well respected. I don't think anyone would trust us to make this choice. Let me ask you this, Representative. Since this is on bikeways, does the person who is this representative have to be an expert in bicycle riding?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "I don't believe they'd have to be an expert, but I would imagine they would have an interest in it or at least providing that recreational possibil..."

Speaker Johnson, Tim: "Representative Lang, your time is expired. The Gentleman from Bureau, Representative Mautino."

Mautino: "Will the Sponsor yield?"

Speaker Johnson, Tim: "Indicates she will."

Mautino: "Representative, does the Amendment become the Bill?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "So if I remember correctly, this Bill had to do with requiring quarterly meetings of this commission?"

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Speaker Johnson, Tim: "Representative Clayton."

Clayton: "Yes, that's correct."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "I remember when this Bill came through we had a panel of bicycle experts. I believe the file went from Representative Lang to Representative Hoffman, a well known bicycle expert, to Representative Schakowsky, to probably the House leading bicycle expert, Harold Murphy."

Speaker Johnson, Tim: "Representative..."

Mautino: "In the course of doing this, though, we didn't really mention too much about the Bill. Did the Farm Bureau have any position on this Bill? When you deal with the bikeways and the greenways, we sometimes get into questions of land rights, reverter clauses on properties."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "There were no opponents. The proponents of the Bill were Lake County, the Illinois County Superintendents of Highways, the Chicagoland Bicycle Federation, the League of Illinois Bicyclists, the Illinois Association of County Engineers, and Rails to Trails Council."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "To the...to the underlying Bill, again, just quickly. Why is it that we're requiring the quarterly meetings? Wasn't it up to the Department of Transportation to call these? Is it just...When's the last time they had a meeting? A better question yet."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "This Bill did not even address that particular portion. That's in existing law. This Bill originally only added the county superintendent...oh, okay. You're right, at least quarterly. As I recall in Committee when this was being discussed, it was pointed out that even though if

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there is no business to discuss, obviously they would not hold their meeting."

Speaker Johnson, Tim: "Representative Mautino."

Clayton: "And they...No, they have not met for several years."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "Well, I know under the Conservation Congress, the Rails to Trails is a large...is a program which generated a lot of interest and some controversy. Were they...was there anything from the Department of Conservation? Any comments made towards this?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "No."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "As far as they...You said the Farm Bureau had no problem with this, with them meeting. Why didn't IDOT call any meetings?" Why do we have to require IDOT...I have no problem with requiring IDOT to call the meetings, just why is it necessary?"

Speaker Johnson, Tim: "Representative Clayton."

Mautino: "Is there now something that they have to meet on for this commission? Is the commission even necessary?"

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "I don't know how it is in your part of the state, but in my part of the state bicycle paths are expanding rapidly and it's very important that there be regional planning so that they can connect with one another, and you do have a bicycle trail that goes someplace so that, not only for recreational purposes, but also for alternate modes of transportation."

Speaker Johnson, Tim: "Representative Mautino."

Mautino: "In my district I have the Illinois-Michigan Canal which is currently one of the greenways projects which is being

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tied up. So I would like to see them meet and also to have some input or direction from the Department so we can get the final length of that trail completed. I support your Bill."

Speaker Johnson, Tim: "Representative Clayton."

Clayton: "Yes, it would be nice if we could get from my part of the state to your part of the state on a bicycle, so I urge a 'yes' vote on this."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from McDonough, Representative Myers."

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

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'. Those opposed by saying 'no'. The 'ayes' have it, the main question is put. Representative Clayton to close."

Clayton: "It's a very simple Bill. I urge a 'yes' vote."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 939?' All those in favor signify by voting 'aye'; those opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 112 voting 'yes', 5 voting 'no', and the House does concur with Senate Amendment #1 to House Bill 939, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, on the Order of Concurrence on the Regular Calendar please read House Bill 632."

Clerk Rossi: "House Bill 632. A Motion to nonconcur with Senate Amendment #1 has been filed and approved for consideration."

Speaker Johnson, Tim: "The Gentleman moves to nonconcur with

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Senate Amendment #1 to this Bill. All in favor signify by saying 'aye'. Those opposed by saying 'no'. And the Motion carries and the House nonconcur with Senate Amendment #1 to House Bill 632. Representative Lang, for what purpose do you rise?"

Lang: "Thank you. I hope you don't have to cite the rule to you, Sir, that allows for a Roll Call record vote and debate on a Nonconcurrency Motion. We're entitled to know why the Sponsor wants to take the Amendment off the Bill and what the Amendment did and what his plans are."

Speaker Johnson, Tim: "Mr. Lang, this was addressed yesterday. Mr. Clerk, read House Bill 781 on the Order of Concurrence on the Regular Calendar. House Bill 781."

Clerk Rossi: "House Bill 781. A Motion to concur with Senate Amendment #1 has been filed and approved for consideration."

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

Saviano: "Thank you, Mr. Speaker, Members of the House. Senate Amendment #1 to House Bill 781 was a clarification on the original Bill. It cleans up the Bill which contains separate sections setting the annual mortgage broker license fee at \$500 and at \$1800 per year. It deletes the section providing for mortgage license fees of \$500 per year and confirms that the license fees shall be \$1800 annually. This Amendment confirms an understanding between the Commissioner of Savings and Residential Finance and the Illinois Association of Mortgage Brokers that was in place at the time the Bill passed the House. I would ask for a concurrence on Senate Amendment #1."

Speaker Johnson, Tim: "On the Bill, the Chair recognizes the Gentleman from Cook, Representative Lang."

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Lang: "Mr. Speaker, a point of order before I go to this Bill. I've been waiting for a ruling on House...my request on House Bill 632 which you moved the Nonconcurrency Motion over my objection when we requested debate and a Roll Call vote on that Motion. The rules are very clear on this, Sir. We had a lengthy debate on a Bill that Mr. Leitch had that where we were discussing the same issue. It's clear that House Rule 8-1 allows and requires a roll call vote and debate when requested by two Members. Many hands were up. You heard us, you saw us, and yet you rolled right over us, Sir. I would think it appropriate that the Chair go back to that Bill and allow the Sponsor to explain why he wishes to nonconcur, what the Amendment did, and let the Body vote on such Motion."

Speaker Johnson, Tim: "...Lang, as we indicated yesterday from the Chair, we are following and have followed the long-standing practice of the House, under Speaker Madigan and others, with respect to Motions to nonconcur and that is the ruling of the Chair. Proceed, Representative Lang."

Lang: "We've been following long-standing tradition in the House on this Fiscal 'Notegate' that we've been discussing, but you cannot, by discussing long-standing practice, overturn a rule which you've foisted upon us in January, Sir. These are your rules. We voted against them. Rule 8.1 (sic - 8-1) is very clear. We're entitled to a debate and a record vote on a Motion to nonconcur. We don't dispute that the Sponsor has a right to make such Motion. We don't dispute the Sponsor's right to have a vote on such Motion. We do dispute the Chair's right to ignore a rule that's in your rule book, Sir, and we would ask you to reconsider your opinion on that."

Speaker Johnson, Tim: "Mr. Lang, do you want to raise the issue

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in the future? We'll be glad to do that. Your Motion is not timely and we're going to proceed on the order of House Bill 781. Gent...Representative Saviano."

Saviano: "Mr. Speaker, I've given my brief description and ask for a concurrence and I'll yield to any questions."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Cook, Representative Dart on the Bill. Representative Dart."

Dart: "Thank you, Mr. Speaker. I'll yield my time to Representative Lang."

Speaker Johnson, Tim: "Representative Dart, I'll recognize Representative Lang on his own. Representative Lang, you may proceed on the Bill."

Lang: "Thank you, Sir, but before I do that I wish to overrule the Chair on the previous Bill. The Chair is completely in error on the rule and I move to overrule the Chair relative to your ruling on House Bill 632, demand a Roll Call vote and would ask for a verification."

Speaker Johnson, Tim: "There's no ruling to overrule and your Motion is not timely. Proceed. Mr. Lang, if we could proceed on this Bill and get on with the business of the House. Representative Lang."

Lang: "Mr. Speaker, I'm entitled to make this Motion. I'm entitled to make it now and I insist that we have a Roll Call vote on my Motion now on House Bill 632."

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

Black: "Yes, thank you very much, Mr. Speaker. I move to table the Gentleman's Motion."

Speaker Johnson, Tim: "Gentleman...The Gentleman has moved to table Representative Lang's Motion which is a nondebatable Motion. Those in favor of Representative Black's Motion

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signify by voting 'aye'; those opposed by voting 'no'. There is a request for a verification and you will certainly be acknowledged that request, Representative Lang. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there's 65 voting 'yes', 51 voting 'no', and Representative Lang asked for a verification of the affirmative. Is that correct, Representative Lang?"

Lang: "Yes, we wish to proceed with the verification, Sir."

Speaker Johnson, Tim: "Mr. Clerk, read the Affirmative Roll Call."

Clerk McLennand: "Those Members voting in the affirmative: Ackerman. Balthis. Biggert. Biggins. Black. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Deuchler. Durkin. Hanrahan. Hassert. Hoeft. Hughes. Tim Johnson. Tom Johnson. John Jones. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. McAuliffe. McGuire. Meyer. Mitchell. Moffitt. Andrea Moore. Mulligan. Maureen Murphy. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Rutherford. Ryder. Saltsman. Salvi. Saviano. Skinner. Spangler. Stephens. Tenhouse. John Turner. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Zabrocki. Zickus and Mr. Speaker."

Speaker Johnson, Tim: "Yes, Mr. Lang. Questions of the affirmative?"

Lang: "Oh, yes, Sir. Representative Klingler."

Speaker Johnson, Tim: "Representative Klingler. Is the Lady in the chamber? Is Representative Klingler in the chamber? The Lady will be removed from the Roll Call. Representative Lang, Representative Maureen Murphy has asked leave to be verified. Her request is granted."

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Further questions? And Parke has made a similar request. His request is similarly granted. Representative Lang, further questions?"

Lang: "Yes. Representative Meyer."

Speaker Johnson, Tim: "Representative Meyer. The Gentleman is present over on the right side."

Lang: "Representative Wennlund."

Speaker Johnson, Tim: "Representative Wennlund. Representative Larry Wennlund. Is the Gentleman present in the chamber? He'll be removed from the Roll Call."

Lang: "Representative Bost."

Speaker Johnson, Tim: "Representative Bost. He's in the back. Further questions?"

Lang: "Representative Wojcik."

Speaker Johnson, Tim: "Representative Wojcik. Representative Kay Wojcik is on the left side. Representative Lang."

Lang: "Representative Balthis."

Speaker Johnson, Tim: "Representative Balthis. Representative Bill Balthis is not here. His name will be removed from the Roll Call. Restore Representative Klingler to the roll, she's returned to the chamber and Balthis has likewise returned to the chamber. Restore him to the Roll Call. Further questions?"

Lang: "Didn't we remove Wennlund from the Roll Call, Sir."

Speaker Johnson, Tim: "Yes, we did."

Lang: "I still see him up there."

Speaker Johnson, Tim: "His name should be removed. You are correct. Further questions?"

Lang: "Representative Stephens."

Speaker Johnson, Tim: "Representative Ron Stephens. Representative Wennlund is here, by the way. Before we proceed with Stephens, Representative Wennlund is here."

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He'll be restored to the Roll Call. Representative Stephens, are you present? Representative Ron Stephens is in his seat."

Lang: "We found Representative Stephens?"

Speaker Johnson, Tim: "Yes."

Lang: "Good! I was busy checking out Representative Wennlund. Representative McAuliffe."

Speaker Johnson, Tim: "Representative Roger McAuliffe. He's in the center aisle."

Lang: "Let's see. Representative Zabrocki."

Speaker Johnson, Tim: "Representative Zabrocki is in his seat."

Lang: "I just see an arm, but I assume that's his head attached to that arm. Yes, it is."

Speaker Johnson, Tim: "You assume correctly, Representative Zabrocki's present. Further questions?"

Lang: "Representative Roskam."

Speaker Johnson, Tim: "Representative Peter Roskam. Representative Roskam. Is the Gentleman in the chamber? The Gentleman is not in the chamber...Oh, Representative Roskam is in the chamber. Representative Roskam is present."

Lang: "I guess Mr. Pugh doesn't know Mr. Roskam, he's the one that suggested his name. He's sitting right next to him. Thank you, Mr. Pugh, for your help."

Speaker Johnson, Tim: "Well, they have now met one another. Proceed."

Lang: "No further, Sir."

Speaker Johnson, Tim: "Representative Black's Motion having received 65 'yes', 51 'no', the Motion passes. Now we will proceed with House Bill 781. The Gentleman from Cook, Representative Saviano. I believe the Gentleman has already made his opening remarks. Further questions?"

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Representative Lang on the Bill."

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

Speaker Johnson, Tim: "He indicates he will."

Lang: "Thank you. Representative, I knew we'd get to this Bill eventually. How are you tonight?"

Speaker Johnson, Tim: "Nice tie. Proceed."

Lang: "I wasn't going to compliment him on his tie, Sir. I can't believe you'd waste the time of this House of Representatives to do such a thing. Representative, why are you removing this \$500 license fee?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Representative, we're not removing it. Apparently, in the original Bill it wasn't clear on what the fee was agreed upon and what this Amendment simply does is clarify the fact that the fee is not \$500, it's \$1800 per year."

Speaker Johnson, Tim: "Representative Lang."

Lang: "It's \$1800 a year. Then what changes are you making in the Amendment?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That's all...the only change there is. Apparently, previous in the underlying Bill or in the previous Act the licensing fee was \$500. The underlying Bill changed that to \$1800, but didn't explicitly state it where it was very clear. So this is what the Amendment does, it just clarifies the underlying Bill to show that the fee is now \$1800."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I have a conflicting analyses here, Sir. I have one analysis that show the savings and resident...the Commissioner of Savings and Residential Finance to be opposed to the Bill and one showing that individual to be a proponent of the Bill. Can you tell me which is correct?"

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Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Originally, back when the Bill was filed he was an opponent. Since then this is an agreed Bill between all parties and he is...his opposition has been removed."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I also have some information in my file which indicates there was some other opponents originally. Have they been satisfied as well?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yes, all opposition has been removed. If you remember, I think I debated this Bill with Representative Granberg a few months ago and at that time I had made the representation that the consumer groups IPAC, Residential...the Commissioner on Savings and Residential Finance, the Mortgage Brokers, all had come to an agreement. It went over to the Senate, there was additional concerns. Those were worked out and this was one of the things that they wanted to make sure, it was clarified that the fee was in fact \$1800."

Speaker Johnson, Tim: "Representative Lang, further questions?"

Lang: "Some on our side of the aisle have read this Bill to...to...in a way that makes them believe that the Mortgage Brokers Association originally wanted a \$500 fee, but in the agreement stage they agreed on \$1800. Is that what happened?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That's exactly what happened, Representative. What happened...what the underlying Bill does is remove some of the regulatory actions against mortgage brokers which originally cost them anywhere from \$3000 to \$5000 a year. For the additional costs that were going to be incurred by the Savings and Residential Finance Commissioner, that was

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the reason for the increase in the fee, to cover the costs of the additional monitoring under the Act."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you. Under your Bill, Sir, what would happen to a licensee that files misleading statements with the commissioner?"

Speaker Johnson, Tim: "Proceed. Proceed."

Saviano: "Well, that's in the underlying Bill. I might have to look at another...I know this was covered in the original Bill. Let's see here. Okay. A licensee who files false or misleading compilation of financial statements is guilty of a business offense and shall be fined not less than \$5000."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, Representative, let me ask you this. Did I vote for this Bill the first time through?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I don't have the Roll Call."

Speaker Johnson, Tim: "Representative Lang."

Saviano: "It got a 110 'yes' votes."

Lang: "Well, if it got 110 'yes' votes I probably voted for it, and if it was a good Bill then, it's probably a good Bill now. So, okay."

Speaker Johnson, Tim: "Thank you, Representative. The Chair recognizes the Gentleman from Clinton, Representative Granberg. Representative Granberg."

Granberg: "Will the Gentleman yield?"

Speaker Johnson, Tim: "He indicates that he will yield."

Granberg: "Representative Saviano, you used my name in debate. Will you please tell me why?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I couldn't hear you."

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Speaker Johnson, Tim: "Is that a point of personal privilege or a question, Representative? Point."

Granberg: "Why did you use my name in debate?"

Saviano: "Because you did such a fine job in debating that Bill with me in the first place, I thought I should bring it up to commend you."

Speaker Johnson, Tim: "Representative Granberg, receiving the commendation."

Granberg: "Thank you. Did you think the points I raised were meritorious when this Bill was first brought before the Body?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yes. You even made me name the consumer groups that were involved in the negotiations, if I remember correctly."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So you thought the points I brought out were correct?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "They usually are, Representative."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Did you know I voted 'no' on your Bill?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "I didn't know that and I'm sorry to hear that."

Speaker Johnson, Tim: "He objects to the leading nature of the question. Sustained. Representative Granberg."

Granberg: "No, actually I voted 'present', Representative Saviano, because I didn't know if there might be some problems with residential brokerages. How many years of experience does a mortgage broker have to have to receive a license?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Three years."

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Speaker Johnson, Tim: "Proceed."

Lang: "Is that a mandatory period, Representative?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "No. An alternative to that is, the applicant maybe satisfactorily complete a program of education in real estate finance as approved by the commission."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "So the commissioner can actually exempt someone from that three year requirement?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "It's not a exemption, it's an education requirement."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "And how are the courses approved by the commissioner?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That is taken up with the commissioner and it's promulgated by rules."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "What is the basis for the determination of the recommendation by the commissioner?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Well, it's based on whatever proof is provided to the commissioner on his experience requirements and educational requirements."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "How does the commissioner make the determination for those requirements?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "Yeah. It's pretty much at the discretion of the commissioner and it's taken up with the Mortgage Brokers Association in agreement with them."

Speaker Johnson, Tim: "Further questions?"

Granberg: "You mean there is actually no definitive standard for

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any type of exemption or qualification for an educational alternative?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "No, but the commissioner may establish, by rule, a list of duly licensed professionals, others, who may be exempt from this requirement. So that gives some control over the process."

Speaker Johnson, Tim: "Representative Granberg, you have 30 seconds."

Granberg: "So the commissioner may, but there is no definitive standard that is promulgated by rule?"

Speaker Johnson, Tim: "Representative Saviano."

Saviano: "That's correct."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "Well, the person must then apply for the educational requirements. He would then petition the commissioner to have the exemption from the three year period and the commissioner...How would the commissioner base that determination?"

Speaker Johnson, Tim: "You're out of time, but I'll allow the Sponsor to respond to that question. Representative Saviano."

Saviano: "I need you to repeat that, please."

Speaker Johnson, Tim: "Representative Granberg."

Granberg: "There's a three year waiting period. That period can be waived or accepted by the commissioner. You've indicated the commissioner may use that educational alternative and may do that, but there appears to be no definitive standard for when the commissioner would use that application. So how, in effect, does the commissioner use that to make that determination? What factors does he consider? Is there any minimum standard by which he can

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waive the three year waiting period? Is there any minimum to receive the educational alternative of the educational exemption?"

Speaker Johnson, Tim: "Representative Saviano in quick response."

Saviano: "There is no standard, but in the waiver process you can see there's a..."

Speaker Johnson, Tim: "Bring your comments to a close."

Saviano: "...You can see that there's a nine month period there where he can at least get an example or a track record on how this individual operates to satisfy any doubts that he may have in exercising his discretionary powers."

Speaker Johnson, Tim: "And there being no further discussion, the Chair recognizes the Gentleman from Cook, Representative Saviano to close."

Saviano: "Thank you, Mr. Speaker, Members. I would appreciate if you would concur with Senate Amendment #1. It's a good Bill. We've worked long and hard on it, it deserves to reach the Governor's desk. Thank you."

Speaker Johnson, Tim: "The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 781?' Those in favor signify by voting 'aye'; those opposed by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 115 voting 'yes', none voting 'no', 2 voting 'present' and the House does concur with Senate Amendment #1 to House Bill 781, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, read House Bill 760."

Clerk McLennand: "House Bill 760. A Motion to concur with Senate Amendments #1 and 2 has been filed by Representative Pankau and approved for consideration."

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Speaker Johnson, Tim: "Prior to the Bill, any announcements, Mr. Clerk?"

Clerk McLennand: "Committees will meet at 8:15 and 8:45 and will be announced momentarily and sheets will be distributed."

Speaker Johnson, Tim: "The Chair recognizes the Lady from DuPage, Representative Pankau. Proceed."

Pankau: "Thank you, Mr. Speaker. Amendments 1 and 2 deal with House Bill 760, that allows for the use of credit..."

Speaker Johnson, Tim: "Representative Pankau, Representative Lang has moved to divide the Amendments, so proceed with Amendment...first Senate Amendment #1."

Pankau: "These Amendments deal with the use of credit cards by the Clerk of the Circuit Court and the first Amendment allows that the fee for the credit cards be added on to the other fines and penalties and costs which a judge might assess to a person who is standing before them. The reason...This was suggested by the Clerk of the Circuit Court of Cook County, Aurelia Pucinski, and her point was that when a judge delivers the fines and fees and pronounces what they are, they should be equal among all people who are standing before that particular judge. So the method by which a person pays that particular fee or fine, they should in essence not be given a benefit because they put it on a credit card and the credit card company takes a fee off of the top of that. So this way the fee is added on top of all the other fees and fines that the credit card company might charge. I guess it is the credit cards...the credit card companies practice not to allow such a thing, that you have to...Like when you go out in the retail business you...and if you charge \$10 to one person, you have to charge \$10 to the next person and you could not tack on an extra dollar because they use a credit

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card. So, we need a change in the legislation, and this is Aurelia Pucinski's suggestion as to how to make everything all fair and equal. And I ask for your favorable approval of this Amendment."

Speaker Johnson, Tim: "On Amendment #1, Representative Lang."

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

Speaker Johnson, Tim: "Indicates she will."

Lang: "Representative, how did you get to \$5 on this? Why is it \$5?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "It's \$5 right now in Cook County and this makes all the fees equal across the state. In Cook County it's \$5. In all other counties, the other 101 counties in this state, it's \$3. So this makes \$5 the same and then this particular Amendment allows them to add that on to all the other fees and fines that are charged."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, what if it's a \$20 fine and 5 per...the fee that the credit card company charges is 5%. That should be a buck, not five. You indicated you don't want to give a credit card payer a bargain, nor should we punish them further for using a credit card. So how do you resolve that?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "And if you look at Amendment 2 which was the one that you separated, it's says that it can't be more than \$5. So, if it's a...if the credit card company is charging you a buck, Representative Lang, a buck would be added on to your \$75 speeding ticket, for instance, and it would be \$76 if you're going to pay via the credit card."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, what proof does the clerk have to give to the payer at the time they add this credit card fee onto the fine, so

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that they know that they're getting charged the right amount. Mastercharge (sic - Master Card) or Visa may charge the Clerk of the Circuit Court of Cook County 5%. Mastercharge (sic - Master Card) and Visa might charge the Clerk of the Circuit Court of St. Clair County 2%. How does the payer supposed to know? Is the County Clerk under the duty to show the information as to what the charge is and how the charge is calculated to the payer?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "There will be tables that will be in the possession of the clerks when they're right there in the court room to determine what the fee will be. So the judge does not have to say anything to that effect and it's only when the person goes to pay it that this fee is added on if they choose to pay by credit card. If they choose some other method of payment, it's not added on."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, let's assume that one of Representative Mulligan's limo drivers gets a fine, and let's assume it's a \$50 fine and the person goes into pay the fine and they want to pay it by credit card. And the clerk says, well, we're charging you \$5 in addition because you're using the credit card. And the person says, why \$5? And the Clerk says, well, because we said so. How does the person who's paying it know it's a correct amount? What document is shown to them? Not a table prepared by the clerk. What document is shown to them? The agreement, perhaps, between Mastercharge (sic - Master Card) and Visa or Discover, whoever it is and the county. Is that document shown to the person?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "My understanding, Representative Lang, was that the

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actual agreement that the credit card company would have with the Clerk of the Circuit Court can be rather thick. So I don't believe that there would be any kind of an agreement, the huge agreement, the actual agreement itself shown to Representative Murphy...Representative Mulligan's limo driver. However, a table would be prepared and would be placed right there so that not only the clerk but the person paying could see what the fee would be for different ranges. And my understanding is that credit card companies, and please correct me if I'm wrong, generally charge a fee based on a range like 0 to \$100 would be one fee, \$100 to \$500 would be another, etcetera, etcetera."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Actually, usually credit card companies charge a percentage of the money and it's the same percentage, generally, when we're talking about the vendor. So if it's a department store or whatever, they charge them the same percentage. Does it say in your legislation that this information has to be made available to the payer?"

Speaker Johnson, Tim: "Representative Pankau, bring your comments to a close."

Pankau: "It is not in this particular Amendment, Representative Lang, but I would think that common practice would indicate that this would be made available. And also, my understanding is that the Clerks of the Circuit Court Association..."

Speaker Johnson, Tim: "There being no further discussion, the Gentleman...the Lady from DuPage, Representative Pankau, moves that the House do concur with Senate Amendment #1 to House Bill 760. All in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who

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wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 110 voting 'yes', 3 voting 'no', 40 voting 'present'. The House does concur with Senate Amendment #1 to House Bill 760 and the Bill having received...I'm sorry, there was a division of the Amendments, so Representative Pankau will proceed with Amendment #2. Prior to that, Mr. Clerk, committee announcements which you have now in your presence."

Clerk McLennand: "Committee notices: The House Committee on Registration and Regulation will meet on Wednesday at 8:45 p.m. in Room C-1. Committee notices: 8:15 committees. Environment and Energy will meet at 8:15 in Room 114; Revenue will meet at 8:15 in Room C-1; Health Care and Human Services will meet at 8:15 in Room 118. 8:45 committees: Financial Institutions, Room 118; Executive, Room 114; Registration and Regulation in Room C-1. 8:15, Revenue, Environment and Energy, Health Care and Human Services. 8:45, Registration and Regulation, Executive and Financial Institutions."

Speaker Johnson, Tim: "And proceeding, Representative...Representative Lang."

Lang: "Just an inquiry of the Chair."

Speaker Johnson, Tim: "Yes."

Lang: "Will we be coming back after those committee meetings?"

Speaker Johnson, Tim: "I would expect that we would probably return at about at 9:15, yes. Representative Pankau, the Lady from DuPage, on Amendment #2 to this Bill."

Pankau: "Mr. Speaker, Amendment #2 says that there's no way that this fee can ever go beyond \$5 and I ask for your concurrence on this also."

Speaker Johnson, Tim: "Any discussion? There being none, the Lady has moved that...The Chair recognizes the Gentleman

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from Cook, Representative Lang."

Lang: "Thank you. I was a little slow on the trigger, so I appreciate your recognizing me, Sir."

Speaker Johnson, Tim: "I'm glad to do that, Representative Lang. I always want to afford you every courtesy."

Lang: "Thank you very much. Representative, hi! So this clarifies your previous Amendment. Is that correct? And this requires the clerk to collect this service fee of up to but not more than \$5. Is that correct? So let me ask you this question. Can credit cards be used to pay child support with the county...with the clerk of the court?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "Only if that child support would be by a judge deemed to be a fee, fine or penalty."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Fees, fines...fees, fines or penalties, but not a court ordered judgement. That can't be paid in that way?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I think this should be added to the Bill. I'm going to support your Amendment. I'm going to move to...I'm going to vote to concur, but perhaps, Representative, excuse me...perhaps...oh, hi! It's Carole Pankau. Perhaps, Representative, since you're interested in this issue we could talk next year about allowing people to pay their child support by credit card since they're paying it to the Office of the Clerk of the Circuit Court anyway. Would that make some sense to you?"

Speaker Johnson, Tim: "Representative, in response."

Pankau: "Yeah! I think that does make some sense, and besides, I thought you and I were sitting down this summer and we were

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going to go through all those statutes and make them uniform across the whole state. Remember that? You said you were interested in that and we were going to work together on that, remember?"

Speaker Johnson, Tim: "Representative Lang."

Lang: "I look forward to your call on that issue and I look forward to working on this with you. Let me ask you a question. Does this go beyond clerks of the circuit court, and by that I mean, if you owe the state \$30 million that wasn't being paid, could you go into the Treasurer and you put it on your Visa if you had a credit limit high enough?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "No. Neither this Amendment nor the legislation addresses it, but I don't think there would be just a \$5 fee on that."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, yeah, if that was part of your Bill, there would only be a \$5 fee because you have a max. So I guess that would be \$30 million and \$5, then. Is that correct?"

Speaker Johnson, Tim: "Representative Pankau."

Pankau: "Approximately, yes, Representative Lang."

Speaker Johnson, Tim: "Representative Lang."

Lang: "It's been suggested to me that that would be a bigger fee than we're getting now, that \$5. I'm going to give up my last two minutes, I've had it with this Bill. I'm for it."

Speaker Johnson, Tim: "There being no further discussion, the Chair recognizes the Lady from DuPage, Representative Pankau, to close. The Lady moves that the House concur with Senate Amendment #2 to House Bill 760. Those in favor signify by voting 'aye'; those opposed by voting 'nay'. Voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish?"

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Mr. Clerk, take the record. On this question there are 113 voting 'yes', 4 voting 'no' and none voting 'present', and the House does concur with Senate Amendment #2 as well as having concurred with Senate Amendment #1 to Senate Bill 760, and this Bill, having received the required Constitutional Majority, is hereby declared passed.."

Clerk McLennand: "Attention Members! For the 8:15 and 8:45 committees a schedule is being distributed. A schedule for the 8:15 and 8:45 committees is being distributed."

Speaker Johnson, Tim: "Have the attention of the chamber. On the Regular...on the Regular Calendar on the Order of Concurrence, Mr. Clerk, read House Bill 1116."

Clerk McLennand: "House Bill 1116. A Motion to concur with Senate Amendment #1 has been filed by Representative Cross and has been approved for consideration."

Speaker Johnson, Tim: "The Gentleman from Kendall, Representative Cross."

Cross: "Thank you, Mr. Speaker. House Bill 1116 passed out the House, I believe, unanimously. It went over to the...It did pass out of the House 115 to nothing. When it went over to the Senate the Senate, with Senate Amendment 1, added some language to satisfy some concerns Chicago Title had. I don't know of any opposition to this Amendment. The original proponents are happy with it. The opponents now, at least the Chicago Title is satisfied, and I would ask for a favorable vote on the Motion to concur to Senate Amendment #1."

Speaker Johnson, Tim: "The Gentleman from Cook, Representative Lang, trying to set his record with respect to... Proceed."

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

Speaker Johnson, Tim: "He indicates he will."

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Lang: "Thank you. Representative, this isn't just a merely Amendment. Senate Amendment 1 that you want us to concur in becomes the Bill. Is that correct?"

Speaker Johnson, Tim: "Representative Cross."

Cross: "Yes, Representative, but...yes."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, that was very emphatic, you said yes twice. So let me ask you this. Let me ask you this. Representative, what changes are made between your original Bill and this new Bill?"

Speaker Johnson, Tim: "Proceed."

Cross: "Representative...Representative, this Amendment which does become the Bill, but as I said earlier there was just some cleanup...there was just some cleanup language, merely provides that when attorney's fees are awarded for the failure to pay a lien, a lien, they can only be issued and can only be ordered to be paid against the owner of the property, not any other subsequent purchasers of the property."

Speaker Johnson, Tim: "Proceed, Representative."

Lang: "Representative, you added a Section...a Section (d) in this Bill that defines the term 'without just cause or right'. What's the definition of that and what does it mean in the real world. You and I understand mechanic's liens because in our very lucrative law practices we deal with these things. But many of the people here who do not understand what mechanic's liens are, how they work, may not understand that. And of course I use the word lucrative advisedly just in case anyone thought I was serious."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, the gist of it in the real world is

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that you can't, just for the sake of harassment or for lack of good cause, put a lien against it...filed...filing against a piece of property."

Speaker Johnson, Tim: "Representative Lang, do you have further questions?"

Lang: "Yes. Perhaps, Representative Cross, you can explain to the Body in laymen's terms what a mechanic's lien is and why it's necessary to...You can't? I'll ask you to do that anyway. And why it's necessary for the creditors to be able to get attorneys fees here."

Speaker Johnson, Tim: "Representative Cross."

Cross: "Well, Representative, I know that you're very sincere in this request, so I'll attempt to do it. A mechanic's lien is there to protect something that can be filed by a builder or a contractor or a subcontractor when they, he or she, builds a home for instance. They can file a lien against the property. It's a form of protection against the property so that everyone is on notice that that subcontractor or contractor, whatever the case may be, is owed money by the builder of the house or the owner of the house. It's a form of protection or security, if you will, for the contractor or subcontractor."

Speaker Johnson, Tim: "Representative..."

Cross: "Now I know in your lucrative practice you've probably filed some mechanic's liens. If you think there's something I need to add, please tell me."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, no. To the Motion, Mr. Speaker. I..."

Speaker Johnson, Tim: "To the Motion."

Lang: "As usual, Mr. Cross, when he does answer a question and this is one of those rare times, he's right on the button. The attorney's liens...attorney's fees are necessary in

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mechanic's lien cases because when the person to whom the money is due sues, they have to pay an attorney to collect that money. If you're suppose to get a \$1000 from the building owner and you have to pay an attorney, you don't get that \$1000, you get less. And the purpose of the attorney's lien provision, I believe and I think Mr. Cross believes, is to make the property owner or the contractor whole to make sure that person gets all the money they're entitled to without having to just give all that money away to attorneys in order to collect it. So this is a good solid Bill. It's for the protection of creditors in Illinois and I support that effort."

Speaker Johnson, Tim: "There being no further discussion, the Gentleman moves that the House do concur with Senate Amendment #1 to House Bill 1116. Those in favor signify by voting 'aye'; those opposed signify by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 117 voting 'yes', none voting 'no' or 'present'. The House does concur with Senate Amendment #1 to House Bill 1116, and this Bill, having received the required Constitutional Majority, is hereby declared passed. Mr. Clerk, announcements and messages."

Clerk McLennand: "Messages from the Senate by the Secretary of the Senate, Jim Harry. 'Mr. Speaker, I am directed to inform the House of Representatives that the Senate has refused to concur with the House in the adoption of their Amendment to a Bill of the following title: House Amendment #1 to Senate Bill 788, action taken by the Senate May 24th.' Message from the Senate. 'Directed to inform the House of Representatives that the Senate has concurred

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with the House in the adoption of their Amendments to a Bill of the following title: Senate Bill 79, House Amendments #2 and 3 and Senate Bill 405, House Amendments #3 and 4. Also, directed to inform the House that the Senate refused to concur with the House in the adoption of the following Amendments: Amendment #1 to Senate Bill 79, and House Amendment #1 to Senate Bill 405, action taken May 24th.' Committee Report from Representative Churchill, Chairman, Committee on Rules, to which the following Resolutions were referred, action taken on May 24, 1995, reported the same back with the following recommendations: 'do adopt' House Resolution #51 and Senate Joint Resolution #41. Committee Report from the Committee on Rules meeting May 24, 1995, Robert Churchill, Chairman. Committee on Rules has met and placed the following Senate Bills on the Order of Nonconcurrency: Senate Bills #130, 465, 907, 925 and 1039. Committee Report from Representative Churchill, Chairman of Committee on Rules, to which the following Joint Action Motions were referred, action taken on May 24, 1995, refer the same back 'do approve' for consideration on the Order of Concurrence. Concur to Senate Amendments #3 and 4 to House Bill 2330; nonconcur approve for consideration for House Bill 160, together with Senate Amendment #1; Senate Amendment #2 to House Bill 505; Senate Amendments #1 and 2 to House Bill 513; Senate Amendment #2 to 1108; Senate Amendment #2 to House Bill 1437; Senate Amendment #3 to House Bill 1462; Senate Amendment #2 to House Bill 1470; and Senate Amendment #1 to House Bill 1523. Order of Concurrence...Order of Nonconcurrency: 'do approve' for consideration the Motion to recedes on House Amendments #4 and 7 to Senate Bill 50; House Amendment #1 to Senate Bill 75; House Amendment #4 to Senate Bill 265;

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House Amendment #3 to Senate Bill 365; and House Amendment #1 to Senate Bill 1037."

Speaker Johnson, Tim: "Thank you, Mr. Clerk. On the Regular Calendar, on the Order of Concurrence, read House Bill 1093."

Clerk McLennand: "House Bill #1093, a Motion to Concur filed by Representative Wennlund with Senate Amendment #1 has been approved for consideration."

Speaker Johnson, Tim: "With leave of the House, the Gentleman... Leave having been received, the Gentleman from Williamson, Representative Woolard, on the Amendment."

Woolard: "Thank you, Mr. Speaker. I move to concur on Senate Amendment #1 to 1093. I think basically it's a technical Amendment. It does deal with some new regulations by the Department of Conservation and also the requirement for permits to be issued by that Department in regards to green hides. I would move that we concur with Senate Amendment #1."

Speaker Johnson, Tim: "Any discussion? The Chair recognizes the Gentleman from Cook, Representative Lang."

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

Speaker Johnson, Tim: "Yes, he indicates he will."

Lang: "Good, bear with me while I get the file from the Sponsor. I'll do it without the file. I'll do it without the file. Representative, how do you register a migratory bird?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "This Bill...This Senate Amendment has nothing to do with migratory birds."

Speaker Johnson, Tim: "Representative Lang."

Lang: "A parliamentary inquiry, Sir."

Speaker Johnson, Tim: "State your point."

Lang: "Where is Mr. Wennlund, the Sponsor of this Bill? Do we

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have a written authorization to allow Mr. Woolard to handle the Bill?"

Speaker Johnson, Tim: "Received unanimous leave of the chamber for Representative Woolard to handle the Bill."

Lang: "Well, I certainly would grant leave to Mr. Woolard to handle the Bill, but there seems to be a ground swell of support on this side of the aisle for having Mr. Woolard...Wennlund do the Bill. Now, are we to be deprived of hearing his after dinner speaking?"

Speaker Johnson, Tim: "Any further questions, Representative Lang?"

Lang: "Yes, absolutely. I understand...I understand..."

Speaker Johnson, Tim: "To the Bill."

Lang: "...from Mr. Woolard that the Senate Amendment doesn't have anything to do with registering migratory birds, which is good because I don't know that they know where to register. What does Senate Amendment 1 deal with?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Mr. Speaker, I couldn't understand the Gentleman's question. If he would, I'd like for him to repeat it."

Speaker Johnson, Tim: "Give the Gentleman from Cook your attention. Representative Lang, to restate the question."

Lang: "I have a better question. On line 19 of page 1 of the Amendment, you refer to possession of green hides. What the heck is that?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "O'Malley or Leary, you would understand exactly what I'm speaking of at this time."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Well, speaking for everyone on my side of the aisle, we're glad to see Representative Wennlund has returned."

Speaker Johnson, Tim: "Are you concluded with your questions?"

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Lang: "Yes, I didn't get much of an answer on green hides, but I noticed that deer hides have been exempted from this. Does this have anything to do with gun pre-emption?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Positively not, there's nothing in this Senate Amendment that deals with guns at all."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Anything in here that deals with increased fees?"

Speaker Johnson, Tim: "Representative Woolard."

Woolard: "Maybe Representative Wennlund would like to assist me in this. He probably has a better knowledge of this Amendment."

Speaker Johnson, Tim: "You can proceed, Representative Woolard, if you so desire. Representative Wennlund, with leave of the chamber, do you want to respond?"

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

Speaker Johnson, Tim: "No. Afraid that, no, if you'll give me a moment. The Motion is not in order. The question was asked. Representative Wennlund in response. The question was, 'Are there any increase in fees?'"

Wennlund: "No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "I wonder...We keep...There's a recurring theme we keep hearing and I haven't had a chance to read the entire Amendment because it's quite thick. Is there anything in here regarding the licensing of limo drivers?"

Speaker Johnson, Tim: "Representative Woolard or Wennlund."

Wennlund: "No."

Speaker Johnson, Tim: "Representative Lang."

Lang: "Thank you. On page 4 of the Amendment, on line 13, it refers to non-resident fur buyers. Being from north of

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I-80, being...from north of I-80, I have no idea what non-resident fur buyers are and what the difference is between non-resident fur buyers and resident fur buyers? Is there some definition?"

Speaker Johnson, Tim: "Representative Wennlund."

Wennlund: "A non-resident fur buyer is a buyer who is a non-resident. A resident fur buyer is a buyer who is a resident of the State of Illinois."

Speaker Johnson, Tim: "Representative Lang, bring your comments and questions to a close."

Lang: "I appreciate him clearing that up because we were all concerned about that. Now this permit is not required for the purchasing of green hides or fur-bearing mammals from resident wholesale fur buyers and resident retail fur buyers. But apparently, some of these folks who are residents have different rights than non-residents. And we want to know why resident fur buyers should get a break as opposed to non-resident fur buyers."

Speaker Johnson, Tim: "The Chair recognizes the Gentleman from Vermilion, Representative Wennl...or Representative Black."

Black: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, on behalf of rate hike lovers everywhere, I move the previous question."

Speaker Johnson, Tim: "The question is, 'Shall the main question be put?' Those in favor signify by saying 'aye'; those opposed by saying 'no'. In the opinion of the chair, the 'ayes' have it. The main question is put. The question is, 'Shall the House concur with Senate Amendment #1 to House Bill 1093?' Those in favor signify by voting 'yes'; those opposed by voting 'no'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the

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record. On this question, there are 114...114 voting...114 voting 'yes', none voting 'no', 1 voting 'present'. House does concur with Senate Amendment #1 to House Bill 1093. And this Bill, having received the required Constitutional Majority, is hereby declared passed. The House will now stand in recess until the hour of 9:15. Representative Brunsvold."

Brunsvold: "Thank you, Mr. ... Thank you, Mr. Speaker. Earlier I had a Motion and the Chair indicated he'd get back to me. Can we go back to that Order, 'We'll get back to you'."

Speaker Johnson, Tim: "At 9:15, I'm sure that we'll deal accordingly with your Motion. I'm not aware of what you've made, but we'll deal with it then. The House will stand in recess until 9:15. The Gentleman from Logan... The Gentleman from Logan, Representative Turner, for what purpose do you rise?"

Turner: "I have no Motions at this time, Mr. Speaker. Thank you."

Speaker Johnson, Tim: "The House will continue at ease then."

Clerk McLennand: "Attention Members of the House of Representatives, the House will reconvene in five minutes. The House will reconvene in five minutes."

Speaker Daniels: "The House will come to order. Members will be in their seats. On the Order of Concurrence, House Bill 1465. Read the Bill, Mr. Clerk. Mr. Clerk, take that out of the record for the moment. Committee Reports."

Clerk McLennand: "Committee Reports. Committee Report from Representative Krause, Chairman of Committee on Health Care and Human Services, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on concurrence, House Bill 1967, together with Senate

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Amendments #1 and 2; House Bill 2330, together on Senate Amendments #1 and 2; House Bill 175, together with Senate Amendment #1; and House Bill 241, together with Senate Amendment #1. Committee Report from Representative Maureen Murphy, Chairman of the Committee on Revenue, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: concurrence House Bill 1465, together with Senate Amendments #1 and 2; House Bill 2332, together with Senate Amendment #1; and House Bill 1212, together with Senate Amendments #1, 2, 5, 9, 11, 12 and 13. Committee Report from Representative Stephens, Chairman from the Committee on Executive, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence House Bill 41, together with Senate Amendment #3 and House Bill 838, together with Senate Amendment #1. Committee Report from Representative Saviano, Chairman for Committee on Registration and Regulation, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence House Bill 1969, together with Senate Amendment #1; House Bill #3, together with Senate Amendments #1 through 7; House Bill 2349, together with Senate Amendment #1; and House Bill 32, together with Senate Amendments #1 and 2. Committee Report from Representative Deuchler, Chairman from Committee on Financial Institutions, from which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence House Bill 377, together with Senate Amendments 1 through

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10. Committee Report from Representative Persico, Chairman from Committee on Environment and Energy, to which the following Joint Action Motions were referred, action taken on May 24, 1995, reported the same back 'do approve' for consideration: on the Order of Concurrence Senate Amendments #1 to House Bill 729; House Bill 929, together with Senate Amendments #1 and 2; and House Bill 901, together with Senate Amendment #1."

Speaker Daniels: "House Bill 1465 on the Order of Concurrence. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1465, a Motion to concur has been filed by Representative Kubik on Senate Amendments #1 and 2 and they have been approved for consideration."

Speaker Daniels: "Representative Kubik."

Kubik: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Senate Amendment #...I would move to concur with Senate Amendments #1 and 2 to House Bill 1465. Senate Amendments #1 and 2 contain a major reform of the Cook County property tax system. And there are some major elements of this Bill that I would like to briefly describe. The first element of the Bill is a provision that allows Cook County taxpayers to appeal to the State Property Tax Appeals Board. Under the current system throughout the state and 101 other counties, if you want to appeal your property taxes, you can appeal to a board of review and then to the State Board of Tax Appeals. In Cook County, you can only appeal to the Board of Tax Appeals, so this would allow taxpayers another avenue to appeal what they consider unfair assessments. That's the first element of the Bill. The second element of the Bill is to change the existing property tax appeal system in Cook County. At the present time there is a two member board of tax appeal.

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*House Bill
1465*

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That two member board under this legislation would be abolished. It would be replaced by a Board of Review and the Board of Review would have more enhanced powers than the Board of Tax Appeal. The Board of Review would initially be an appointed board. There would be an interim board appointed for two years. An elected board would begin serving in 1998. The State Legislature would draw districts. There would be three districts of equal size that would be contained in Cook County and they would all run for election in 1998. The final, major portion of the legislation is a change in the standard by which property tax appeals are judged in court. The present time they are judged on the basis of constructive fraud. This Bill would replace that burden of proof to clear and convincing statewide. For those of you who are not familiar with this burden, it is an impossible burden to meet and as a result, the Civic Federation and a number of groups have come together and this portion of the Bill was actually proposed by the Civic Federation and has widespread support among not only local government but also taxpayers and practitioners. This is an excellent move forward in our tax system. This Bill...the intention of this Bill is very clear. It is to allow the creation of a system that will be more taxpayer friendly and more...allow for people to appeal those taxes and actually have a chance to affect an assessment in this process. This is a system that exists in 101 other counties; it does not exist in Cook County. The elements of this Bill will bring Cook County to a...closer to the standard that is in 101 other counties. I think this is a major move forward for the taxpayers of Cook County and I would certainly appreciate your support on this Concurrence Motion."

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Speaker Daniels: "Is there any discussion? Supplemental Calendar announcement."

Clerk McLennand: "Supplemental Calendar #3 has been distributed."

Speaker Daniels: "Is there any discussion? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker and Members of the House. I rise in reluctant opposition to concurrence with the Amendments to House Bill 1465. There are many things in this Bill, in this measure, in these Amendments that are good public policy. I think it is very good news that these Amendments adopt a proposal that came to us from the Civic Federation with respect to the standard of proof for property tax appeals in the Circuit Courts of our state. As you know, we have suffered under a constructive fraud, interpretation of the kind of standard that is required in order to win an appeal. That standard was, indeed, a very difficult one for any property owner to overcome. The new measure would provide for clear and convincing evidence as a standard with a requirement that the taxpayer exhaust administrative remedies and with deference to the assessor and the assessing practices that preceded the appeal. I think as a matter of public policy, it makes sense to add a member to the Cook County Board of Tax Appeals. Two member boards don't make a lot of sense. Three member boards are certainly a lot sounder. But there are serious flaws in these Amendments to House Bill 1465. Serious, serious flaws that I think means we should not be voting 'yes' tonight. First of all, I think with the Civic Federation of Chicago that there are serious constitutional questions about our ability to abolish offices whose incumbents were elected in general elections in the County of Cook, one as recently as November of 1994. The proposed replacement of

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those members in this measure, again I think is fatally flawed, both on constitutional and policy grounds. What business do the members of the Cook County delegation of this General Assembly have, what qualifications do we possess that makes us the appropriate people to choose replacement members for this board? With the Civic Federation, we would be far wiser to take the route that says at the next general election, let's add a third member and let's restore this opportunity to the voters of Cook County, not try to take on this perk for ourselves. Secondly, under this Bill, in addition to the appeal to the assessor, in addition to the appeal to the Appeal Board and in addition to the opportunity to go into court, taxpayers in Cook County will have the opportunity to go also to Springfield to the Property Tax Appeals Board. With the Civic Federation, I oppose extending PTAB jurisdiction to Cook County. PTAB is not funded. It does not have the expertise that is required to deal with the kinds of appeals that will come to it from Cook County. Last year PTAB had 9,000 appeals, 9,000. And PTAB is seriously backlogged. The Board of Appeals, on the other hand, in Cook County dealt with 70,000 appeals, no comparison whatsoever. The cost to the taxpayers of the state to expand PTAB would be enormous for this proposal to be adopted and the idea of a four-step review procedure for a complaining property taxpayer is only to delay and to make chaos out of our property tax system. At the end of the day, our units of local government will not have any kind of certainty about the revenues that are available to them. They will be caught in a lengthy four, five, six year process in which they will be spending money that later they are going to have to give back. They will be at the

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bank borrowing in order to meet their responsibilities because the tax collection system under this PTAB approach will fall completely apart. As I say, there is a lot that is good in this Bill, a lot that has merit. I would wish that the Sponsors of the legislation would take this Bill into a Conference Committee, adopt appropriate standards for appeals in the Circuit Courts, add a member, if they like, to the Board of Tax Appeals in Cook County, but retain the elective system the citizens of Cook County now enjoy, and reject the notion that the Property Tax Appeals Board will help, rather than bring chaos to our tax assessment and collection system. I am sure the Sponsor is well intentioned, but I'm here to tell you, Members of this chamber, that what he offers you with the opportunity for us to select members of this new Review Board and with the opportunity to go to PTAB, he offers us and our taxpayers a pig in a poke. I urge a 'no' vote."

Speaker Daniels: "Any further discussion? The Lady from Cook, Representative Fantin. Ladies and Gentlemen of the House. Ladies and Gentlemen, those not entitled to the floor. Representative Fantin."

Fantin: "Thank you. Will the Representative yield?"

Speaker Daniels: "He indicates he will."

Fantin: "Representative, I notice they have three assessment districts and you have them listed. Are these going to follow the tri-annual assessments as a Cook County assessor now follows?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Fantin."

Fantin: "It will be the same years as a Cook County assessor is now doing?"

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Speaker Daniels: "Representative Kubik."

Kubik: "Yes, Representative, as you know there are three districts. The dividing line for the suburban district is North Avenue and then the city is in one assessment district as well."

Speaker Daniels: "Representative Fantin."

Fantin: "You are talking about abolishing a board, starting a new board. There is a transitional period which was mentioned of one...one...January 1, '96 to June of '96. What is going to be done during this transitional period?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I think maybe, let me explain, I think you might have those dates somewhat confused. You are right that the Members...the Legislature must draw a map by June 1st of '96. The Interim Board would serve for a period of two years until the '98 election. So...and that Interim Board would assume the duties of the present Board of Tax Appeals with some enhanced powers, the powers of Board of Review."

Speaker Daniels: "Representative Fantin."

Fantin: "I'm sorry, I could not hear his answer."

Speaker Daniels: "Ladies and Gentlemen of the House, it's important that we allow the Members to engage in their debate. Representative Kubik, could you answer that question once more, please."

Kubik: "Yes, Representative Fantin, as I indicated earlier, the June date is the date by which the Legislature must draw a map for those members...for the '98 election by June 1st of 1996. The Interim Board would begin its service on the first day of 1996, as I understand on the legislation. And they would serve for two years until the new...newly elected board would be elected. I might point out those

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members who are on the Interim Board certainly are not precluded from running for office in those districts."

Speaker Daniels: "Representative Fantin."

Fantin: "Do you know what the estimated cost is for this change?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, Representative, I know that the Assessor's Office and the Board of Review have...or the Board of Appeals has stated that, I believe it's...they're saying \$2,000,000 as I understand it, although I'm not sure that that's a correct figure. I will concede that the addition of a third member is going to cost more money. I will concede that, but I think when you are looking at a tax system in Cook County, which is a five billion dollar tax system, that the amount of money that we are talking about, which will ensure fairer assessments, is a very small price to pay."

Speaker Daniels: "Ladies and Gentlemen, Ladies and Gentlemen. Representative Fantin."

Fantin: "They are estimating that this would cost minimum about \$2,000,000 and this would come from where?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, as I indicated earlier, Representative, I do not know and I do not necessarily accept their estimate of \$2,000,000. Now obviously it's going to come from local taxpayers, but as I said earlier, when you are talking about a \$5,000,000,000 tax system, I don't think that's...you know, a million dollars is a lot of money to me, but in the aggregate, it is not that much money because we are assuring that there will be fairer assessments in this process."

Speaker Daniels: "Representative Fantin, could you bring your questions to a close, please."

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Fantin: "I would just say that I understand what you are trying to do and that maybe the assessment process would move a little bit faster, the Board of Appeals, but I question if this is the right way to do it, that we need to do it in a little more timely fashion. I think we are trying to rush into this and do something pretty fast here that I'm afraid we might be sorry for. I'm just going to ask all my colleagues for a 'no' vote."

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

Skinner: "By putting the Cook County Government, the Cook County properties under the State Property Tax Appeal Board, we are finally bringing rationality to the assessment appeal process throughout the State of Illinois. Since the 1960's, the rest of the State of Illinois has known what the rules of the game are. If you own a piece of property and you are assessed above the median assessment level in your county, you have known that if you get to the...if you persist to the State Property Tax Appeal Board level, that your assessment will be lowered to the median assessment level of your county. Now putting the State Property Tax Appeal Board over Cook County presents some problems, but not insurmountable problems of logic to the State Property Tax Appeal Board. The largest class of property that is in numbers is Class II in Cook County which includes residential property up to 12 units. It is my opinion, based upon dealing with the State Property Tax Appeal Board as county treasurer on behalf of property taxpayers in 1969 and '70, that the Property Tax Appeal Board should lower assessments of all residential properties in Class II to the median average assessment for the township or the county, whichever is lower. And I guess I should add

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there's a third possibility. Or the assessment district, whichever of the three is lower. Now what this will do will be force the Cook County assessing officials to assess more uniformly than they are now. And that would be quite an accomplishment, because the assessments of Class II property within Cook County from township to township varies wildly. I would refer the State Property Tax Appeal Board to the findings of the assessment to sales ratio studies conducted annually by the Department of Revenue for further guidance in determining what the median assessment levels are. Now for some classes of property, there are not enough sales within each township for there to be a median assessment level on a township level. For those sales I believe that the State Property Tax Appeal Board should find the median assessment for the smallest geographic area for which it can be determined. That may be the assessment district, it may be suburban Cook County, suburban Cook County versus the City of Chicago. In those...In the cases of those classes, I believe that the assessment level should...that the assessments of the appealing properties which are above the median assessment level for the counties should be lowered to the county level. I guess that's enough legislative history. I think it's important to realize that for the past over 25 years, over a quarter of a century, the people of Cook County have been discriminated against because they have not been able to appeal their assessments to an appeal body where the rules of the game can be figured out by somebody reasonably intelligent and someone who understands what the assessment process is all about. Currently in Cook County to win an assessment appeal, it depends on who you know, not what you know. It depends on not the facts of the case

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but on the quality of the representation. That is, and I don't mean intellectual quality, I mean the closeness that the person has with the assessing officials. It is time to end this favoritism system in Cook County and to take a more logical approach to determining who the winners and who the losers are. It should not depend on who you know, but it should depend on the facts of the case on whether one wins or loses an assessment appeal in the State of Illinois. And by putting the State Property Tax Appeal Board over Cook County, I would guess that within five years that the Cook County assessing officials will figure out the same things that the McHenry County assessment officials figured out in one year, and that is if they don't want to look foolish, they will follow the rules of the game that are established statewide."

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

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

Speaker Daniels: "He indicates he will."

Lopez: "Representative Kubik, do you believe in the election process?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, yes, I do believe in the election process, but I also believe that the Legislature...the units of government that we are talking about are created by the State Legislature. They have initially been created by the State Legislature and now we are revising it. So, I think it's entirely appropriate for us to be involved in the change of this process, so..."

Speaker Daniels: "Representative Lopez."

Lopez: "That brings me to the next point. Would you agree with me and say that the county commissioners of the Board of

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Tax Appeals are state elected officials or are they county commissioners?"

Speaker Daniels: "Representative Kubik."

Kubik: "They are elected in Cook County, as I am, but their offices were created by a state law. So, it is a state created function they run in the county."

Speaker Daniels: "Representative Lopez."

Lopez: "So would you say that they are state officials?"

Speaker Daniels: "Representative Kubik."

Kubik: "I would say that they are people who reside in Cook County, who have been elected to a system that was created by a state law."

Speaker Daniels: "Representative Lopez."

Lopez: "So in other words, what you are saying is that they are just like we are. We were created by the Illinois Legislature where you draw maps, so I guess we will consider all ourselves and them state officials. Representative, are you aware of Walker versus State Board of Elections? Article 5, Section 9 of the State Constitution."

Speaker Daniels: "Representative Kubik."

Kubik: "No."

Speaker Daniels: "Representative Lopez."

Lopez: "Let me read what the Constitution says: 'The State Legislature may not grant to itself the authority to appoint state officers. This authority is vested in the Governor by this Section unless a restriction on appointment by the Legislature is overridden by specific constitutional provision establishing the office in question.'"

Speaker Daniels: "Representative Kubik."

Kubik: "As I stated earlier, we are abolishing an office and we

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are creating a new form of government, a Board of Review."

Speaker Daniels: "Representative Lopez."

Lopez: "I agree with what you are saying, Representative, but the Constitution is very clear, this court case is very clear where it says that us, as a state body, as a State Legislature, we can not appoint or elect state officials."

Speaker Daniels: "Representative Kubik. Representative Lopez."

Lopez: "So therefore, we don't have the authority to really appoint an Interim Board of a Board of Review. Let's go on to the next point. Representative, are you aware that the two commissioners, the city commissioners were elected, duly elected by the people of Cook County in November of 1994, less than six or seven months ago?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Lopez."

Lopez: "Are you aware of any fraud or any problems with the election process in November of '94?"

Speaker Daniels: "Representative Kubik."

Kubik: "I do not know of any, but then again, there may have been some. I don't know."

Speaker Daniels: "Representative Lopez."

Lopez: "So, Representative, so why, when the state Constitution clearly states that we cannot appoint, and why if the elections were fair, no fraud involved, why are we changing this in the middle, less than seven months after two city commissioners that were elected by the people of Cook County, the county who you partly represent, why are we doing this when...are we saying that we do not trust the people of Cook County?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I stated earlier, we are abolishing one board and

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creating..."

Speaker Daniels: "Representative Kubik."

Kubik: "Creating a different board with different powers and different responsibilities."

Speaker Daniels: "Representative Lopez, your time has expired. The Gentleman from Cook, Representative Madigan."

Madigan: "Thank you, Mr. Speaker. I rise for the purpose of declaring that I will vote 'present' on this Bill because of the possibility of a conflict of interest. Thank you."

Speaker Daniels: "The Gentleman from Cook, Representative Santiago."

Santiago: "Thank you, Mr. Speaker. Would the Gentleman yield for a question?"

Speaker Daniels: "He indicates he will."

Santiago: "Representative Kubik, let's go in some detail here about this proposed legislation. You are eliminating the Tax Board of Appeals. Am I correct?"

Speaker Daniels: "Representative Kubik."

Santiago: "What?"

Speaker Daniels: "Representative Santiago, I think his answer is, 'yes'."

Santiago: "Could you please tell us what kind of a mechanism are you establishing so that the taxpayers could go and appeal their taxes? If you're getting rid of a board, what are you going to do to replace those members?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, the process is as follows: The Legislative Leaders will appoint four Legislators from Cook County who must reside in...I'm sorry, appoint two members of Cook County who must reside in Cook County to a board. That will create an eight member board. They must, by October 1st, provide four names, no more than two from each

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political party. In turn, the Members of the General Assembly who have a portion of their legislative district in Cook County would be allowed to vote for these four Members based on a weighted vote of the gubernatorial election of 1994. That election must be held by December 1st. The top three vote getters would be then appointed to the Interim Board for a period of two years. Obviously, no more than two from one party would be elected. They would begin their duties on the first day of January, 1996."

Speaker Daniels: "Representative Santiago."

Santiago: "Once the term of the Interim Board, once you nominate the Interim Board, you nominate these individuals. What is the next process? What is the next step in the process?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I indicated, I think I indicated, although I guess it's pretty noisy in here."

Speaker Daniels: "Excuse me. Ladies and Gentlemen."

Kubik: "That's not a problem with me, but... As I indicate, once they are nominated, there will be four nominated. Of those four, the Legislators within... that have districts within Cook County would be given a weighted vote and would be allowed to vote on those nominations and the top three would be elected. As I indicated, there would be no more than two from one party."

Speaker Daniels: "Representative Santiago."

Santiago: "Isn't there in the Bill a stipulation that a process in which a map is going to be drawn so that the new commissioners will be elected within district. Is there such a mechanism in there, in the Bill?"

Speaker Daniels: "Representative Kubik."

Kubik: "I'm sorry, Representative. I thought you were talking about the Interim Board. The board that will begin the

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election process in 1998, there will be a map that will be drawn by the Legislature and that map must be drawn by June 1st of 1996."

Speaker Daniels: "Representative Santiago."

Santiago: "Can you tell me, Representative Kubik, how many taxpayers appealed their taxes in 1994 before the Cook County Tax Board of Appeals, and the other part of the question, how many cases were filed or appealed directly to PTAB?"

Speaker Daniels: "Representative Kubik."

Kubik: "My understanding is the answer to the first is around 70,000, and I believe the answer to the second is around 9 to 10,000."

Speaker Daniels: "Representative Santiago, your time is expiring. Can you bring your questions to a close?"

Santiago: "Yes. Now, if two commissioners could do the job of analyzing 70,000 cases, why do we need three?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, it has been... Well, first of all as I understand it, the Cook County Board of Tax Appeals is the only two member board in the country, the only two member board in the country. I think it is understood by most individuals, including the Chicago Bar Association and others, who believe that a fairer system would be a three member system, and a system where there is minority participation in the Board of Review process. Let me point out that in other counties throughout the state, which obviously are much smaller than Cook County, no more than two members of the Board of Review are from one party, so there has been minority participation."

Speaker Daniels: "Representative Santiago."

Santiago: "Representative Kubik, don't you think that a board

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that handles 70,000 cases is an efficient board?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, based on the evidence that I have seen over the years regarding assessments in Cook County, they may, as you point out, dispose of 70,000 cases. I'm not sure they do it very well."

Speaker Daniels: "Representative Santiago."

Santiago: "Do you have any evidence indicating what you just stated?"

Speaker Daniels: "Representative Kubik."

Kubik: "I think the Department of Revenue has done a number of studies on this issue over the years. I think the Taxpayers Federation, which regardless of how they feel about a particular issue, is seen as an organization that has a lot of integrity in the research that they do, would indicate that in Cook County the assessment process is one that doesn't work. And that there is a wide disparity in assessments and that this system is not working. So I think, you know, I could probably go back to my office and bring down a load of books and show you that, but I think over the years that has been proven that the assessment process in Cook County and the way that those assessments are determined and the ultimate result of those assessments indicate that it doesn't work."

Speaker Daniels: "Representative Santiago."

Santiago: "So, you have stated that PTAB handled what, 6,000 cases last year?"

Speaker Daniels: "Representative Kubik."

Kubik: "I think it's about 9,000."

Speaker Daniels: "Representative Santiago."

Santiago: "How many members are on the PTAB Board?"

Speaker Daniels: "Representative Kubik."

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Kubik: "Five members."

Speaker Daniels: "Representative Santiago."

Santiago: "So, we have a state agency that handles 9,000 cases and it has five members, and I also know that they are behind some six years, and now we want to eliminate an office, a board that handles 70,000 cases with only two commissioners. Where is the sensibility in this equation? Can you tell me that?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, Representative, they may handle 9,000 cases a year. There are 101 other counties in this state. It seems to me, that if they handle 9,000 cases, then what's happening is, on the lower levels at the Board of Review and at the assessor level, people are much more satisfied with and can understand their assessments so they don't feel the need to go to PTAB and go through that process. So what we are trying to do is improve the system on the bottom side and hopefully there will be fewer that will go upward, but it seems to me that people, there are fewer people that are appealing because they are happier with the result that has been done at the Board of Review and the assessor's level."

Speaker Daniels: "Representative Santiago, your time has expired. Can you bring your line of questioning to a close, please or summarize?"

Santiago: "I have so many questions. Thank you, Mr. Speaker, for your indulgence; I really appreciate it."

Speaker Daniels: "Representative Feigenholtz, are you giving Representative Santiago your time? Looks like you have another gift. So we will give you another five minutes."

Santiago: "Yes. It's been a tough birthday for me."

Speaker Daniels: "Well, you're doing a good job."

Santiago: "Thank you, Mr. Speaker. Representative Kubik, we

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cannot compare the rest of the state with Cook County. Half...the population of Cook County is half of the state. Will you agree with me on that point?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, you are the one who introduced the comparison, not me. So, you know, I'm just responding to your line of questioning. You are the one who said, 'Why are we doing this?' And you brought the comparison in."

Speaker Daniels: "Representative Santiago."

Santiago: "I believe that you and everyone here will disagree with you. Just... All we have to do is look at the number 70,000 versus 9,000. Two commissioners doing...processing 70,000 cases with a board that only...that has five commissioners and only processes 9,000 cases, and they are behind six years. Now, let me ask you this question. Let's say that this Bill passes. This board, this PTAB, how many cases are they going to be able to handle?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, first of all, in the...there will be a phase in of the cases. In the '96 tax...the '96 assessment year, appealable in '97, we will just do residential. In the '97, appealable in '98, we will do the rest of the classes of property. The recognition here is that there will need to be additional resources that will be provided to the State Tax Appeals Board, and this will allow us that opportunity to phase in those resources."

Speaker Daniels: "Representative Santiago."

Santiago: "How... Do you have an estimate of how many cases this PTAB is going to handle in a year?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I don't know and I think the reason that we ought to...one other thing we ought to keep in mind is

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that along with the portion that you are talking about of this Bill, we are also changing the standard by which a court makes a judgement on tax assessment. There may be some cases that will choose not to go to PTAB after they have gone to the Board of Review, but rather to go into court and that number we cannot estimate. What I can tell you is that in the State Property Tax Appeals Board at the present time, something in the nature of 65 to 75% of their cases are related to home owner assessment."

Speaker Daniels: "Representative Santiago."

Santiago: "Representative Kubik, you said earlier that PTAB handled 9,000 cases, and I have some information that tells me that they are six years behind. Let's say by your Bill, you're saying that you want to open up the appealing process. Let's say 30,000 people decide to appeal to PTAB. What are you going to do with those people? If you can't handle 9,000, how are you going to handle 30,000? Are you going to put the taxpayers in Cook County at risk? Are you going to put all those taxing bodies at risk? Because you know of the bonding authorizations and the other obligation that these taxing bodies have if these...they are not going to be able to get their money...how are...is this board, that's an inefficient board, is going to handle 30,000 cases?"

Speaker Daniels: "Representative Kubik."

Kubik: "Well, Representative, I think we have a basic disagreement as to how this system is going to work. I happen to believe that if we create a three member Board of Tax Appeals and we develop a good system in the Board of Tax Appeals, that will result in fewer cases going to PTAB. How many? I don't know. We are prepared to place some resources into PTAB to upgrade that particular..."

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

Kotlarz: "Mr. Speaker, I would like to yield my time to Representative Santiago. I would also like to announce that I am voting 'present' because of a possible conflict."

Speaker Daniels: "Well, you can't do both, Sir. If you are going to announce that, that will take up your time, but I will... Representative Santiago, I am going to go to somebody else and then come back to you on a yield. The Gentleman from Cook, Representative Pedersen."

Pedersen: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. Will the Sponsor yield?"

Speaker Daniels: "He indicates he will."

Pedersen: "Representative, under the current system, a taxpayer normally goes to the assessor first when he wants to appeal. Isn't that correct?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Pedersen."

Pedersen: "And logically under the new system, he would do the same thing. Right?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes."

Speaker Daniels: "Representative Pedersen."

Pedersen: "And if he doesn't like the results at the assessor's office, then he has a chance to go to the Board of Appeals."

Speaker Daniels: "Representative Kubik."

Kubik: "Yes, that is the second step. Yes."

Speaker Daniels: "Representative Pedersen."

Pedersen: "And under the new system, he would have the right to do the same thing and that would be the logical step."

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Correct?"

Speaker Daniels: "Representative Kubik."

Kubik: "Correct. That would be the same under...the new system...it would be the same."

Speaker Daniels: "Representative Pedersen."

Pedersen: "So, if he is still unhappy and that, of course, does happen currently, he now has the opportunity to go to the State Property Tax Appeals Board with his appeal. That's the one thing that's new. ...that correct?"

Speaker Daniels: "Representative Kubik."

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

Speaker Daniels: "Representative Pedersen."

Pedersen: "Now, if the State Property Tax Appeals Board has a procedure that's somewhat different and they start changing some of these lower judgments, isn't it logical that if the lower appeals...places that people go, if that...if they're being overridden by the State Property Tax Appeals Board, don't you think it's just logical that at some point the county assessor and the Board of Appeals are going to say, 'well, we'll just do it the same way as the State Property Tax Appeals Board and they won't have to go there.' Isn't that logical?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative Pedersen, that is certainly our hope and I think it is logical. That is our hope that over a period of time that that will occur and will result in fairer assessments at the assessor level and at the Board of Review level."

Speaker Daniels: "Representative Kubik...Pedersen."

Pedersen: "And this... So what...so what that means is that the residents and property owners in Cook County will then have the same right as everybody else in the state has. Isn't

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that correct?"

Speaker Daniels: "Representative Kubik."

Kubik: "Yes, Representative, at the present time, as you well know, in every other county in the state, the taxpayer is allowed the opportunity, not only to appeal at the assessor level, not only to appeal at the board of review level, but at the Property Tax Appeals Board level. Now my belief is that we should not deny that opportunity to the taxpayers of Cook County."

Speaker Daniels: "Representative Kubik. Representative Pedersen."

Pedersen: "Well, to the Bill, Mr. Speaker, this...all the scare tactics we are talking about here will probably just not be there. What's going to happen is at the local levels, where appeals are made, they are going to be doing them the way the State Property Tax Appeals Board will ultimately do it anyway. The other thing is that why do the...why do residents in Cook County not have the same right as everybody in the rest of the state? The other thing is that, you know, we have had people on the other side of the aisle in the past who proposed some of these very things, and so I think what we are really talking about, is this a question of fairness for property owners in Cook County? It certainly would be a lot simpler, and I think it's a marvelous step forward we are taking here for all the property owners in Cook County, and I urge an 'aye' vote."

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

Pugh: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Will the Sponsor yield for a question?"

Speaker Daniels: "He indicates he will."

Pugh: "Representative Kubik, can you tell me the names of the members who are...who currently make up this body?"

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Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I'm not sure I understand your question. Maybe you could be a little more specific."

Speaker Daniels: "Representative Pugh, could you restate your question?"

Pugh: "Okay. Do we start the clock over as a result..."

Speaker Daniels: "No, just restate your question. He didn't understand it."

Pugh: "The Board of Appeals, who currently makes up? Who are the current commissioners?"

Speaker Daniels: "Representative Kubik."

Kubik: "There are two commissioners. I believe their names are Joseph Barrios and Wilson Frost."

Speaker Daniels: "Representative Pugh."

Pugh: "And what ethnicity are these two individuals?"

Speaker Daniels: "Representative Pugh, is this to the Bill? Is this to the Bill, Sir?"

Pugh: "Yes, Sir."

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, I believe that Representative...I'm sorry, Commissioner Frost is an African American and Mr. Barrios is Hispanic."

Speaker Daniels: "Representative Pugh."

Pugh: "And the purpose of this legislation is designed to move those two individuals out of office and replace them with some new people."

Speaker Daniels: "Representative Kubik."

Kubik: "No, there is nothing in this legislation which precludes those two individuals from applying for a membership on the Interim Board and/or running for office under a system that would...districts that would be created by June 1st of 1996."

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Speaker Daniels: "Representative Pugh."

Pugh: "What's the purpose? Why do...what's the need? Why do we need this legislation at this point in time?"

Speaker Daniels: "Representative Kubik."

Kubik: "Representative, we have a board that is a two member board. As I indicated earlier, I have no personal differences with the board members. It has been my experience over my ten years in the General Assembly. I have been down to the Chicago Bar Association on numerous occasions. The Chicago Bar Association believes very strongly, as many other groups do, it should be a three member board. In addition to that, we, in looking at this board, decided that it would be more appropriate to have a Board of Review as opposed to a Board of Appeals. So we abolish the Board of Appeals and created a Board of Review, which has three members."

Speaker Daniels: "Representative Pugh."

Pugh: "So, will this board...will this legislation that we're about to create, will it save the taxpayers' money if we are going from a two member board to a three member board, will we save the taxpayer money? And if so, how much?"

Speaker Daniels: "Representative Kubik."

Kubik: "I think that would be hard to determine, but I do believe that in a fairer assessment system, taxpayers, all sorts of taxpayers, homeowners, small business people, everyone will get fairer assessments, which means lower tax bills. You know, a person who has a piece of property, whether it be a home or a business, is entitled to a fair assessment. That's all we are trying to do here is to create a system that makes sure that we have fair and equal assessments in Cook County."

Speaker Daniels: "Representative Pugh."

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Pugh: "So, are you... The fair and equal assessments would save the taxpayers that pay taxes money, but...that pay taxes on...that pay property taxes, that would save them money, but would the cost...would the savings accrue to the average citizen who doesn't own property that is also paying taxes? Would not his tax bill be increased, so in turn would this not be considered a tax increase?"

Speaker Daniels: "Representative Kubik."

Kubik: "As I said in my opening remarks, Representative, I'm under no illusion. I under..."

Speaker Daniels: "Representative Kubik, can you bring your answer to a close. Time has expired."

Kubik: "I understand that initially there may be some increased cost. We are talking about a \$5 billion dollar tax system in Cook County, and I think that we are trying to change a system that will ensure fairer tax assessments for everyone. And I think that it's hard to calculate how much this will cost, but I think in the long run, a better, fairer system is good for all of the people of Cook County."

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

Dart: "Thank you, Mr. Speaker, to the Bill. This is nothing what Representative Kubik is saying. Earlier today we had...we imposed a disaster plan on the Chicago school system. Today squarely in the cross hairs are the taxpayers, not only of Cook County, but the taxpayers of downstate, and I'll tell you why. The Cook County taxpayers, as the Sponsor freely admitted in committee today, they are going to get stuck holding the bag here. They are the ones that are going to have to come up with \$1 million for compensation for commissioners, \$500,000 plus for compensation for additional employees, \$500,000 plus for

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compensation for employees to process and defend appeals brought before the PTAB. In addition to that, there is going to be an additional \$2 million cost to the assessors office, but I suppose in this Body what's a couple million dollars amongst friends here, huh? What's the difference? It doesn't make any difference. But more importantly, let's keep this thing in perspective as well. What is this doing to all the downstaters. Downstaters are also going to get hurt here. Each one of these individuals here who are Representatives from Cook County, this is a tax increase for Cook County. The Representative admitted that in committee today that this is going to have to come from a levy from Cook County taxpayers to pay for it. So you now will be voting for a tax increase, all in the name of this making assessments fair, which is not going to occur. What you have done in addition is you've set up another bureaucratic level here as well at the PTAB. And what does that mean? For you downstaters, what that means is that now when your constituents, your taxpayers are going down in front of PTAB, guess what? The backlog that is now a couple years is going to be 6, 7, 8, 9 years. They can't handle it. Let me read you something that the Civic Federation put out. In regards to extending the jurisdiction of the PTAB to Cook County, the Civic Federation at this time strongly opposes extending the PTAB jurisdiction to Cook County. The PTAB lacks the funding or the expertise to handle potential flood of assessment appeals from the state's largest county, and this Bill makes no provision to assist PTAB in either respect. Currently the Board of Appeals review over 60,000 assessments appeals annually, as well as 1,000 certificates of error and exemptions. If only 25,000 parcels were

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appealed from Cook County to the PTAB, it's workload would increase by 280%. Imposing a tremendous stain on an already overworked and understaffed body. This is what this Bill is going to do. There is no two ways about it, that is it. That is it in a nutshell. So for you in Cook County, here is your tax increase. For the downstaters you are insuring that your taxpayers will not be able to get their taxes heard in front of PTAB. Who it does help though, it will help lawyers. Lawyers will be given a...this will be like full employment for lawyers, because the new standard is something I fully agree with, but it's going to mean encouraging more people to appeal. And this PTAB that does not have the expertise for these big cases, they get one of these big parcels maybe once a year. Cook County gets them about once a day. They have none of the expertise to handle this. So what is this going to be doing to all the downstate individuals who come in front of PTAB? They are going to be pushed in the back of the docket and pushed further and further. And what's the other thing that you're doing here as well? The other thing you are doing to the downstate as well as in addition to the backlog is now you are setting up a system where the taxing bodies, which we have already handcuffed, and I'm sure you've heard from them already from the school districts with tax caps. We have already handcuffed them with that, but what we are doing here now is we are setting up a system there to get them yet again. Because under the PTAB, PTAB does not make its decisions on assessments until after the bills have been issued and taxing bodies will thus experience millions of dollars in losses per year due to costly refunds, the large business owners filing before PTAB. These repayments will be ordered after the money has

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already been spent. This will be repayed, not only the money, but guess what? With interest as well. So you are also sticking them that way, too. Here we have it, we are setting up a new bureaucracy. We are not paying for it, Cook County taxpayers will. We are also putting in place new responsibilities for PTAB. We are giving them no money for that; we will just pull that out of the budget somewhere as well. We are not sure exactly where that's going to come from. So what, in effect, have we done? We have put together a very costly system here, which will not speed up tax appeals at all. It will not make it more fair. We all know that and you know it as well. The reality of it is, just like we will no longer hear from you again crying about Chicago public schools because you have imposed your plan on us in that regards. Now you are imposing your plan in this regard and the chaos, the utter chaos that is going to be caused by this and the expense to the taxpayers, guess what? It's at your doorstep again and you are the ones that are going to be sitting there holding the bag when your taxpayers are going to see their bills going up, and they are not going to be able to get their tax refunds back because you have done it to them again. This does not make sense. There are some good provisions in this Bill. This is not one of them and this Bill should be defeated."

Speaker Daniels: "Further discussion? The Lady from Lake, Andrea Moore."

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

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

Kubik: "Thank you, Mr. Speaker. I think that this Bill has been

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very fully debated. Let me make a couple of points before we vote. This is not...This is not some kind of a radical proposal. This proposal is the law in 101 other counties in the state. What you say is that in Cook County, you can't appeal more than twice. You appeal to the assessor and you appeal to the Board of Tax Appeals. In every other county in the state, you appeal to the assessor, you appeal to the Board of Review, and then you appeal to the PTAB if you don't like it. What we are saying is that we ought to give that ability to the other taxpayers, the taxpayers of Cook County. So, you know, I can't understand why somebody wouldn't want to give a taxpayer, who has done nothing wrong, other than been given an assessment by an assessor which is wrong, and they bring the evidence that it's wrong and they want to go through a system to make sure that that assessment is fair. What's wrong with that? I think that makes imminently good sense. Now, I believe that this Bill is a well balanced Bill. It makes a lot of sense. It's taxpayer friendly. If you believe in taxpayers, if you believe in fair assessments and if you believe that we ought to bring a taxpayer an opportunity to get a fair assessment you ought to be for this Bill. I urge a 'yes' vote on the Motion to concur on Senate Amendments 1 and 2."

Speaker Daniels: "The question is, 'Shall the House concur in House Bill 1465, Senate Amendments #1 and 2?' All those in favor signify by voting 'aye'; opposed by voting 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 67 'ayes', 46 'no', 4 voting 'present'. On this question, the House does concur with Senate Amendments #1 and 2 to House Bill 1465. This Bill, having received the

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Constitutional Majority, is hereby declared passed.

Speaker Daniels: Ladies and Gentlemen of the House, we have several Resolutions, several Motions to recede, several Motions to non-concur and we will complete our evening with House Bill 901. So we are going to move fast on the resolutions, Motions to recede, and to non-concur. The first is, Senate Resolution 21. Read the Resolution, Senate Joint Resolution 21. Supplemental #3, excuse me, Mr. Clerk."

Clerk Rossi: "Senate Joint Resolution #21 offered by Representative Persico."

Speaker Daniels: "Representative Persico?"

Persico: "Thank you, Mr. Speaker, Members of the House. Senate Joint Resolution 21 is a compromise Resolution with many industries and utility companies, to form a joint committee to review and propose legislation to establish wheeling of electricity in Illinois. Very quickly, what the effect of this Resolution, what we're trying to do is to create a 12 member joint committee to hold hearings and be charged with generating a legislative proposal to implement wheeling of electricity in Illinois. It creates a non-voting technical assistant group from various companies, organizations, and associations. And two representatives of the Commerce Commission to offer advice and information on the issues before the joint committee. It requires the joint committee to hire a facilitator to ease and administer the joint committee activities, who is to be nominated by the assistant group and appointed by the majority of the committee. It requires the committee to begin work by June 15, 1995. It requires a preliminary report to the General Assembly by December 1, 1995 and it requires submission of a final legislative proposal by

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November 8, 1996. It authorizes the committee to seek non-governmental funding through the companies being represented on the technical assistant group. It also requires the General Assembly to provide from existent appropriations, additional committee staff. I would be willing to answer any questions, that you have."

Speaker Daniels: "Gentlemen moves for the adoption of Senate Joint Resolution 21. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? The Clerk will take the record. On this question, there are 115 'aye', 2 voting 'no', none voting 'present', and the Motion to adopt Senate Joint Resolution 21 is adopted. On Supplemental Calendar #2, Senate Bill 428. Representative Stephens moves to refuse to recede from House Amendment #3. All those in favor, signify by saying 'aye', opposed 'no'. The 'ayes' have it. Motion carries. A Conference Committee has been requested and a first Conference Committee shall be appointed. Senate Bill 721, read the Bill, Mr. Clerk."

Clerk Rossi: "Senate Bill 721, a Motion to refuse to recede from House Amendments 4, 5, 11, 12, 13, 14, and 16, has been filed and approved for consideration.

Speaker Daniels: "Representative Rutherford moves to recede from House Amendments 4, 5, 11, 12, 13, 14, all those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Gentlemen requested a first Conference Committee and the Conference Committee is appointed. Senate Bill 1140. Read the Bill, Mr. Clerk."

Clerk McLennand: "Senate Bill #1140, a Motion to refuse to recede has been filed by Representative Lindner."

Speaker Daniels: "Representative Lindner moves to refuse to

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recede to House Amendment #3 and that a Conference Committee be appointed. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House refuses to recede from House Amendment #3. A Conference Committee is requested and shall be appointed. House Resolution 53, read the Resolution, Mr. Clerk."

Clerk McLennand: "House Resolution #53 offered by Representative Churchill. Resolved by the House of Representatives of the 89th General Assembly of the State of Illinois. That pursuant to House Rule 3-7, the following legislative measures are recommitted to the Rules Committee."

Speaker Daniels: "Gentlemen, Representative Churchill moves for the adoption of the Resolution. All those in favor signify by saying 'aye'; opposed 'no'. And the 'ayes' have it. On the Regular Calendar, on the Order of Non-concurrence. House Bill 160."

Clerk McLennand: "House Bill #160. A Motion to concur was filed. And committee sent out a 'do not approve for consideration'. A Motion to non-concur has been filed in Senate Amendment #1 by Representative Turner."

Speaker Daniels: "Representative Turner moves to non-concur with Senate Amendment #1 to House Bill 160. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. The Motion carries. House Bill 314."

Clerk McLennand: "House Bill 314, a Motion to concur in Senate Amendments #1 and 2 was filed. And committee ruled they do not approve for consideration. A Motion to non-occur (sic) has been filed."

Speaker Daniels: "Representative Turner moves to non-concur with Senate Amendments #1 and 2 to House Bill 314. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendments

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#1 and 2. House Bill 2240."

Clerk McLennand: "House Bill #2240, a Motion to non-concur was filed in regards to Senate Amendment #1 by Representative Rutherford."

Speaker Daniels: "Representative Rutherford moves to non-concur with Senate Amendment 1 to House Bill 2240. All those in favor signify by saying 'aye'; opposed 'nay'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to 2240. On Supplemental Calendar #1, House Bill 1470."

Clerk McLennand: "House Bill #1470, a Motion to non-concur in Senate Amendment #2."

Speaker Daniels: "Representative Churchill moves to non-concur with Senate Amendment #2 to House Bill 1470. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #2 to House Bill 1470. House Bill 1523, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1523, a Motion to non-concur has been filed on Senate Amendment #1."

Speaker Daniels: "Representative Murphy moves to non-concur with Senate Amendment #1 to House Bill 1523. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to House Bill 1523. House Bill 1787, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #1787, a Motion to non-concur has been filed in regards to Senate Amendment #1."

Speaker Daniels: "Representative Kubik moves to non-concur with Senate Amendment #1 to House Bill 1787. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to House Bill 1787. House Bill 2403, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #2403, a Motion to non-concur has

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to Senate Amendment #1."

Speaker Daniels: Representative Churchill now moves to non-concur with Senate Amendment #1 to House Bill 2403. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. And the House non-concurs with Senate Amendment #1 to House Bill 2403. Corrected committee report."

Clerk McLennand: "A corrected committee report filed by Representative Persico, a chairman for Committee on Environment and Energy. To which the following joint action Motions were referred. Action taken on May 24, 1995. Reported the same back due proved for consideration. On the Order of Concurrence, House Bill 901 together with Senate Amendments #1 and 2."

Speaker Daniels: "House Bill 901, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill #901, Motion to concur with Senate Amendments #1 and 2 has been filed by Representative Ryder and has been approved for consideration."

Speaker Daniels: "From DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker, Members of the House. House Bill 901 as Amended creates the Environmental Impact Fee. It is a major piece of legislation that impacts each and every one of our legislative districts. It deals with the funding of the leaking underground storage tank. Specifically, the fee shall be \$60 per 7,500 gallons of fuel or the equivalent amount per fraction as sold to use in Illinois. This Amendment exempts Midway Airport from the fee. All monies received under this Act shall be deposited in the Underground Storage Tank Fund. The Department of Revenue is to administer the fee. It's effective July 1 of 1995. This Amendment also repeals the Environmental Impact Fee on December 31, 2002. I would ask

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for your favorable support and concur on Senate Amendments 1 and 2 to House Bill 901. And be willing to answer any questions you may have."

Speaker Daniels: "The Gentleman from Cook, Representative Madigan."

Madigan: "Thank you, Mr. Speaker, I didn't know my microphone was on. Mr. Speaker, I rise in opposition to this Bill and I'd like all the Republican members to please wake up. This is your 'wake up call', Ladies and Gentlemen. This proposal is a 45 million dollar a year tax increase. Let me say it again. 45 million dollars a year for seven years. 315 million dollars in this little baby up here right now. 28 dollars for every man, woman, and child; for a family of four, 112 dollars. You should understand, they're hooking up the cars for your Republican train, your Republican tax train. This is item #1. Next there'll be a tax on hospitals. After that, they're going to ask you to put a tax on tobacco. After that, they're going to tell you, repeal the prompt payment law, as it applies to hospitals and nursing homes. Later on, they're going to have some real estate tax increases for you to vote for. So this is just the beginning. 45 million dollars a year! I'm opposed to it. Thank you."

Speaker Daniels: "Further discussion, the Gentleman from Champaign, Representative Johnson."

Johnson, Tim: "I move the previous question."

Speaker Daniels: "The question is, 'Shall the main question be put?'. All in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it. Gentlemen, Representative Persico moves for the passage of House Bill 901. All those in favor signify by voting 'aye'; opposed by voting 'no'. The voting is open. Have all voted who wish? Have all voted

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who wish? Have all voted who wish? Take the record, Mr. Clerk. On this question, there are 42 'ayes', 61 'no', and this Bill, having failed to received a Constitutional Majority, is hereby declared lost. Representative Persico now moves to non-concur in Senate Amendments #1 and 2. All those in favor signify by saying 'aye'; opposed 'no'. The 'ayes' have it and the House non-concurs in Senate Amendments #1 and 2. Representative Woolard."

Woolard: "Thank you, Mr. Speaker. I think that we're probably about to adjourn and there was a flyer that was put on everyone's desk. I think this morning. Said that one hour following adjournment, we were going to meet at the Lincoln Plaza across the street. It's immediately, we're going to adjourn to the Lincoln Plaza. Come join us, Dave Phelps, one of greatest singers in the State of Illinois."

Speaker Daniels: "Announcements, Mr. Clerk? Any announcements?
No announcements."

Clerk McLennand: "No announcements."

Speaker Daniels: "Representative Churchill now moves the House stand adjourn until Thursday, May 24 (sic), 1995, at the hour of 9:00 a.m. All those in favor, signify by saying 'aye'; opposed 'no'. In the opinion of the Chair, the 'ayes' have it. And allowing for the perfunctory time for the Clerk, the House now stands adjourn until Thursday, May 24 (sic), 1995, at the hour of 9:00 a.m. Good night everybody."

Clerk McLennand: "Being no business, the House Perfunctory Session stands adjourned. The House will reconvene Thursday May 25th at the hour of 9:00 a.m. Nine hours and 20 minutes from now.'

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SUPPLEMENTARY APPENDIX C

STATE OF ILLINOIS
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May 23, 1995

PRESIDING OFFICER: (SENATOR MAITLAND)

The regular Session of the 89th General Assembly will come to order. Will the Members please be at their desks. Will our guests in the gallery please rise. Our prayer today will be given by Reverend Ernest L. Gerike, retired from Trinity Lutheran Church, Bloomington, Illinois. Reverend Gerike.

THE REVEREND ERNEST GERIKE:

(Prayer given by the Reverend Ernest Gerike)

PRESIDING OFFICER: (SENATOR MAITLAND)

...Gerike, thank you very much for being here today. I'm honored that you're here. The interest of the Body, Pastor Gerike is my home church pastor, and it's a privilege for me to have him here today. Would you all please stay standing for the Pledge of Allegiance. Senator Sieben.

SENATOR SIEBEN:

(Pledge of Allegiance, led by Senator Sieben)

PRESIDING OFFICER: (SENATOR MAITLAND)

Reading of the Journal. Senator Butler.

SENATOR BUTLER:

Mr. President, I move that reading and approval of the Journals of Thursday, May 18th; Friday, May 19th; Sunday, May 21st; and Monday, May 22nd, in the year 1995, be postponed, pending arrival of the printed Journals.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Butler moves to postpone the reading and approval of the Journal, pending arrival of the printed transcripts. There being no objection, it is so ordered. Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

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SENATOR DEMUZIO:

Last night after Session, after reviewing the roll calls on House Bill 955, it indicated that I had voted No. I inadvertently must have hit the No switch when I meant to vote Present. I would like the record to reflect that this morning.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, the record will show -- indicate your intent. Committee Reports.

SECRETARY HARRY:

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 3 to House Bill 32 Be Adopted.

Senator Hawkinson, Chair of the Committee on Judiciary, reports Senate Amendment -- or, Senate Bill 435 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 447 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 619 - the Motion to Concur with House Amendment 1 Be Approved for Consideration; Senate Bill 721 - the Motion to Concur with House Amendments 6, 7, 8, 9, 10 and 15 Be Approved for Consideration; and Senate Bill 838 - the Motion to Concur with House Amendments 4, 5, 6, 7, 8, 9, 10 and 11 Be Approved for Consideration.

Senator Mahar, Chair of the Committee on Environment and Energy, reports Senate Amendment 2 to Senate Joint Resolution 21 Be Adopted.

Senator Barkhausen, Chair of the Committee on Financial Institutions, reports Senate Bill 433 - the Motion to Concur with House Amendment 2 Be Adopted.

Senator Peterson, Chair of the Committee on Revenue, reports Senate Amendments 2 and 3 to House Bill 1523 Be Adopted.

And Senator Cronin, Chair of the Committee on Education, reports Senate Bill 130 - the Motion to Concur with House Amendments 5 and 6 Be Adopted, Senate Bill 141 - the Motion to

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Concur with House Amendment 1 Be Adopted, and Senate Bill 150 -
the Motion to Concur with House Amendment 4 Be Adopted.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

SECRETARY HARRY:

A Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that
the House of Representatives has concurred with the Senate in the
passage of a bill of the following title, to wit:

Senate Bill 934, together with the following
amendment, which is attached, in the adoption of which I am
instructed to ask the concurrence of the Senate, to wit:

House Amendment No. 1.

We have like Messages on the following Senate bills with House
amendments: 405, with Amendments 1, 3 and 4; 412, with Amendments
1 and 2; 637, with Amendment 1; 711, with Amendment 1; 788, with
Amendment 1; 818, with Amendment 1; 977, with Amendments 1 and 2;
1026, with Amendment 1; 1094, with Amendment 1; 1200, with
Amendment 1; 1202, with Amendment 1; and 1208, with Amendments 1,
2 and 5.

All passed the House, as amended, May 22nd, 1995.

PRESIDENT PHILIP:

Resolutions.

SECRETARY HARRY:

Senate Resolution 76, offered by Senator Severns and all
Members.

Senate Resolution 77, offered by Senators Severns, Demuzio and
all Members.

They're both death resolutions, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Consent Calendar. Ladies and Gentlemen, our first order of
business will be on page 5 of today's Calendar. We'll be going to

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the Order of 3rd Reading. So for those of you who have not yet reached the Chamber, I would advise you to -- to arrive very quickly. Today is an important day for bills on 3rd Reading. So, I encourage all Members to be in their seats as quickly as possible.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz, for what purpose do you rise?

SENATOR DUDYCZ:

Thank you, Madam President. On a point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR DUDYCZ:

Ladies and Gentlemen of the Senate, with us in the President's Gallery on the Republican side, we have some special -- very special guests from my district. We have the Resurrection High School Science Team, who recently won an award for the outstanding science project at the University of Illinois this year, and they are being led by their teachers, Vincenza Guisti, Paula Nicolau, and Aurelia Skiba. And my daughter, Nadya, is among the attendees there, and I would like to have the Senate welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

We'd like to have them rise and be recognized. Welcome to Springfield. Senator Maitland, for what purpose do you seek recognition?

SENATOR MAITLAND:

Point of personal privilege, Madam President. I was, today, privileged to introduce to the Body my home pastor, Pastor Ernest Gerike from Trinity Lutheran, Bloomington. And in the gallery directly behind you, Madam President, is a group from Trinity Lutheran who are down here today, some thirty-five or thirty-six men and women. They are from the Over Fifty-five Club at Trinity Lutheran. I'm just delighted to have them here in Springfield.

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And would you please stand and be recognized by the Senate?

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you please rise and be welcomed? We're glad to have you with us. Ladies and Gentlemen of the Senate, I would like to at least inform you that we are going to 3rd Readings. We are on our last day for passage of bills on 3rd Reading. So I'd like you all to please be in your seats, be alert. Senator Butler seeks recognition -- leave of the Body to return House Bill 32 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. And on the Order of 2nd Reading is House Bill 32. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 3, offered by Senator Butler.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler, on Amendment No. 3.

SENATOR BUTLER:

Thank you very much, Madam President. Amendment No. 3 is a agreement worked out with the -- by EPA <sic> and the Plumbers' Union, and I see no opposition to this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Hearing none, Senator Butler moves the adoption of House Bill -- Amendment No. 3 to House Bill 32. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other further Floor amendments?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. On the Order of 3rd Reading is House Bill 32. Senator Butler. Mr. Secretary, read the bill.

SECRETARY HARRY:

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House Bill 32.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you very much, Madam President. This bill started out as a measure to regulate the plumbing installations on mobile homes and on manufactured homes. That was stripped out of the bill. This bill now cleans up some of the language that the EPH <sic> has had -- some of the problems they've had with the language in their bill. I know of no -- no opposition.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Geo-Karis.

SENATOR GEO-KARIS:

Are you telling us, Senator, that the objection that the licensed plumbers had to the installations in these made-up homes, where they didn't have to have licensed plumbers do the plumbing, has been cleaned up?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Senator, there is no opposition from the Plumbers' Union.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall House Bill 32 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the

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record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 32, having received the required constitutional majority, is declared passed. Senator Karpiel, on House Bill 41. Senator Karpiel. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 41.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Thank you, Madam President. I want to thank whoever fixed my mike. I appreciate it. House Bill 41, as amended, amends the Public Utilities Act. It authorizes the Commerce Commission to promulgate certain rules to apply to -- competitive -- to promulgate certain rules to apply to competitive telecommunication rates and services. The affected subjects include standards for the accuracy and measurement of the services provided, the payment of refunds and interest on overcharges, and health safety standards for employees, customers and the general public. With the other amendment, it replaces seven commissioners of the Illinois Commerce Commission with five commissioners and reduces the number of commissioners that can be of the same political party from four to three. Reduces the number of full-time assistants from three to two. Amends the Open Meetings Act to reflect the reduction of the number -- in the number of commissioners so that a quorum will -- or a meeting shall mean a gathering of a quorum of three. And that's what the bill does.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

SENATOR WELCH:

Yes. Thank you, Madam President. This is the bill that

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requires all of the Commerce Commission members to resign effective January 1 of next year. After they resign, they'll be reduced to five, and that will allow a pay raise to go through for the five members who get reappointed. This bill is an attempt to redesign the Commerce Commission to go along with the Governor's ideas on utility regulation and to reward those who supported him in the election. I think it's pretty obvious what this bill is going to do: It's a pay-back bill. It's going to be one that's going to be very controversial. It will be brought up in everybody's re-election campaign, so I would urge you now to inoculate yourself against the negative ads in the future and vote No, and save the government some money. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Any further discussion?
Senator Karpziel, to close.

SENATOR KARPIEL:

Yes...

PRESIDING OFFICER: (SENATOR DONAHUE)

Excuse me, Senator Karpziel. I apologize. Senator Lauzen.

SENATOR LAUZEN:

Question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates she'll yield, Senator Lauzen.

SENATOR LAUZEN:

Would you agree with -- to the sponsor, would you agree with the comment that's been made - I guess it was in a Chicago Tribune article, a quote of an opponent to the bill - saying that getting three out of five commission votes is phenomenally more easy than getting four out of seven?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

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It depends -- I would think it would depend on if they're right on the issue, or what the issue is, or -- not always.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

I understand that Martin Cohen, CUB's executive director, says that if a smaller commission could reduce the diversity of opinion and independent innovative thinking on the panel. Would you have any reaction to that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Well, Senator, I think part of the reason for this reorganization, or the cutback of the number, has to do with the -- the changes in a lot of the industry now - the deregulation of the trucking industry, which they no longer will have to be handling, and the possible -- the changes that will be coming in the telecommunications industry. I think they're thinking that the workload is going to be cut down and that five commissioners can handle that as well as seven, and there is a savings to the -- to the State by doing so.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Could you help us understand, what is the -- what's the amount of the savings?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpiel.

SENATOR KARPIEL:

Well, the number that I have, Senator, is four hundred and twenty-six thousand dollars savings: two hundred and sixty-six thousand five hundred in public utility fund, and a hundred and

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fifty-nine nine in GRF.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, just put your light on.

SENATOR LAUZEN:

I -- I would say that if that's the amount of the savings, that we ought to then, perhaps -- if that's what it -- what it saves us to eliminate two, perhaps we ought to eliminate more. But another -- a final question on if -- if the workload is going down for the ICC, who is it who will be doing all of the work - the regulation work - on the electrical utilities rewrite of what's going on and the telecommunications? Isn't that in the ICC?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel.

SENATOR KARPIEL:

Who's going to be doing the work?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

The regulatory work for the telecommunications and also the electrical - when we go into the wheeling and all that?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpel.

SENATOR KARPIEL:

Well, I think, you know, the -- I don't think eliminating two commissioners and two assistants is going to -- they'll still be doing the work, and -- and we're going into a competitive business here so that we won't have as much regulations in the future with those -- with those deregulations of those industries.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

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Then just to the bill: I would -- if this is a good idea, I would suggest that it would be better to postpone this until we're through the -- the deregulation process, because rather than the workload on this agency going down, I would say that it's at least going to stay the same or increase. Thank you very much.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Karpriel, to close.

SENATOR KARPIEL:

Well just to say, again, that what we're doing is just cutting the number of commissioners from five -- seven to five. The savings that I mentioned includes the elimination of the two commissioners, their staff assistants, the overhead and travel that's associated with those two commissioners and that with the deregulation of many of these industries, it is projected that there will be less regulation necessary and less work necessary, and I think it's a good bill. I ask for your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 41 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 37 Ayes, 19 Nays, 1 voting Present. House Bill 41, having received the required constitutional majority, is declared passed. If I could have your attention one more time, Ladies and Gentlemen. I'm going to just make one point: If you want to seek recognition in your questioning, all you have to do is put your light on. Don't assume that the Chair is going to know that. So, just put your light on when you want to seek recognition, and you will be recognized. On the Order of 3rd Reading is House Bill 90. Senator Karpriel. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

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House Bill 90.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. House Bill 90, as amended, requires that the budget and tax levy of the DuPage Airport be approved by the county board before the tax levy may be certified to the county clerk, and that's basically all it does to present law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Collins.

SENATOR COLLINS:

Thank you, Madam President. This is a reform that is long overdue, and I -- I commend the sponsor for taking care of some of the real problems with this bill. And I would just hope everyone on this side of the aisle will also support the bill at this point.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Seeing none, Senator Karpziel, to close.

SENATOR KARPIEL:

Just to say, what a difference a day makes. I appreciate your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 90 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, no Nays, none voting Present. House Bill 90, having received the required constitutional majority, is declared passed. Senator O'Malley, on

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House Bill 207. Senator O'Malley, on House Bill 226. Senator Petka, on House Bill 301. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 301.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you very much, Madam President and Members of the Senate. House Bill 301, which passed out of the House 107 to 0, was amended in the Senate to provide a compromise to help older, un-reimbursed detention facilities receive compensation for some of their security personnel. The underlying bill, which passed the House, in which I seek adoption, would permit the Department of Corrections to build and operate regional juvenile detention facilities to hold minors awaiting trial as adults. Please understand that this is not a mandate. This is a -- it's permissive legislation, and the Department, if they choose to go forward, would recoup their costs by simply allocating fees to be paid by the counties who would be using this juvenile detention center. Because of that, Madam President, I seek its adoption and will answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any discussion? Any discussion? Seeing none, the question is, shall House Bill 301 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 57 Ayes, 1 Nay, none voting Present. House Bill 301, having received the required constitutional majority, is declared passed. Senator Cullerton, on House Bill 320. Read the bill, Madam Secretary.

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ACTING SECRETARY HAWKER:

House Bill 320.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. House Bill 320 passed the House by a vote of a 115 to nothing and came out of the Executive Committee. It authorizes a revolving loan fund at the Illinois Facilities Fund. This would be to make below-market-rate real estate loans to child care agencies that will be called upon to expand as the welfare reform is implemented in Illinois. This also creates a Child Care Capital Advisory Board <sic>, which is appointed by the Governor, to advise the Illinois Facilities Fund on implementation of the capital fund. Any funds that are -- that come into this -- this State fund then would be used to leverage private investment from banks and foundations. Child care agencies in low-income neighborhoods in Illinois rely upon government contracts for the majority of their revenues, and they are unable -- generally unable to obtain traditional bank financing. Because improved or expanded facilities are necessary to serve more children, there's a credit gap. This fund would help solve that problem. The Illinois Facilities Fund is a not -- nonprofit statewide tax-exempt corporation that -- that right now makes below-market real estate loans to over eighty human service organizations in Illinois. They actually built and own seven large child care centers through a partnership with the Department of DCFS, and they have a close working relationship with them. The -- as a result of Senate Bill 10, we do expect, obviously, that there will be welfare recipients who will be in need of child care. The child care industry across

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the State is already burdened with a long waiting list, and the lack of child care is often cited by poor single mothers not in the labor force as one of the reasons they're not working. So this loan program will help keep costs of child care low by making possible the necessary capital investment at reasonable and stable rates. Be happy to answer any questions. Urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. -- Madam President. Senator Cullerton, I'm a little confused by -- by the language of this quite lengthy staff analysis on your bill. This creates the Child Care Capital Development Fund Advisory Council to provide guidance to the Illinois Facilities Fund. What is the Illinois Facilities Fund?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. The Illinois Facilities Fund was created in 1990. It's -- has approved over seventy-nine loans, totaling over thirteen million dollars. It's a nonprofit statewide tax-exempt corporation that makes below-market real estate loans to over eighty human service organizations in Illinois. And what they do is that every dollar in this loan program leverages four dollars in private investment. And the reason -- the need for this organization and this fund, is that traditionally these facilities that need to be built would not qualify for a bank loan program. So, a traditional bank would not give a traditional loan. So you have this Fund that provides the -- the credit, and then it's -- the money is repaid, and then once it's repaid, it's loaned out for -- for more -- for more projects to be built.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

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SENATOR DUDYCZ:

Is this the only such organization -- I mean, this is not a State agency. This is not a State-funded organization, is it? It's a private -- private group, and we're creating an advisory council to -- to give guidance to this -- what is it 501(C)?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Yes. They're in existence. They are a nonprofit statewide tax-exempt corporation who make loans now. Now, what this bill would do would be to focus specifically on the child care providers. Nonprofit child care providers are the ones that, as we said, will be called upon to -- as welfare reform is implemented, to build these facilities, and they are the ones that lack the credit needed to secure traditional bank financing. And so, what this panel will do is to advise the -- advise the Fund as to where the money should best be -- where these facilities would best be -- be set up, and -- and as I indicated, they do work with DCFS right now.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dudycz.

SENATOR DUDYCZ:

Well, Senator Cullerton, where is the funding supposed to come from for the Child Care Capital Development Fund for the -- for example, the -- the revolving funds? Where is this money coming from and how much are we talking about?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

There's absolutely no appropriation, and there's no appropriation needed. This Illinois Facilities Fund receives money from private foundations. There's certainly no reason to

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preclude the State if in the future, as we implement Senate Bill 10 -- if we implement that and we want to spend State money, that's a decision that future General Assemblies can make. But we're just setting up the fund. There's no appropriation and these monies can come from private foundations and -- and from private donations.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Dudycz.

SENATOR DUDY CZ:

Well, that's my point. This year we're not providing any funds for it, but next year they will come to us and say that since we are providing this advisory council to the Child Care Capital Development Fund, I fear that they will be coming to us and asking us for a specific appropriation. This is -- this is specific legislation. I don't know if this is what we really want to do. We are creating a -- an advisory council through General Assembly action to provide guidance to a -- a private corporate fund. And -- and I fear that we're -- we're setting a dangerous precedent here. I don't think that we want to do that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Parker.

SENATOR PARKER:

Thank you, Madam President. I rise in support of this bill. In my district, I have, in the short time I've been there, been able to visit many day care areas. There is a need because of the bill that we have passed with welfare, for not only day care centers, but quality day care areas, and I think this is a mechanism that can successfully be used for private funding to help us out with day care centers so women can go to work and can have confidence by -- going to work that they have quality care for their children. And that is one of the reasons why it does make them difficult to go out into the job market. And I think if

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we are going on one end with welfare, that we have to provide the help and support at the other. This is a -- a nonprofit types of organizations, and I think this bill should be passed. And I would urge an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I stand in full support of this piece of legislation. The proponents of this is the Illinois Facilities Fund and the Day Care Action Council. These young people are affording their parents an opportunity to go to work, and the centers are very well supervised. And I think that we should help them to increase and make life more durable for our families who rely upon our day care centers for the survival of their child. And I offer that you all support this piece of legislation. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Karpziel.

SENATOR KARPIEL:

Thank you, Madam President. I just would like to explain a little bit about what happened to this bill in committee and -- and how it got here at this stage and in this state. This bill passed out of the Executive Committee rather with the expectation and the direction actually to come up with an amendment which would clean up several parts of the bill. The sponsor did, in fact, have an amendment which did a lot of those things, but unfortunately, the amendment did not get adopted in committee, so we now have the bill as it was introduced -- or came over from the House with no amendment on. In its present state I feel it is a bad bill. The concept behind it is wonderful. If we're going to be passing a lot of laws, a lot of bills, to reform welfare and expect women to be going out and working, we need to have

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facilities for their children, for day care for their children. There aren't enough facilities in the State to handle all the children that we now have; there's such a long waiting list. This bill -- the purpose of it, is to try to come up with more facilities, more space for these children and to work hand in hand with DCFS to implement the -- welfare reform bills and to provide the space for those children. However, the bill as it is now specifies a private -- one, single private organization doing this. I think that's not good policy. There is no money involved in it. It sets up a revolving fund. It sets up a huge advisory council within the -- DCFS. I really think that this needs to be worked out and perhaps come back in fall with a bill that will do what we want to do and yet not be getting involved in special legislation for one special private enterprise. And I would ask for a No vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, Senator Cullerton, to close.

SENATOR CULLERTON:

Yes. Thank you, Madam President. Senator Karpel is correct; we did prepare an amendment which was drafted at -- at her suggestion and her staff's suggestion. And what that amendment would have done was to make the advisory council, I think, three people instead of nine people, and it would have taken the name "Illinois Facilities Fund" out of the Statute. And those were the two changes, but they were, unfortunately, not adopted by the committee. Those are not major changes to the bill. The advisory council has nine people; the suggestion was it be three. It didn't -- the amendment didn't pass. As far as the Illinois Facilities Fund's name not being in the Statute, they're the only organization that would qualify anyway. So if the Governor wants to take -- make those changes with an amendatory veto, that's --

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that's fine with me; I would accept them. But to kill the bill is -- is not good public policy. This does not take any State dollars, and it makes the availability of child care more practical. And it's something which we have to do, in light of the actions that we've taken with regard to welfare reform. So let's be smart. Let's pass the bill, and I appreciate your Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 320 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 27 Nays, 1 voting Present. House Bill 320, having -- having received the required constitutional majority, is declared passed. Senator Karpziel, for what purpose do you rise?

SENATOR KARPIEL:

For a verification.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel has requested a verification. Will all Members please be in their seats? And the Secretary will read the affirmative votes.

ACTING SECRETARY HAWKER:

The following Members voting in the affirmative: Barkhausen, Berman, Bowles, Carroll, Clayborne, Collins, Cullerton, DeAngelis, DeLeo, del Valle, Demuzio, Thomas Dunn, Farley, Garcia, Geo-Karis, Hasara, Hendon, Jacobs, Jones, Molaro, O'Daniel, Palmer, Parker, Rea, Severns, Shadid, Shaw, Smith, Trotter, Viverito, and Welch.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Karpziel, do you question the presence of any Member?

SENATOR KARPIEL:

Senator Carroll.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Carroll on the Floor? He's in his seat, Senator Karpel.

SENATOR KARPIEL:

Senator DeLeo.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo on the Floor? Senator DeLeo. He's in the back of the Chambers.

SENATOR KARPIEL:

Senator del Valle.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator del Valle on the Floor? He's in the back of the Chambers, ma'am.

SENATOR KARPIEL:

Why don't you guys tell me who's not there. Or at least all go sit down in your seats. Senator Palmer.

PRESIDING OFFICER: (SENATOR DONAHUE)

She's in her seat, Senator Karpel.

SENATOR KARPIEL:

Senator -- I think that's all, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, the Ayes are 31, the Nays are 27, there is 1 voting Present. Having received a required constitutional majority, House Bill 20 is declared passed -- House Bill 320 is declared passed. Senator Watson, on House Bill 330? Out of the record. With leave of the Body we're going to come back to House Bill 385. Senator DeAngelis, on House Bill 527? Senator Mahar, on House Bill 544. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 544.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Mahar.

SENATOR MAHAR:

Thank you, Madam President, Members of the Senate. This is the Brownfields legislation, which was debated extensively on 2nd Reading when we added the amendment, and received bipartisan support in that roll call. Principally it applies to -- two principal aspects of this bill is that the clean-up levels are determined based on a level of risk encountered at the site after considering the future land use, and also the liability provisions regarding cost apportionment are made compatible with current law. I'd be happy to try and answer any questions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Welch.

SENATOR WELCH:

Yes. This is -- we discussed this bill quite a bit the other day. I just wanted to remind the Members that this is the bill that shifts the responsibility for most of the clean-up funding to the taxpayer, because it has a proportional liability element to it. On the proportional liability, what's going to happen is, instead of a deep pocket paying to clean up property, it's going to be shifted to the little person who will more than likely file bankruptcy as opposed to your larger corporations. The end result is going to be your cities and your taxpayers at the State level are going to pick up the costs for cleanup. We should leave the law the way it is. It's worked for the last twelve years, although it's been attempted to be repealed, and I think that a No vote is the best vote to cast on 544. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question -- Senator Mahar, to close.

SENATOR MAHAR:

Thank you, Madam President. This is a vote -- if you -- if you listened to the previous speaker, this is something that has

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not worked for the past twelve years. These sites remain vacant. They're not producing; they're not employing Illinoisans; they're not paying taxes so that we can education our kids. Without the risk element and the apportionment part of this liability -- apportionment part of the bill, there will be no. So if you vote No, that's voting for the status quo. If you want to make a change and redevelop these sites, then you would vote Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall -- Senator -- he was closing, Senator Trotter. The question is, shall House Bill 544 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question there are 42 Ayes, 16 Nays, 1 voting Present. House Bill 544, having received the required constitutional majority, is declared passed. Senator Parker, on House Bill 652. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 652.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Parker.

SENATOR PARKER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. House Bill 652 has been amended. It reenacts a law passed in 1988. This is being done in light of the Supreme Court ruling on a similar law in California. This enactment will allow the court to reconsider this prior opinion. I've become involved with this issue because of, and I'm doing this for, the victims' families. I will be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the

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question is, shall House Bill 652 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. House Bill 652, having received the required constitutional majority, is declared passed. Leave of the Body we will come back to House Bill 820. Leave is granted. Senator Cronin, on House Bill 838. Senator Cronin, on House Bill 838. Senator Woodyard, on House Bill 965. Senator Cronin, on House Bill 999. Senator Mahar, on House Bill 1089. Senator Lauzen, on 1248. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1248.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Thank you, Madam President. First of all, I'd like to thank Senator Carl Hawkinson and the entire Judiciary Committee for the hard work that's gone into Floor Amendment No. 1 to House Bill 1248. The underlying bill amends the Code of Corrections to revoke the hundred and eighty days of a prisoner's good conduct credit, if a lawsuit filed by the prisoner against the State is dismissed by the court on the basis of frivolousness. What the amendment does is works due process into the underlying bill by making the good conduct revocation conform to existing procedure between Corrections and the Prisoner Review Board. It adds Senate Bills 332, 344, 580, 582, 600, 721, 747, 812, 838, 1025 and 1173. All of the Senate Bills passed out of the committee unanimously and passed on the Floor. I'd be happy to defer to Senator Hawkinson for any questions.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Madam President. Will the sponsor yield or, Senator Hawkinson?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield.

SENATOR TROTTER:

Yes. Senator Hawkinson, I understand...

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Trotter.

SENATOR TROTTER:

Yes. Senator Hawkinson -- was just waiting till -- he was conferring over there. What is your definition of "frivolous"?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Hawkinson.

SENATOR HAWKINSON:

That's part of the underlying bill, Senator, and I think, as we explained earlier on the underlying bill, that -- bill would be a bill similar to one that would be subject to sanctions under Rule 11 of the Federal Rules, that it be without any -- any good faith basis in either law or fact. Senator Petka in committee gave an excellent example of that where a sheriff got sued for some totally frivolous -- reason that didn't affect health, without any basis in law.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer.

SENATOR PALMER:

Thank you -- thank you, Madam President. A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Palmer.

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SENATOR PALMER:

Senator Lauzen, I'm always leery about a bill that has -- where my analysis is fifteen pages long. Could you just say in every brief words what this bill is about?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Palmer, Senator Hawkinson is the sponsor of many of this. Senator Hawkinson.

SENATOR HAWKINSON:

Senator Palmer, the reason this is happening, and I'll try and keep this history brief, but Senate Bills that are listed here - Senate Bill 118, 524, 747, 1025, 762 - these were Senate bills that passed virtually unanimously in the Senate, went over to the House. The House sent many criminal law bills over to the Senate. Senator Petka, the Chair of the subcommittee, made the wise decision, in my judgment, of not combining all the House bills. We decided that each House bill ought to receive it's own hearing and -- and not combine them up and deprive Members of sponsoring their own bills. Well, unfortunately, last week, without any notice to Senators or even the House sponsors, the House combined many of our bills. They also added, in some cases, some controversial provisions to some of those bills. It was felt that the noncontroversial bills, or at least the ones that had passed the Senate overwhelmingly, ought to be kept alive on this vehicle so that they could be subject to a concurrence, and given the deadlines this week, it might not get passed otherwise. So that's the reason we're doing it in this method, and there are, I believe, Republican and Democratic bills attached to this bill at the request of both Democratic staff and Republican staff.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Seeing none, Senator Lauzen, to close.

SENATOR LAUZEN:

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I would just ask for an Aye vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Question is, shall House Bill 1248 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, 3 voting Present. House Bill 1248, having received the required constitutional majority, is declared passed. Senator Mahar, on Senate Bill -- or House Bill 1461. Senator O'Malley, on House Bill 1465? Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President and Members of the Senate. The -- we're -- there is an -- we want to take it out of the record. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Senator Cronin, on House Bill 1470. Senator Cronin requests leave of the Body to return House Bill 1470 to the Order of 2nd Reading for the purposes of an amendment. Is there any objection? Hearing none, leave is granted. On the Order of 2nd Reading is House Bill 1470. Read the bill, Madam -- no. Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

Yes. I apologize, Madam President. May I ask leave of the Body... Please proceed, yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

On the Order of 2nd Reading is House Bill 1470. Madam

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Secretary, have there been any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 1 to House Bill 1470.

SENATOR LAUZEN:

May I have leave to come back to this? No? Out of the -- pass then.

PRESIDING OFFICER: (SENATOR DONAHUE)

Out of the record. Senator Weaver, on House Bill 1473? Senator Weaver, on House Bill 1474. Senator O'Malley, on House Bill 1523. Do you seek leave of the Body to return that bill to the Order of 2nd Reading? Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1523. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senators Lauzen and O'Malley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 2. Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Madam President. Floor Amendment No. 2 to House Bill 1523 repeals the Retail Rate Law as to municipal waste incinerators. That's the purpose of the amendment.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those... They weren't on then. Just went on, Senator Jacobs and Senator Shaw and Senator O'Daniel. All right? All right. Discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. I didn't hear what the sponsor said he was doing with this Amendment No. 2. Could he repeat that

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again?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

I did not hear Senator Shaw's question. Would you repeat it, Senator?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Would you tell us what you are doing with Amendment No. 2?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

I am -- I am offering Amendment No. 2 to the bill, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Would you explain to us what this amendment does?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Senator, it repeals the Retail Rate Law as to municipal waste incinerators.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

To the amendment: I -- I believe that Amendment No. 3 nullifies Amendment No. 2, because Amendment No. 2 was adopted in -- in committee before Amendment No. 3 and Amendment No. 3 removes everything after the enactment clause. So therefore, I don't think that No. 2 should be adopted here today.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator O'Malley.

SENATOR O'MALLEY:

Yes. To clarify: Senator Shaw, that is a recommendation from the committee. It was not an adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw. Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Madam President and Members of the Senate. I voted for this amendment in -- in committee, and I thought I had the understanding that Amendment No. 3 would not be called. So as a result of that, I'm going to vote against this amendment and also against the bill and all, even though the amendment did affect my area as far as wood burning incinerators where they could burn wood and paper and stuff. But I think I was misled on this. So as a result of that, I'm withdrawing my support for the amendment or the bill and everything.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Jacobs.

SENATOR JACOBS:

Yeah. I think most of my comments will wait to see if it gets on 3rd Reading, but I would join with Senator O'Daniel. This -- this bill has been through just about every committee that there is here, and today the Senator happened to find a committee that at least give him a wink and a nod on this. I think this is a bad precedent that we're setting. There's some consequences that we'll get into at a later time.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? There are no lights on. Senator O'Malley, to close.

SENATOR O'MALLEY:

Thank you, Madam President. My comments are really directed at Senator O'Daniel. And, Senator, I -- you and I have talked

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briefly and there is a misunderstanding, and I can assure you, Senator, that regardless of what you do on this vote, I will not do anything to hurt your district. And you have my assurances on that. If there was a misunderstanding, it was not an intentional one. I consider you a gentleman and I will honor the commitment that you expect me to keep. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley moves the adoption of House Amendment No. 2 to -- or Senate Floor Amendment No. 2 to House Bill 1523. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 28 Ayes, 29 Nays, 1 voting Present. And the amendment fails. Senator O'Malley, for what purpose do you seek recognition?

SENATOR O'MALLEY:

I would like to verify the negative votes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley has sought recognition for a verification of the negative votes. Madam Secretary, will you please read the negative votes.

ACTING SECRETARY HAWKER:

The following Members voted in the negative: Berman, Bowles, Carroll, Clayborne, Collins, Cullerton, DeAngelis, DeLeo, del Valle, Demuzio, Donahue, Thomas Dunn, Farley, Garcia, Hendon, Jacobs, Jones, Molaro, O'Daniel, Palmer, Parker, Rea, Severns, Shadid, Shaw, Smith, Trotter, Viverito, and Welch.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley, do you question the presence of any Member?

SENATOR O'MALLEY:

Senator Cullerton.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton on the Floor? He is in the back of the

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room.

SENATOR O'MALLEY:

Senator DeLeo.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo is also in the back of the room -- or in the front of the room.

SENATOR O'MALLEY:

Aha, he's a hider. Senator Garcia.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Garcia? He is also in the back of the room, sir.

SENATOR O'MALLEY:

Senator Rea.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Rea on the Floor? Is Senator Rea on the Floor? Is Senator Rea on the Floor? Strike his name. Do you question the Member of any other present -- Member present?

SENATOR O'MALLEY:

Senator Clayborne.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Clayborne. He is in the back of the Chamber, Senator O'Malley.

SENATOR O'MALLEY:

No, I do not.

PRESIDING OFFICER: (SENATOR DONAHUE)

On a verified roll call, the Ayes are 28, the Nays are 28, and 1 voting Present. The amendment fails. Are there any other further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Floor Amendment No. 3, offered by Senators Petka and O'Malley.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka. Senator O'Malley, in his stead, on Amendment No. 3, Or Senator Petka, on Amendment No. 3. Senator Petka.

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SENATOR PETKA:

Withdraw Amendment No. 3, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Are there any other further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Senator O'Malley, would you like to have House Bill 1523 called on 3rd Reading? Senator O'Malley?

SENATOR O'MALLEY:

Madam President, I'm going to defer to Senator Lauzen, who is more familiar with the substance of this particular piece of legislation.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on House Bill -- 1523. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1523.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Okay. Madam President, House Bill 1523 amends the Use Tax Act, Service Use Tax Act, and the Service Occupation Tax Act, and the Retailers' Occupation Tax Act to exempt dental appliances. This bill is initiated by Illinois Dental Society, and it amends the Sales and Use Tax Act to completely exempt dental appliances, including but not limited to crowns, bridges and dentures.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Welch.

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SENATOR WELCH:

Yes. I have a -- I have a question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Welch.

SENATOR WELCH:

Why would we do this? Why -- why do dentists need an exemption from the sales tax, and how much money is this going to cost the State?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

Well, to answer your second question first, the Illinois Economic and Fiscal Commission has not been able to determine a fiscal impact to municipalities. It has no affect on the State. Where this basically -- where the problem that this is attempting to solve is that laboratories that use this material when it -- either they buy it from in-state or out of state, when they use this material, then they have to turn around and charge the dentists who then put it into the patient's mouth, then the dentists are required to -- to pay a sales tax also. I know from personal experience how complicated just the compliance with this law is. I'm sure that whatever municipalities are raising from this money the -- the burden of just complying with the law exceeds it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Welch.

SENATOR WELCH:

Senator, I've got Amendment No. 1 here, which says it replaced everything after the enacting clause, which is that exemption, and then goes on to state that every dental laboratory, et cetera, et cetera, shall apply to the Department for a certificate of registration under this Act. I don't see anything about a tax

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exemption in Amendment No. 1. Is that still on the bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen.

SENATOR LAUZEN:

In the amendment, it addresses what I refer to as the confusion between who pays the tax -- who has to register and who has to pay the tax -- collect and pay the tax. Right now what it is, is confusion between the -- the dentist's responsibility and the lab's responsibility. Some people consider that this is a double tax. What this amendment on this bill does is it places the responsibility for filing and collecting the tax on the laboratories.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, the question is, shall House Bill 1523 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 1523, having received the required constitutional majority, is declared passed. Senator Fawell, on House Bill 1587. Senator Fawell. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1587.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This bill is the bill that allows the coverage that presently the New Vehicle Buyer Protection Act covers to also include leased vehicles. It also has a couple of amendments. They're basically clean-up amendments that the

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Secretary of State wanted, including of setting -- giving two more Merit commissioners -- adding to -- two more Merit commissioners. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 1587 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. House Bill 1587, having received the required constitutional majority, is declared passed. Senator Petka, on House Bill 1654. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1654.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Petka.

SENATOR PETKA:

Thank you, Madam President, Members of the Senate. House Bill 1654 would raise the penalty for criminal trespass to land from a Class C misdemeanor to a Class B misdemeanor. It also has an amendment on it which basically clarifies those situations whereby a person or a potential trespasser will receive notice. I don't know of anybody who's opposed to this. It is a product of the Will County Farm Bureau, and I would urge its adoption.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any questions? Any discussion? Any discussion? Seeing none, the question is, shall House Bill 1654 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no

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Nays, none voting Present. House Bill 1654, having received the required constitutional majority, is declared passed. Senator Palmer, on House Bill -- or, 1730. Senator Dillard, on House Bill 1853. Senator Philip, on House Bill 1900. Senator Madigan, on House Bill 2108. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2108.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President, Members of the Senate. House Bill 2108, as amended, represents the work of the Governor's Task Force on Horse Racing, and I'll attempt to go through this and try to hit the high points of it. As everyone knows, there's a lot of technical aspects of this bill. The Amendment No. 2 was a hundred and forty pages long. So, let me begin by first of all saying that tracks would now be able to have full card simulcast wagering to even that situation up, insofar as a neighboring state. Simulcast wagering is being able to receive pictures of racetracks -- of races from other states and also allowing them to broadcast their signal to other states. It authorizes the Racing Board to include live racing at the two State fairs in that mandatory simulcast program. It provides Fairmount Park with a separate fund distribution method, whereby any revenues derived at the Park shall remain local, and any revenues derived at the upstate tracks shall also remain local. That's kind of what everyone has understood as north-north and south-south agreement. Increases the number of authorized offtrack betting facilities from twenty-nine to forty-three and that would be if they -- if a track would so desire, and I don't know, at this point, of any track

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that does have that desire, but if they would have that desire, they would be able to apply -- each track would be able to apply for two additional OTB licenses. Provides that the Race Track Improvement Fund shall be equitably distributed between frontside and backside improvements and authorizes the Board to monitor such expenditures and determine if the allocations conform to multi-year capitalization plans that would be submitted and completed by a licensee. That has been the practice as we've determined at the other tracks, insofar as that distribution method. So this puts that in statutory form. On that, it also extends it because the Race Track Improvement Fund does sunset. And each wagering location which conducts wagers on simulcast races may impose a surcharge of up to a half a percent on each winning wager and winnings from those wagers during that period from July 1st to December 31st of 1995. Also, pursuant to the agreement, it replaces Arlington's current two-and-a-half percent surcharge on winning wagers on its races at offtrack betting facilities with a one-percent surcharge on the handle from races run at or simulcast from Arlington until the end of December 1997. Finally, as far as the highlight, it changes the provision where one objecting registered voter can prevent the location of a wagering facility to a provision so that when fifty or more registered voters live within five hundred feet that a majority must approve the location of a wagering facility. Local zoning ordinances, of course, will continue to control the -- that particular location of a wagering facility. With that, Mr. -- Madam President, I would be available for questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Mr. -- thank you, Mr. President and Ladies and Gentlemen of the Senate. I always catch a little devil from my

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seatmate here, Pat Welch, whenever I get up and make comments one way and then vote the other, but I think that this -- this is one situation where I really have to do that. Let me tell you the reasons, first off, why I think we shouldn't vote for House Bill 2108. Number one, I had an amendment that I tried to put on which was the only reference in the whole bill to live racing. This bill does not deal at all with live racing. We're told that the harness horsemen are for this bill. My phone has been ringing off the hook today, including a call from one of the Board members who says half of the Board are opposed to this. But this was a case to where the skids were greased pretty well. The powers to be in the racing industry pushed this through. Regardless of that - regardless of that, Senator - I'm going to give you a Yes vote on this, and I'm going to tell you why I'm going to give you a Yes vote. I'm going to give you a Yes vote because there are jobs involved. There are a lot of jobs involved. Also I am going to give you a vote because the industry needs it, and I think that we need to protect all our industries in this State. In fact, I'm hoping to protect an industry later yet this week that is in trouble. So because of that, I plan on voting Aye, but I have some serious misgivings on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I have a conflict and will not be voting on this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. Senator, the Race Track Improvement Fund is due to sunset. This bill extends it. I've asked the folks at Arlington to tell me what their plans are for improving

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the -- the backstretch - the backside. As you know, stories have been written about the conditions, the living conditions of -- of the workers at Arlington, those that care for the horses. And if you visit Arlington, you'll find that when you look at the -- at the backstretch, it's like looking at two different worlds, being in two different worlds: one of luxury, when you enter the Millionaires' Club and the other areas; and then you walk down to the backstretch and you see that the living conditions are -- are atrocious. A recent article indicated - in the Chicago Reporter - that more money was spent on -- on shrubs and improving the front of Arlington - the facade of Arlington - than was spent in improving the living conditions and the living quarters for the families that work, that make it possible for Arlington to thrive. My question to you is, given that I've gotten no real good response from those representing Arlington, what in this bill, in this new language, is going to ensure that we take care of and that the track takes care of and deals with the atrocious living conditions that currently exists? What is in this bill to ensure that more money is put into the -- that area, rather than taking money to -- to put in more shrubs and -- and beautify the racetrack?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President. Well, Senator del Valle, I hope -- I hope that this addresses your concerns by the legislation in it which guarantees that the -- there will be an equitable distribution between the frontside and -- and backside improvements; that it will be on a fifty-fifty basis. I understand what your concerns have been, and there have been certainly some stories to support your statements there, in the past. Hopefully we will address that by guaranteeing that it will

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be an equitable distribution, further guaranteeing, or saying, that the tracks will have to submit each year a capital improvement plan.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Senator, currently there are some unexpended funds that the track is eligible for. Can the track make use of these funds during this year to do some improvements, given that the overall Fund is -- is not all that big - it's statewide - so can this happen?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Well, thank you, Mr. President. Senator del Valle, this bill has an immediate effective date. So, I guess to answer your question is, yes, they can, up until the point where the Governor signs the bill.

END OF TAPE

TAPE 2

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. Specifically with regard to the issue that Senator del Valle raised, I was on the -- the Governor's Task Force, and in that Task Force, suggested that we have language such as this. So, for

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the first time, the Racing Board will have the authority to tell the racetracks that when they ask for reimbursements from the Race Track Improvement Fund, they can look at where they're spending the money, and that the language "equitable distribution" was put in the Statute so that now, for the first time, the Racing Board can say to the track owners, "Look it, you're asking for" - in the case of Arlington - "over a million dollars for reimbursement. Where did you spend the money?" So, we think that this will be some kind of a -- of a handle on -- on the Racing Board. We should remember that in this bill we are removing a sunset provision. That sunset provision would have sent the Race Track Improvement Fund money back to the General Revenue funds. We are, in effect, giving the track owners about four million dollars a year to continue to use to improve their tracks. We are asking, in this specific language, that -- that they do that in an equitable manner with regard to the backside and -- and the conditions in the backstretch. Now, Mr. President, I have a question for legislative intent purposes of -- of the sponsor, and I am a cosponsor of the bill with him. Senator Madigan, on page 110 of the bill, there is language that purports to be a hold harmless for the State and for local governments so that they won't lose any fees or any taxes as a result of the bill. We also are keeping intact the ability of counties to impose an admission fee for an inter-track wagering location. I just want to make it clear that if a county -- and there are no counties, by the way, that impose this fee now, but if a county was to impose it, that that money could be additional money to that county and that the hold harmless wouldn't, in effect, penalize them for imposing that fee.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

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Thank you, Mr. President. That is correct, for legislative intent, that that hold harmless agreement would not prohibit them, and they would, if they so desired, be able to impose that additional amount.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator O'Daniel.

SENATOR O'DANIEL:

Thank you, Mr. President, Members of the Senate. I think this is a step in the right direction to help the racing industry, the horse breeders and -- and things, in this State. You know, our racing industry is -- they've been going downhill ever since we -- especially since we've had riverboat gambling. We aren't competitive with our purses with other states, and I just think this is going to be something that's very beneficial to the -- the horsemen, the tracks and everyone, and also the backstretch. You know, we passed some legislation a few years back that would entitle the backstretch to part of the breakage. And, you know, if we can enhance this industry, that should also help the -- the backstretch, and there's provisions in this bill to also help the backstretch. But I think this is a step in the right direction, to help the racing industry in this State which creates a lot of jobs. There's -- there's a lot of people employed. It's very beneficial to agriculture, to all of our people. And I think, you know, that this is something we should pass.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Lauzen.

SENATOR LAUZEN:

Thank you, Mr. President. A couple of questions for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Lauzen.

SENATOR LAUZEN:

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Senator, by increasing the number of offtrack betting parlors from twenty-nine to forty-three, are we expanding gambling by potentially fifty percent in the State of Illinois, potentially?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Well, yes and no. I suppose the correct -- the technical and correct answer to that would be no. However, at the same time, this does allow them, if they so desire -- although I don't see them doing that because the OTBs aren't doing that well, but if they would apply for those licenses and if they were granted, then your -- the answer to your question would be yes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

SENATOR LAUZEN:

Thank you. I understand that the revenue raised from horse racing that goes to State and local tax revenue is going to remain at calendar year 1994 levels, and then the pool that -- of the first eleven million dollars that would have gone to the State and local governments will be allocated for purse money distributed in the succeeding calendar year. And I'm -- I'm wondering -- do I understand that correctly that -- that you're going to fix the tax revenues, and the next eleven million dollars that's produced by horse racing, that's going to stay for purses so it will not be going out to local or State governments?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

That's -- that's essentially right, but I think the correct definition for it would be capping, rather than fixing.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Lauzen.

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SENATOR LAUZEN:

Finally, my understanding -- to the bill: My understanding is that this -- that the bill started out as a bill to help the horse owners and breeders, which I know that a lot of hard work has gone into helping them, and -- and I would support that. I've been told that it's ending up being a benefit primarily to the large racetrack owners, and I would think that in the mix of things that the benefit -- the primary benefit needs to go to the horse owners and breeders. Thank you very much.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. I rise to echo some of the concerns about the state of the horse racing industry in the State of Illinois and the fact that we need to do something to ensure that it continues to thrive and to do well, given the economic importance that it has to the State of Illinois. But at the same time, I would like to reiterate some of the concerns that have been raised by a couple of the speakers, and that is that the hardworking men and women at some of the most beautiful racetracks all over the State of Illinois should be treated with dignity. I am going to vote for this bill because I have a horse racing facility in my district, but I'm also going to do everything possible by visiting the horse -- horse track racing facilities to ensure that everyone who works there is treated with dignity. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Yes. Thank you, Mr. President and Ladies and Gentlemen of the Senate. I stand in support of this bill. I don't know if I may have a conflict, because I have been known to bet a bob or two on

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the horses, but I don't think that causes a conflict. We have the ethics people taking a look at it. However, there's nothing in this bill that anybody should be afraid of. I mean, in horse racing, sad to say, Illinois is not on the cutting edge. We seem to make changes two, three, four, five years after it's done throughout the rest of the country, and that's why we're always lagging behind. I think if we ever got a -- a new thought, and it was ever brought into law, I would be amazed, in horse racing. The good part about this bill is it does not stick it to the bettors, like the bills used to do in '85 and '86. Bettors in Illinois and people who bet on them, for some unknown reason, are not looked at as consumers. I guess people think if you're -- if you're going to bet on a gambling thing, well, the heck with you and who cares and you might as well gouge you. Well, finally, we came up with a bill that is not so bad to the consumers of horse racing industry in this State, and let's hope that continues. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. I'd just like to congratulate and thank Senator Madigan and our staffer, Phil Draves, and Jim Reynolds from the Department of Agriculture, and the Task Force who's put together, I think, a -- a piece of legislation that's going to save a racetrack in my area. The economic viability of Fairmount Race Track located in Collinsville, in Madison County, has been threatened over the last several years primarily because of the -- the riverboat situation. In this last week, the racetrack is under water due to the elements. So it's -- it's had its tough times. There's some -- three thousand people that have -- that are associated in one way or another with Fairmount Race Track. Either they're horsemen and breeders, or they work in the

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track, or they -- they're farmers in the area that supply a lot of the -- the needed grain and hay or whatever for the track. There's a -- there's a lot of people that depend on the track for their own economic well-being. This is an -- obviously, an important piece of legislation to those of us who represent southwestern Illinois and are concerned about the continued viability of Fairmount Race Track, and I urge your support.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Madigan, to close.

SENATOR MADIGAN:

Well, thank -- thank you, Mr. President. Very briefly, let me just say that the -- the concern about the Race Track Improvement Fund and the backstretch was -- has been, in my opinion and everyone else's on the Task Force, adequately addressed by Senator Cullerton's efforts in that direction in his participation on the Task Force. Let me just say that, yeah, there's thirty-seven thousand jobs here. Horse racing is -- is being impacted by other forms of wagering that are available in Illinois. We do not feel, however, that the owners are coming out better than the breeders and owners, and the purse structure is better -- much, much, much better -- than it ever was. Yes, the industry does benefit from this as a whole, but I -- I truly believe and everyone else on the Task Force believes that this is of a greater benefit to the horsemen and owners and breeders than to the tracks. Let me just close by trying to establish a little legislative intent on Section 26 (g) (4), where it's dealing with net pool wagering and gross pool wagering and the word "shall". The word "shall" should only apply to gross pool wagering because of the different distributions of other states. And -- and in that, on the net pool wagering, the word "may" should apply. With that, I would just ask for a favorable roll call, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

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The question is, shall House Bill 2108 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 47 Ayes, 9 Nays, 1 Member voting Present. House Bill 2108, having received the required constitutional majority, is declared passed. House Bill 2226. Senator Cronin. Read the bill, Madam Secretary.
ACTING SECRETARY HAWKER:

House Bill 2226.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. Senate Bill or, House Bill 2226 was amended in committee, and the amendment became the bill. We had a good debate in committee. It extends the date for the phase-in of the Family Preservation Program. Currently the Department of Children and Family Services is mandated to do it right now. We're putting this off for five years. The option is either now or five years from now. We deleted language that the administration was seeking. We are putting that language in the Budget Implementation Act. We don't believe the fed match should -- is an issue. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2226 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. House Bill 2226, having received

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the required constitutional majority, is declared passed. House Bill 2251. Senator DeAngelis. House Bill 2330. Senator Parker. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2330.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. House Bill 2330 changes the screening requirement for blood lead screening of children ages six months through six years. It requires lead screening for all children who reside in a high-risk area as determined by the Department of Public Health. It also amends the Communicable Disease Report Act to require the confidentiality of reports made by medical practitioners or other persons concerning cases of injury, medical condition or procedure in sexually transmitted diseases. In addition to that, there are four amendments. Two of those amendments include Senate Bill 791, Senate Bill 746, which passed the Senate but were held in the House Rules Committee, and one of them closes the loopholes in the disclosure of AIDS information by the Department of Health. The third amendment recreates House Bill 1277, which passed the 105 to nothing, but was held in the Senate Rules Committee. It amends the Illinois Health Facilities Authority Act. The fourth amendment was formerly Senate Bill 905, which passed the Senate 57 to nothing. What it does is put the Cook County funeral directors in compliance with the other hundred and one counties of the State. I'd be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Molaro.

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SENATOR MOLARO:

Yes. This is -- on the part of the bill, probably about maybe five parts of your bill are fine. I'd like to talk about what was considered Senate Amendment No. 4, which is the medical examiners. Do you have any idea where the Cook County Medical Examiner might be on this, if you would yield to that question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

I heard this morning where the Cook County Medical Examiner is after this bill had passed the House back in April, but I would refer the questions on this particular amendment to Senator Walsh, because this was his original bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Molaro.

SENATOR MOLARO:

'Cause I'm told that it's not his original bill as passed; that it -- that added -- that language was added to your bill, Senator Walsh, when it was over in the House. Is that correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Walsh.

SENATOR WALSH:

Yes, it was. What we did is we -- we put an amendment on there that said that the funeral director, in the case where there was a -- a body had to be exhumed, that the funeral director would pay that cost, and the medical examiner would not have to pay that cost. So I would hope that that would be friendly language for the -- for the Medical Examiner. I want to point out also though that the Chicago -- I believe it's called the Chicago Department of Public Health, whichever Sister Sheila Lyne is in charge of, is -- is in support of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Molaro.

SENATOR MOLARO:

Then just to the bill: Problem that got past us yesterday is that we take -- when -- when a Senator comes up and we start talking about adding amendments to House bills that were Senate bills, so it's the Senate bill that passed out of here, we have to make the assumption that it's the Senate bill unamended. If we're going to amend the Senate bill, then we have to -- we have to take a little notice; otherwise, you know we're going to have to take all day reading them. So I'm not saying it's anybody's fault; I'm not making an accusation. However, to the way your bill was amended: In Cook County - it's the only county that does it because of the sheer volume of burials - what we do now is when someone dies, you get a death certificate. The funeral director must take the death certificate down to the county building to get a burial permit. Well, now the funeral directors came up and said, "We want to stop that. We want to have our own burial permit issued without having to go to the county." Well, Cook County agrees to that and what they would do is they would get a death certificate seven days later. What was in the original bill and what the understanding was, that if, in turn, this funeral director - because he fills out these forms - buries someone and there is no death certificate issued, and a problem arises because of the funeral director's premature burial, so to speak, and there's a problem and the Cook County Medical Examiner has to exhume, which it costs anywhere to ten, fifteen thousand dollars, that because the funeral director is the one that okayed putting the body in the ground, that the funeral director should pay for this. Now that's what we thought. However, where -- where I read it, it says that if the funeral director just signs some letter stating that he -- he thought a -- he was getting a death certificate or the death certificate was coming, then he would be

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immune from having to pay for it, and therefore, the taxpayer would have to pick it up. And that was the little nuance that was stuck in in the House that passed us when this amendment hit the Floor. Now I don't know what we're going to do about it because we can't divide the question, I assume. And he's -- and he's answering yes. But I'd just like to point that out so maybe when the Governor gets this, he can do some amendatory veto. I'm not here to kill your bill. That's for sure. And I can't do it anyway, sad to say, but -- but I just wanted to point that out. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Walsh.

SENATOR WALSH:

Well, I understand what you're saying, Senator, and the -- the amendment that we put on the bill was put on there for the Medical Examiner. Now is it everything that the Medical Examiner wanted to be put on there? Maybe it isn't, but this was put on there for the Medical Examiner to make it a little bit friendlier, and it does say right here in the amendment that -- that funeral director or person acting as such is responsible for payment of specific costs incurred by the county medical examiner in disinterring or reintering or re-entombing the dead body. I think that that's pretty plain and clear as to who's responsible for -- for the payment there, and I can't understand the opposition of the Medical Examiner. This, as I said, is done in a hundred and one other counties, and there are some other counties that are -- are fairly large, and there has been no problem. So I don't understand the -- the opposition to this bill, and I stand in support of it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

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Thank you, Mr. President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

He indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator, in this bill we are redefining high-risk and low-risk areas under the Lead Poisoning Act. Can you explain the difference between this new definition and what is currently in the Statute?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

The high-risk areas are defined as those areas of the State which pose a high-risk lead of exposure for children through six years of age. Low-risk areas are those areas which pose a low-risk lead exposure for children through six years of age. When determining risk areas, the Department is required to consider the age of housing, percentage of housing, determined as rental or vacant, industry containing lead, percentage of population living below two hundred percent of the federal poverty guidelines, and the number of children residing in the area who are six years of age or younger.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle.

SENATOR DEL VALLE:

So, Senator, is the effect of this redefinition to -- to broaden the category and to include more kids in the testing?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Parker.

SENATOR PARKER:

The idea is to target those that are more susceptible to exposure, instead of requiring it for every single child who may be in a -- an area where there probably is hardly any exposure. We want to be able to target it to those and make sure that those

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children are taken care of.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Is there further discussion? If not, Senator Parker, to close.

SENATOR PARKER:

There is House Bill 2330. There are four amendments on this bill. It is a good bill and there are a lot of good amendments. If there is any concern with Amendment 4, I would prefer that that be done at the Governor's level, and I would ask you for a favorable vote on this bill. Thank...

PRESIDING OFFICER: (SENATOR MAITLAND)

The -- the question is, shall House Bill 2330 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 50 Ayes, 6 Nays, 3 Members voting Present. House Bill 2330, having received the required constitutional majority, is declared passed. House Bill 2338. Senator Cronin. Senator Cronin on the Floor? Senator Cronin? House Bill 2429. Senator Rauschenberger. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 2429.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

House Bill 2429 includes two provisions. I'll start with the amendment first, which we discussed yesterday. It's the codification of CDB's procurement procedures that we worked on for quite some time. Question arose yesterday about impact to minority and female business participation. The Department and

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CDB feel there'll be a slight increase in access from the way the rules are written. There is no effect on the Preference Section of the Procurement Code as it's written in the Statute today. The underlying bill is a request form IDOT supported by the contractors to establish a cap on the Response Contractor Indemnification Fund at four million dollars. Any time that that Fund falls below four million dollars, they'll reinstitute a five percent assessment on contracts. There hasn't been any utilization of the Fund, I think, in over four years. This is an agreed bill. It's an administration IDOT proposal. I'd appreciate favorable support of this bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the question is, shall House Bill 2429 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 56 Ayes, no Nays, no Members voting Present. House Bill 2429, having received the required constitutional majority, is declared passed. Messages from the House.

SECRETARY HARRY:

Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 358, together with the following amendment, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

We have like Messages on Senate Bill 368, with House Amendment 1; 528, with House Amendment 1; 560, with House Amendment 1; and 585, with House Amendment 1.

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All passed the House, as amended, May 23rd, 1995.

PRESIDING OFFICER: (SENATOR MAITLAND)

I'm sorry, Senator Geo-Karis. For what purpose do you rise, ma'am?

SENATOR GEO-KARIS:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point.

SENATOR GEO-KARIS:

I'd like to congratulate Senator Dudycz, our Sergeant-at-Arms Tracey Sidles, and our Page Chris Kratzer, and all of their associates, for the very fine picnic they put forth to honor our very fine and capable staff on the Republican side. And I would like to thank -- and I mean thank very much -- our staff on the Republican side for having done such a great job for us in keeping us with our sanity. Congratulations to all of them and to you, Senator Dudycz, and to Tracey, and to Chris and your associates, for putting on such a fine picnic last night.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz, for what purpose do you arise, sir?

SENATOR DUDYCYZ:

Thank you, Mr. President. On a point of personal privilege, I don't see Senator Maitland here just -- just as I didn't see him yesterday at the picnic. He said he was going to be there, and I saved a hamburger for him. I meant -- I meant Demuzio. Pardon me, Senator Maitland. Senator Demuzio. I keep mixing the two of you up. Senator Demuzio said he was going to be there yesterday, and I saved a hamburger for him. So, Senator Demuzio, if you're within ear range -- earshot range, I -- I still have that hamburger. It's in the trunk of my car, and you can pick it up anytime you wish.

PRESIDING OFFICER: (SENATOR DONAHUE)

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On page 8, on the Order of Concurrence, is Senate Bill 46. Senator Mahar. Senator Maitland, on Senate Bill 50. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 8 to Senate Bill 50.

Filed by Senator Maitland.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. This will be a -- a split motion. I would first move to concur with House Amendments No. 1 and 8 to Senate Bill 50.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, Senator Berman.

SENATOR BERMAN:

This is a motion to concur. Could he explain what the -- what the amendments are, please?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. House Amendment No. 1 adds the contents of House Bill 445 that was held on 2nd Reading in the House and was referred back to committee. The -- the amendment contains a proposal on alternative schools. It provides that beginning with the '67 -- I'm sorry '96-97 school year, there shall be created a system of alternative schools for students who are suspended or expelled with at least one alternative school being allowed in each educational service region. That is -- that is Amendment No. 1, Senator Berman. And 8, Senator Berman, is language that was

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suggested by Representative Churchill and Senator Geo-Karis. You want me to go through that amendment, Senator Berman? All right. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Any further discussion? Seeing none, the -- Senator Maitland moves to concur in House Amendments No. 1 and 8 to Senate Bill 50. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, none voting Present. The Senate does concur in House Amendments No. 1 and 8 to Senate Bill 50. Senator Maitland.

SENATOR MAITLAND:

Thank you, Madam President. I would now move to non-concur in House Amendments No. 4 and No. 7.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland now move to non-concur in House Amendment No. 4 and 7 to Senate Bill 50. Is there any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Secretary shall so inform the House. WBBM TV-Channel 2 in Chicago requests permission. Is there leave granted? Leave is granted. Senator Klemm, on Senate Bill 67. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 63.
Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you, Madam President, Members of the Senate. House Amendment 1 to Senate Bill 63 allows the township electors to lease property for a nonprofit organization and allows them to use

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a portion of that structure. It also allows the township electors to declare surplus property so that it could be donated by the town board to a nonprofit organization, and I do ask for your concurrence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Berman.

SENATOR BERMAN:

Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Berman.

SENATOR BERMAN:

According to our analysis, the lease to the not-for-profit would be for up to fifty years - 50. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

It's not to exceed fifty years.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman.

SENATOR BERMAN:

I'm reading the series in the Chicago Tribune regarding the Chicago Board of Education where there were lease entered into ninety years ago, fifty years ago, that were, perhaps, competitive and remunerative when they were entered into, but time moves on and what was a fair return on the investment back then certainly isn't a fair return today. And even though it's a not-for-profit, we're still dealing with public property, and I'm -- I just question why we're allowing a fifty-year leases to be entered into. It seems like an awful long time, and if the situation -- justifies it, the lease could be, for example, ten years and renewable. But for a ten -- fifty-year lease, it just seems like it's a very questionable business practice. I would appreciate

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your comments, Senator Klemm.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Thank you. Those are obviously concerns of many of us too, and original legislation that was enacted before through the Senate and died in the House was for ninety-nine years, which was a very long time. But this is for construction of facilities, and -- and for somebody to build a building, let's say, and then have it pulled away after five or ten years would be kind of not consistent with the expenses they're going through. What it does do, for the safety of the voters, the taxpayers, it does require public notices, and hearings are required, which doesn't happen for your example you gave for the City of Chicago. It also says that it must use a competitive bidding process, again opening up that process so that everybody knows what's going on -- both the public and everyone else. And it did limit it to -- it would be fifty years, and that is the longest it could be. Now, the town board could determine that the facility would only be used for ten years, and that's the length of time they would grant. It's only for the period of time they feel that the expenditures would be involved in. I think the safeguards are there for the narrow scope that we tried to do, but I welcomed your questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Collins.

SENATOR COLLINS:

Yes. Question of the sponsor, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, on that same line of -- of questioning, what happens when the nonprofit organization goes out of business, no longer

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functional? Do they then have the -- the authority to sublet that property to someone else, a nonprofit organization, or does it go back to the original lessee? There is a problem with that in the City of Chicago, and I have one in my district where the Board of Education did enter into a long-term lease with an organization which does no longer exist, and the building just sit there because the -- they never really sublet the property to someone else and it wasn't clear as to whether or not the property then goes back to the Board or whether or not the termination of the -- the dissolving of the organization, in and of itself, nullified the lease agreement - the long-term lease agreement. So, is anything in this bill that would ensure that the lease is nullified if, in fact, the organization is either dissolved, or dysfunctional, you know, without being dissolved?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Klemm.

SENATOR KLEMM:

Well, we feel that would be covered in the lease. If the two parties are -- entered into an agreement and one goes bankrupt, obviously that lease is terminated and the township and the taxpayers would take over it all. So actually, they become the winner. But also, the lease -- and when I'm talking to the legal people, they said the lease obviously can be added to whatever provisions that that town board feels it needs for even extra protection. So that's the reason we allowed it this way, so that, one, if they go through bankruptcy, it goes right to the owners of the property, which are -- which is the -- the township. And if, in fact, they wish to have more stringent controls, they add that to the lease. So I think we're safe on it, and again, it's a question that we raised when this was first brought to us.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Seeing none, Senator

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Klemm, to close. Do you wish to -- okay.

SENATOR KLEMM:

Just appreciate a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

This is final action, Ladies and Gentlemen. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 63. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 63, and having received a required -- no -- constitutional majority, is declared passed. Senator Peterson, on Senate Bill 77? Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 77.

Filed by Senator Peterson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Thank you, Madam President, Members of the Senate. Amendment -- House Amendment 1 to Senate Bill 77 provides for quick-take provisions for the Grand Avenue Railroad Relocation Authority, the Village of Palatine, the City of Aurora, the Village of Romeoville, the Anna-Jonesboro Water Commission, White County and the City of Effingham. These are all quick takes that have a period of time from one year to thirty-six months. Ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Trotter.

SENATOR TROTTER:

Yes, Madam President. Sponsor yield?

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PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Trotter.

SENATOR TROTTER:

Senator Peterson, are these for specific projects, this -- these quick-take provisions that you have in here?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Yes, they're for specific projects. That's correct.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Trotter. Senator Trotter.

SENATOR TROTTER:

Yes. And you said that they are just for a specific amount of time. What kind of time do you have on them?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

The time ranges anywhere from a year to three years, and they're all for specific projects.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

He indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Was there a -- a request for a fiscal note filed on this bill either in the House or the Senate, if you know?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

Not that I'm aware of, but I do have one handy. I could get

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it for you real quick, if you'll let me sign it.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

And I bet that it would say that there's no fiscal impact. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Peterson.

SENATOR PETERSON:

There's no fiscal impact to the State. These are all local government projects.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Cronin.

SENATOR CRONIN:

Thank you very much, Madam President, Ladies and Gentlemen of the Senate. I rise in support of this bill. There are a number of provisions in it that are very specifically drawn to address specific problems for various Members. There is one provision in this bill that -- that addresses a problem that has existed for twenty-five years in the Village of Franklin Park. Anyone who's traveled east or west on Grand Avenue in the west Cook County region is familiar with this. We have been trying to get an underpass constructed there, and we have run into innumerable problems over the years. We finally have crafted an agreement between all the respective parties. We've had extensive investigation and -- and we've resolved some environmental issues. Finally we've come to a point where we can now address a safety issue, an issue that has plagued the whole west Cook County area, and this is something that is extremely important to many, many people in the west suburban Cook County area. And I urge your strong support. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Further discussion? Further discussion? Seeing none, Senator Peterson, to close.

SENATOR PETERSON:

Ask for a favorable vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

Ladies and Gentlemen, this is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 77. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 55 Ayes, 3 Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 77, and having received the required constitutional majority, is declared passed. Senator Madigan, on Senate Bill 114. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 114.

Filed by Senator Madigan.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you -- thank you, Madam President and Members of the Senate. Senate Bill 114, as amended, largely contains Senate pension bills that were held in Rules. First of all, it amends the Chicago Firefighter Article of the Pension Code to allow resumption of certain widows' annuities that have been suspended upon remarriage. It amends the General Provisions Articles of the Pension Code to bring those changes or those Sections under compliance with federal law. Amends the State Finance Act and the Illinois Pension Code as far as the definition of an "eligible employee" for purposes of calculating certain State funding requirements. Amends the Illinois Municipal Retirement Fund

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Article of the Pension Code to make administrative changes. Allows employee annuitants to designate a death benefit beneficiary. Further amends the Downstate -- Firefighter Article of the Pension Code in relation to survivors of deceased firefighters while being killed during duty. Amends the Illinois Pension Code to allow persons employed by the Office of the Cook County State's Attorney to transfer creditable service from the Chicago Police Pension Fund to the Cook County Pension Fund. It amends the Chicago Park District Article of the Pension Code to provide a package of early retirement incentives. It amends the Chicago Teacher Article of the Pension Code to require that one of the contributor trustees be a principal or school administrator. It adds an annuitant to the Illinois Municipal Retirement Fund Board of Trustee. It clarifies pension credits under the alternative formula for service in that capacity before '89, as far as the Attorney General investigators in the State Employees' Retirement System. It inserts language in the Chicago Police Pension Fund to parallel language that is in -- currently in place for the Chicago Firemen's Pension Fund, and it brings into line the survivors' benefit under the General Assembly Retirement System with the Members vesting time of service. I would be glad to answer any questions on Senate Bill 114.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Yes, thank you. Senator, I've been asked to ask a couple of -- or some questions with regard to one of the provisions, and that would be the one that affects the Chicago police, who's also

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been a General -- General Assembly Member. Do you know how many people this provision affects?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

As far as I understand at this point, Senator, there could be two Members -- two people affected by this.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Is there a contribution required to acquire this credit?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yes, they do have to pay the contribution required.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

If you could have your staff double-check that. I have a few more questions. Can a police officer already acquire credit for time absent from his job?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, that's why this language is being put in, to put it on the same level as the Chicago firefighters, with regards to the Chicago police.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

No, I understand it's the same as the -- the firefighters, but my question was: Can a police officer already acquire credit for

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time absent from his job, if he wasn't a Member of the General Assembly?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yeah. That would -- Senator, that would determine our -- I guess that question could best be answered by if we knew what the reasons for absence were.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Would the police pension be based on the salary the Member earned or the salary that would have been earned if he or she had been paid for the days absent?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

It would be based on a reduced salary, taking into account the absence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Do you -- could you tell us what the cost to the Fund would be for this benefit?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, Senator, we don't have a -- on the Chicago Police Pension, we don't have a pension impact note over here.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

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Would -- how much would the contribution be if the service awarded under this provision required a payment?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

I'm sorry, Madam President. If we could have a little -- I -- I didn't hear the question.

PRESIDING OFFICER: (SENATOR DONAHUE)

Can we have some order. Senator Cullerton.

SENATOR CULLERTON:

Yes. How much would the contribution be if the service awarded under this provision required a payment?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Madam President, I -- it would be the normal contribution rate. I think it's -- I think it's nine percent, Senator.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

Just to clarify a question I'd asked earlier - Is there a contribution required to acquire the credit? - on page 14 of the bill, it talks about this Section. It says, "In computing service for any of the purposes of this Article, credit shall be given for" -- "for any periods prior to January 9, 1997, during which a policeman who is a member of the General Assembly is on leave of absence or is otherwise authorized to be absent from duty to enable him or her to perform legislative duties, notwithstanding any reduction in salary for such periods and notwithstanding that the contributions paid by the policeman were based on a reduced salary rather than the full amount of salary attached to his or her career service rank." So he's paying it on the reduced

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salary, is what the question is. Is that -- is that the way you understand it?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yeah, the contributions would be paid based upon the reduced salary; the pension benefits would be based upon the reduced service.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton.

SENATOR CULLERTON:

...more question then: Will a person who is eligible for this provision also be receiving General Assembly credit at the same time credit is being established in the Police Pension Fund, under this provision?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yes, Senator. He's paying the -- he's making the contributions there, as he's making here, so, yes, he would be entitled to the service credit for the contributions paid into the system.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Bowles.

SENATOR BOWLES:

Thank you, Madam President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Bowles.

SENATOR BOWLES:

Senator Madigan, would you please tell me why -- what is the purpose of having an additional nonvoting elected annuitant on the

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IMRF Board? And...

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR BOWLES:

And would that person be compensated?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Well, there is -- currently there is no member -- there's no annuitant member on that Board that's compensated, and this would be a nonvoting member to sit on the -- to sit on the Board.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

For what purpose? For -- for what purpose would this -- what purpose would this person be -- be serving as a nonvoting member of the Board?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator...

SENATOR BOWLES:

I -- I fail to understand.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Well, Senator Bowles, I guess, for want of a better description, that person could be a -- a watchdog and a voice for the annuitants on the -- on the Board. They would be entitled to their expenses, but, you know, they're more or less a watchdog for the annuitants.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Bowles.

SENATOR BOWLES:

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Thank you. Senator Madigan, you possibly might have answered this before, but would there be a pension impact concerned with this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yeah, I did answer that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Briefly, Madam President and Ladies and Gentlemen of the Senate, I think the fact that we will have an annuitant, even though it's not a -- a nonvoting member, at least that annuitant can give some input into what may happen, and I think it's a wise thing to have an annuitant on there, even if he or she is a nonvoting member. And I speak for the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Madam President. Sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator, are the provisions of Senate Bill 230, the five-plus-five provisions, in this bill?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Fawell.

SENATOR FAWELL:

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Thank you very much, Madam President. Can -- will the speaker -- will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Fawell.

SENATOR FAWELL:

Thank you very much. Senator Madigan, I have a death duty fireman's widow, if you know what that means - he died from, in other words, fighting a fire - who has been receiving a pension for the last several years, and she has now reached the age of I believe it's sixty-five. There's thirty-three of them, I understand, who were not in the original lawsuit because they weren't old enough at the time when that lawsuit went through. Are they covered at all with this bill? Because I understand their pensions have been reduced by about fifty percent.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. Senator Fawell, the answer to that question is yes.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Fawell. Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Shaw.

SENATOR SHAW:

I just wanted to ask and find out about this five-plus-five. Who does this affect? Teachers, or -- or who all does it affect?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Madam President. The five-plus-five provision in

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this Article -- in this bill is the Chicago Park District that we passed previously out, that Senator DeLeo sponsored.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, Senator Madigan, to close.

SENATOR MADIGAN:

I'd just ask for concurrence on Senate Bill 114, as amended.

PRESIDING OFFICER: (SENATOR DONAHUE)

Again, I would mention to the Members, this is final action. The question is, shall the Senate concur in House Amendment 1 to Senate Bill 114. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 54 Ayes, 3 Nays, 2 voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 114, and having received the required constitutional majority, is declared passed. Senator Geo-Karis, on Senate Bill 158. Mr. Secretary.

SECRETARY HARRY:

I would move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 158.

Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam -- Madam President and Ladies and Gentlemen of the Senate, this is a bill that amends the Conveyance Act, and I ask for favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Again, I would suggest this is final action. And the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 158. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have

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all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. Senate Bill -- the Senate does concur in House Amendment No. 1 to Senate Bill 158, and having received the required constitutional majority, is declared passed. Senator DeAngelis, on Senate Bill 164. Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. I move we non-concur with House Amendment No. 3 on Senate Bill 164.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis moves to non-concur in House Amendment No. 3 to Senate Bill 164. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary will so inform the House. Senator Watson, on Senate Bill 165. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of Amendment No. 4 to Senate Bill 165.

Filed by Senator Watson.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Madam President. Senate Bill 165, the original language of the legislation is now stripped, and the House Amendment No. 4 becomes the bill and it contains seven provisions. It provides that only those persons employed by school districts whose positions require administrative certificates shall be required to file an economic interest statement. It allows that regional boards of school trustees can cancel their regular scheduled quarterly meetings if they have no business to -- to conduct. It allows school districts to abolish their funds for leasing educational facilities and transfer any balance of

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such fund to other school district funds. It transfer the Christa McAuliffe Fellowship Program from the Illinois Student Assistance Commission back to the State Board of Education. And it creates an Early Intervention Service Revolving Fund to allow for some flexibility or greater flexibility, in the distribution of State funds. And it amends the Domestic Violence Act of 1986 to provide that after receiving a certified copy of an order of protection that prohibits a respondent's access to records, no school, whether it's public or private, shall allow such person to access to a protected child's record or release information in those records to such person. And the final provision adds a July 1st, 1995 effective date. I would ask for the consideration of the -- of the Senate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, this is final action. And the question is, shall the Senate concur in House Amendment No. 4 to Senate Bill 165. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 56 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 4 to Senate Bill 165, and having received the required constitutional majority, is declared passed. Senator Syverson and Senate Bill 169? Sorry, Senator Syverson, there's no motion. Senator Burzynski, on Senate Bill 210, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 210.

Filed by Senator Burzynski.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Burzynski.

SENATOR BURZYNSKI:

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Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 210 now contains three provisions. One deals with the first issue of Senate Bill 210 as originally passed without any opposition. The second deals with the State Community College and the ability of a new board to levy, and I think there's no opposition to that. The third item deals with the Telecommunications Act, and certainly this is an area that's important for our universities and our community colleges and elementary and secondary education. I'd be more than happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Clayborne.

SENATOR CLAYBORNE:

Thank you, Madam President. And I would just like to reiterate the fact that this is a -- an excellent bill. This bill will reduce costs of education. It will allow students in the inner-city, as well as the rural communities, to have an opportunity to take classes from some of the experts across the State, as far as courses are concerned. And it also provides some stability and dollars for SCC for the tax levy, and I would urge a -- a affirmative vote on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Ladies and Gentlemen, this is final action, and the question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 210. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 58 Ayes, no Nays, 1 voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 210. Having received the required constitutional majority, is declared passed. Senator DeAngelis, Senate Bill 388? Senator DeAngelis.

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SENATOR DeANGELIS:

Thank you, Madam President. I move that the Senate non-concur in House Amendments No. 1 and 2 on Senate Bill 388.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeAngelis -- any discussion? Senator DeAngelis moves to non-concur in House Amendments No. 1 and 2 to Senate Bill 388. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Senator DeLeo, on Senate Bill 509. 509. Senator DeLeo.

SENATOR DeLEO:

Thank you, Madam President. I'd like to move to non-concur in House Amendment No. 1 and No. 2, please.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator DeLeo moves to non-concur in House Amendments No. 1 and 2 to Senate Bill 509. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the -- motion carries, and the Secretary shall so inform the House. Senator DeAngelis, on Senate Bill 587. Senator DeAngelis. You're -- you're on, Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Madam President. Continuing my feisty mode, I move that the Senate non-concur in House Amendment No. 1 on Senate Bill 587.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Seeing none, Senator DeAngelis moves to non-concur in House Amendment No. 1 to Senate Bill 587. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries, and the Secretary shall so inform the House. Senator Butler, on Senate Bill 623. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 623.

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Filed by Senator Butler.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Butler.

SENATOR BUTLER:

Thank you, Madam President. Ladies and Gentlemen, House Amendment No. 1 to Senate Bill 623 is the result of an agreement between the various Humane Societies and our Department of Agriculture which moves the responsibility to the Department of Agriculture, who will develop rules by which the guard dog services will be regulated. I know of no opposition to this bill, and I would urge your approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, this is final action, and the question is, shall the Senate concur... The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 623. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 59 Ayes, no Nays, none voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 623, and having received the required constitutional majority, is declared passed. Senator Mahar, on Senaté Bill 629. Senator Dunn. Senator Ralph Dunn, on Senate Bill 717. Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of Amendment No. 1 to Senate Bill 717.

Filed by Senator Dunn.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator -- Senator Dunn.

SENATOR R. DUNN:

Thank you, Madam President, Members of the Senate. House Amendment 1 amends the School Code to expand the prohibition on

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smoking to include all school personnel in any events on school property. It authorizes the school board to grant exceptions or exemptions on the prohibition. I understand this brings Illinois in compliance with federal regulations. It also amends the Sale of Tobacco to Minors Act to limit tobacco products vending machines to factories, businesses, offices, private clubs and other places where -- that are not open to the public. It also places -- to -- in which places to which minors under eighteen are not permitted, places where the vending machine is under the direct supervision of an employee or where the vending machine is only can be operated by a remote control. I appreciate an Aye vote on concurrence.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Senator Jacobs.

SENATOR JACOBS:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Jacobs.

SENATOR JACOBS:

Senator, if I look at the analysis correctly, what we are doing is saying no smoking anywhere - anywhere - on school grounds, whether it's outside or inside. Is that correct?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dunn.

SENATOR R. DUNN:

That's -- that's correct, Senator Jacobs.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Jacobs.

SENATOR JACOBS:

Well, being a nonsmoker, or in spite, I guess, of the fact that I'm a nonsmoker, I think this is a tremendous infringement on

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individual rights, and I think we ought to take a look at this and perhaps vote No.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Further discussion? Senator Collins.

SENATOR COLLINS:

A question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

I may not have quite understood your -- your last response to the question. Are you saying that teachers or school personnel cannot smoke at all on -- if they go outside the building to smoke, as long as they're on the grounds of the school?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

That's -- that's -- that is correct, Senator Collins. It also authorizes, I should say, the school board to grant exceptions or exemptions to this prohibition. So this is a statement by the Cancer Society and people that are interested in good health. And I might mention that this -- someone asked me the other day whether this was -- why we were fooling with education. This really is a health matter, not an educational matter.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Senator, but -- but we have to be real. You cannot -- while I don't smoke, and you probably don't smoke, and I don't think that you should smoke, not even here around other people, I do believe that there is some validity to the research that -- that second-hand smoke does have impact. But you cannot say that a good teacher or a good principal, simply because they smoke,

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should not be allowed to teach, because in essence, this is what you're doing. People who smoke, some of your better teachers and principals and school personnel, would not go to a school that they are not allowed to go outside and smoke. Now we have that privilege with State employees, and other people have the privilege to go outside of the building and smoke. And what you're doing in this bill is not even allowing them to do that. And I think it's-- you're taking this too far. Yes, you should not allow them to smoke inside of the school, but you shouldn't deny them that right to smoke outside.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Syverson.

SENATOR SYVERSON:

Thank you, Mr. President. A couple questions of the sponsor, if he would yield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Syverson.

SENATOR SYVERSON:

Regarding the vending machines, is it my understanding that this bill says that anywhere where there are youth under the age of eighteen, that there can be no cigarette vending machines?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

Yes, that's correct.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

So we're saying that hotels and restaurants that have -- that have vending machines, even -- even bar/restaurants that would have vending machines, those vending machines would be banned?

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Dunn.

SENATOR R. DUNN:

Senator, if you look at the analysis again, it says places to which minors under eighteens years are not permitted. This it means for clubs, like factories, businesses, offices, private clubs and other places where minors under eighteen years of age are not permitted. But places -- the next line is places where the vending machine is under the direct supervision of an employee; that's for restaurants and stores and other places where the line of sight is so that an employee -- an employee can see a vending machine. So this is not intended to bar vending machines, and incidentally this is -- the industry is neutral on this. They -- the Illinois Retail Merchants support it, and -- and they would not do it had we not worked it out to their satisfaction.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

SENATOR SYVERSON:

And also just -- I just want to follow up with the question that the other side have. So if a -- so if a teacher is -- takes a break and goes into her own car out in the parking lot, she's not allowed to -- she's not allowed to smoke?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

There is no smoking allowed on school grounds unless the school board grants exceptions. If the school board -- and this is compliance with the federal law now. Actually they're prohibited from smoking unless the school boards authorize it and make exemptions or exceptions.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Berman.

SENATOR BERMAN:

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Thank you. Let me make some comments, and I would appreciate the sponsor's response to this. As I read the bill, the school board -- I guess this is a question of the sponsor. I don't see where the school board can make an exception. Where -- where do you see that in this bill?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

Just a minute -- just a minute while my expert looks it over. ... (microphone cutoff)... 1, line 17 through 19, I'm told.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Well, let me just read this to you, and as I read it, it says the school board may not authorize or permit any exception to or exemption from the prohibition at any place or at any time, including without limitation outside of school buildings, or before or after the regular school day or on days when school is not in session. Now that says that the school board may not make exceptions. Would you comment on that, please?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

As I understand it, that means without authorization, they can't do that, and the school boards can do it, as we read it -- authorizes the school board. It's not -- it's not something a principal can do, but it has to do by exemption and this complies with federal regulations, Senator Berman.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Well, here's -- here's what I am told and -- and I think -- I

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raised this question with -- with the teachers' unions, and the answer that the teachers' unions gave me - and I think this is very interesting, regarding micromanaging by legislative bodies - the federal government presently prohibits, under its legislation, teachers smoking on school grounds. So as I read this bill, whether we pass this bill or not, teachers cannot teach <sic> at any time on school grounds, by federal law. That's number one -- I'm sorry. They cannot smoke. Did I say "cannot teach"? Well, that -- that may be under the new -- new Congress, but the old Congress said. I'm kidding. Let me restate that for the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Please do.

SENATOR BERMAN:

Federal law prohibits teachers from smoking, at any time, anywhere, on school grounds. So regardless of what we do with this bill, the feds have already made that rule. But just for the record further, as I read this bill, the school board has no power, if we pass this bill, to make exceptions. Now, whether I agree with this bill or not, the fact that the feds already have passed laws that prohibit teachers or other staff - adult staff - from smoking on school grounds, I'll let my congressman answer to that one. But it -- I just want you to -- to know that as I read this bill, if it weren't for federal law, I'd vote No on this bill because there's no permission for a school board to make exceptions. Now, you can decide what you want to do, whether you want to approve federal law by State law or whether you want to voice your objection to federal law, but that's where the federal law is. And my reading of this bill does not allow any exceptions. Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Is there further discussion? If not, Senator Dunn, to close.

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SENATOR R. DUNN:

Thank you very much, Mr. President and Members of the Senate. I'd urge adoption of the amendment to Senate Bill 717 and that we concur with it. It does bring Illinois into compliance with federal regulations for teaching and smoking both, I think, and it also does something about adolescents being able to get into cigarette machines. I'd urge an Aye vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 717. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 36 Ayes, 17 Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 717, and the bill, having received the required constitutional majority, is declared passed. WICS-TV requests permission to videotape the Senate. Is leave granted? Leave is granted. Senate Bill 721. Senator -- Senate Bill 831. Senator Fitzgerald. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 831.

Filed by Senator Fitzgerald.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fitzgerald.

SENATOR FITZGERALD:

Thank you, Mr. President. Ladies and Gentlemen of the Senate, I am moving to concur in House Amendment No. 1 to Senate Bill 831. Senate Bill -- the amendment places the stimulant drug ephedrine on the schedule for controlled substances list. It amends the Controlled Substances Act to better clarify who can prescribe

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controlled substances. It reschedules several drugs under the Act to comply with federal guidelines, repeals the Controlled Substances Monitory Program, and amends the Pharmacy Practice Act to permit the use of fax machines for prescriptions. I'd appreciate a favorable vote on the amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Watson.

SENATOR WATSON:

Yes, thank you. Just to declare a possible conflict, but I'll vote my conscience. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? All right. Ladies and Gentlemen, this is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 831. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 831, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 948. Senator Klemm. Senator Klemm, on 948? Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 948.

Filed by Senator Klemm.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Mr. President and Members of the Senate. Thank you, Mr. President and Members of the Senate. House Amendment 1 to Senate Bill 948 takes care of the provisions that we had in

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Senate Bill 586, which was Tort Immunity Act. Some time ago, we had provisions that would account for and have the safeguards of the use of the Tort Immunity Act, and this provision is what we described to you when we passed it out of the Senate. This has met all the requirements, and I do think there are some comments for some legislative intent that may be needed for the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Hawkinson.

SENATOR HAWKINSON:

Thank you, Mr. President. Will the Senator yield for some comments regarding legislative intent?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Hawkinson.

SENATOR HAWKINSON:

Senator Klemm, the proponents of this bill have indicated that it will have prospective application. Given that, how will this legislation affect two current lease-purchase arrangements undertaken by Carl Sandburg Community College?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Klemm.

SENATOR KLEMM:

Thank you, Senator Hawkinson. The intent of this legislation is that it will have -- will not have an impact on those ongoing obligations for a number of reasons. First of all, the obligation was entered into prior to the effective date of this legislation, assuming that the funding source of the lease is included in the terms of the lease. Secondly, the arrangements of the lease were approved at the time by the local board of trustees, the State Community College Board, and the Illinois Board of Higher Education. Finally, it is not the intent of this legislation to impair an ongoing contractual obligation between a taxing district and another party.

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END OF TAPE

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PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Further discussion? If not, the -- this is final action, Ladies and Gentlemen. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 948. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 948, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 978. Senator Madigan, are you on the Floor? Senator Madigan. I'm sorry. 978. Senator Madigan. All right. Senator Madigan, on 978. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 978.

Filed by Senator Madigan.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Madigan.

SENATOR MADIGAN:

Thank you, Mr. President, Members of the Senate. Senate Bill 978 -- or, House Amendment 1 to Senate Bill 978 adds the mine subsidence legislation that we passed over to the House previously under Senate Bill 1191, which passed this Chamber 58 to nothing. It adds language prohibiting an insured from making claims on two separate auto insurance policies for the same language, and it

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removes the immunity language for employees of the office special deputy. I'd be glad to answer any questions on House Amendment No. 1 to Senate Bill 978.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 978. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 978, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1005. Senator O'Malley. Senator O'Malley, 1005. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1005.

Filed by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President and Members of the Senate. House Amendment 1 to Senate Bill 1005 provides that, in addition to teachers and other certified employees, any other person who provides a related service for, or with respect to, a student shall assist in maintaining discipline in schools; shall stand in the relation of parents and guardians in all matters relating to discipline; and may use reasonable force needed to maintain safety for the other students or school personnel, or for the purpose of self defense or defense of property. The purpose of this language was to clarify the role of noncertified staff in disciplinary

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matters in schools.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. A question for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator del Valle.

SENATOR DEL VALLE:

Senator O'Malley, in committee we asked for some clarification on -- on the definition of any personnel. Were you able to look at that? And are we only allowing school employees here who are not certified personnel to also administer discipline or are we opening it up for volunteers at the school, on the school grounds, to also be a part of this?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President. Senator del Valle, you are absolutely right. We discussed that in committee, and we have looked into that. It is not the intent of anybody to extend it to volunteers. So what I intend to do to make sure it's clear in the record as a matter of legislative intent, we will so state that in the record. When we do debate the bill I would hope that -- that you assist me and make sure that we put that in the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

I believe Senator del Valle has another question. I think he wants to clarify something.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Senator del Valle.

SENATOR DEL VALLE:

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Isn't this final action?

PRESIDING OFFICER: (SENATOR MAITLAND)

That was the reason I -- do you have a statement you want to make? Senator O'Malley.

SENATOR O'MALLEY:

Senator Maitland and Senator del Valle, yes, this is final action. So I think that we have clarified it for the record.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further discussion? Is there further discussion? If not, again this is final action, the question is, shall the Senate concur in Amendment No. 1 to Senate Bill 1005. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in -- in Amendment No. 1 to Senate Bill 1005, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 1066. Senator Klemm, do you wish to nonconcur? All right. Senate Bill 1111. Senator Rea. Senate Bill 1140. Senator Geo-Karis. Read the bill, Madam -- Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their amendments 1 and 2 to Senate Bill 1140.

Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, I do exactly that. I move to concur with Amendments 1 and 2 to Senate Bill 1140, and I ask for a favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the

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question is, shall -- shall the Senate concur in Amendments 1 and 2 to Senate Bill 1140. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in Amendments No. 1 and 2 to Senate Bill 1140, and the bill, having received the required -- all right. Senator Geo-Karis now moves to non-concur in House Amendments 3 to Senate Bill 1140. Those in favor, say Aye. Opposed, Nay, and the motion to concur -- non-concur is approved, and the Secretary shall so inform the House. All right. Senate Bill 1142. Senator Ralph Dunn. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 1142.

Filed by Senator Ralph Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dunn.

SENATOR R. DUNN:

Thank you, Mr. President and Members of the Senate. Senate Bill 1142, as it left the Senate, amended the Barber and Cosmetology and Nail Technology Act to extend the grandfather clause for one year until December the 31st, 1995. The House added an amendment saying that the -- the grandfathering part was all right, but the nail technician should have received their education or been eligible for grandfathering-in before the effective date of the bill, which is January 1st, 1994. I would urge concurrence with Amendment No. 1 to Senate Bill 1142. Be glad to answer any questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? If

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not, the question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 1142. Those in favor will vote Aye. Opposed, Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes, no Nays, no Members voting Present. The Senate does concur in -- in Amendment No. 1 to Senate Bill 1142, and the bill, having received the required constitutional majority, is declared passed. Senator Raica, for what purpose do rise, sir?

SENATOR RAICA:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR RAICA:

Thank you for your courtesy, Mr. President. In the gallery to the Republican side we have the graduating class - the eighth grade class of St. Jude of New Lenox who are visiting Springfield today to spend the day with us, and I would just ask that the Membership welcome them to Springfield.

PRESIDING OFFICER: (SENATOR MAITLAND)

Will our guests in the gallery please rise and be recognized. Welcome to Springfield. All right. Ladies and Gentlemen, on your desks is a Supplemental Calendar. I think everyone has it -- give you a chance to look for it and find it. First bill will be Senate Bill 169. Senator Syverson. All right. Supplemental Calendar. Senate Bill 169. Senator Syverson. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 169.

Filed by Senator Syverson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Syverson.

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SENATOR SYVERSON:

Thank you, Mr. President. Senate Bill 169 -- we just clarified some of the technical changes that we had talked about in the Senate when it went over to the House. This is the front door referendum for a quarter cent sales tax to help public safety, and again, I know of no opposition for this and ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? This is final action. The question is, shall the Senate concur in House Amendment No. 1 to Senate Bill 169. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 51 Ayes, 7 Nays, and 1 Member voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 169, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 231. Senator Mahar. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 231.

Filed by Senator Mahar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President, Members of the Senate. House Amendments No. -- No. 1 and 2 contain the following: Creates the Commercial and Public Asbestos Abatement Act; provides for the Department of Public Health to license persons who contain or remove asbestos material for commercial -- from commercial and public buildings. The Department shall annually prepare a list of asbestos abatement contractors familiar with, and capable of

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complying with, all applicable federal and State standards for asbestos containment and removal. Contractors who wish to be placed on the Department's approved list of contractors shall provide a certificate documenting that the contractor liability insurance of at least one million dollars for work performed pursuant to the Act. This is requested by the Illinois Association of Environmental Service Companies. Secondly, it -- it amends the Geographic Information Council Act and reconstitutes that council. And this is suggested by the Department of Energy and Natural Resources. It amends the North Shore Sanitary District Act and Sanitary District Act of 1917. Prohibits the employment of an individual with a suspended or revoked certification of technical competency as a sewage works operator. This is requested by the North Short Sanitary District and the Association of Waste Water Agencies. Fourth, it amends the EPA Act. Exempts any facility which was in existence on January 1st of '88, as expanded on January 1st of '90, to included processing and transferring of municipal waste for recycling and disposal purposes from setback requirements. This is for a facility in Senator Shaw's district. And finally, amends the Radiation Act of 1990. Authorizes the Department of Nuclear Safety in response to an immediate threat to health to take possession of radiation sources, enter abatement orders directing certain responses; direct the Attorney General to enjoin immediate threats to health; requests the assistance of State and federal units of government and assume reasonable agreed-to assistance costs of other units of government, and this is -- this comes to us at the request of the Department of Nuclear Safety. Know of no opposition. And I...

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Is there discussion? Ladies and Gentlemen, let me ask you if -- Senator Shaw, I'm going to recognize you in just a moment. I know there are a lot of

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important conversations going on. It's necessary this time of the year, and I understand that, but please let's don't talk across the Chamber. Let's keep the conversations down to a low tone. I was very difficult to hear Senator Mahar, and -- and this is extremely important. So if you would, keep the conversations down, if you would please. Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I rise in support of Senate Bill 231. It does affect my district in terms of the -- the Crestwood out there, and I think it's a good bill and I urge the Aye votes.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Further discussion? This is final action, Ladies and Gentlemen. The question is, shall the Senate concur in House Amendment No. 1 and 2 to Senate Bill 231. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 231, and the bill, having received the required constitutional majority, is declared passed. Committee Reports, Mr. Secretary.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measures have been assigned to committees: Referred to the Committee on Education - Conference Committee Report 1 to House Bill 206; to the Committee on Transportation - Motion to Concur with House Amendment 1 to Senate Bill 1026, and Be Approved for Consideration Senate Amendment 2 to House Bill 1465, the Motion to Concur with House Amendment 1 to Senate Bill 934, and Senate Amendment 2 to House Bill 1470.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, back on the Supplemental

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Calendar. Senate Bill 443. Senator Fawell. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendments 1 and 2 to Senate Bill 443.

Filed by Senator Fawell.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Fawell.

SENATOR FAWELL:

Thank you very much. This has two amendments. House Amendment No. 1 recreates a provision in House Bill 1277, which was Senator Dillard's, which was held in the Senate Rules. It extends, for two years, the pilot project to contrast the Joint Commission on the Accreditation of Health Care Organization with the current regulations and licensing survey process. Amendment 2 is agreed language with the Department of Public Health and contains similar provisions in Senate Bill 616 -- Maitland -- Senator Maitland had, which passed the Senate 58 to nothing, but was held in the House. This amendment is designed to address the problem experienced by downstate hospitals who have merged into one health care network. I suggest we concur with Amendments No. 1 and 2.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I strongly support this piece of legislation. It did not -- we did not hear these two amendments in committee, but we are familiar with them, and we know that they are good and I ask that we support this by voting for it. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? If not, the

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question is, shall the Senate concur in House Amendments No. 1 and 2 to Senate Bill 443. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present. The Senate does concur in House Amendments No. 1 and 2 to Senate Bill 443, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 566. Senator Geo-Karis. Read the bill, Mr. Secretary.

SECRETARY HARRY:

I move to concur with the House in the adoption of their Amendment No. 1 to Senate Bill 566.

Filed by Senator Geo-Karis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, the House amendment added the provisions of Senate Bill 472 that had passed out of the Senate by a vote of 53 to 0, and it -- which relates to the -- requiring the local issuer of building and occupancy -- occupancy permits to notify the chief county assessment officer when a full or partial occupancy permit has been issued, and the other -- the other part of the amendment is -- was Senate Bill 985 that had passed the Senate by 57 to 0, and it provides that a county may sell a parcel with delinquent taxes that it has acquired in its role as a trustee for affected taxing districts to any party including a taxing district, and I ask for favorable concurrence on both sections of this amendment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? This is final action. The question is, shall the Senate concur in House

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Amendment No. 1 to Senate Bill 566. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 59 Ayes and no Nays, no Members voting Present. The Senate does concur in House Amendment No. 1 to Senate Bill 566, and the bill, having received the required constitutional majority, is declared passed. Senate Bill 265. Senator Garcia. Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President. Mr. President, I move that the Senate non-concur in House Amendment No. 4 to Senate Bill 265.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia moves to non-concur in House Amendment No. 4 to Senate Bill 265. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion carries. The Secretary shall so inform the House. Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just rise for purposes of an announcement. The Senate Education Committee will meet today at four o'clock to consider House Bill 206. Four o'clock in A-1. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Thank you. Ladies and Gentlemen, on page 8. The middle of page 8. Secretary's Desk, Resolution. Senate Resolution 19. Senator Raica. Senator Raica on the Floor? Senator Raica. Senate Joint Resolution 15. Senator Palmer. Senate Joint Resolution No. 21. Senator Mahar. Read the resolution, Madam Secretary.

ACTING SECRETARY HAWKER:

Senate Joint Resolution 21.

The Committee on Environment and Energy offered Committee

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Amendment No. 1 -- adopted Committee Amendment No. 1.

PRESIDING OFFICER: (SENATOR MAITLAND)

Have there been any Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Mahar.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Thank you, Mr. President and Members. Senate Amendment No. 2 becomes the resolution. Early in a debate -- when we talked earlier this morning about decreasing the number of members on the Commerce Commission there was some concern as to who was going to handle the -- the rewrite of the Public Utility Act and regulation -- and regulations involving competition in the electric utility industry, and the answer to that is this resolution, and the answer further is we are going to do that as Members of the General Assembly. This creates a Joint Committee on Electric Utility Regulatory Reform. It -- it consists of the members from both the majority and minority parties in the House and Senate who serve on the Senate Environment and Energy Committee, as well as the House Environment Committee. The co-chairs will be the chairmen of those two respective committees. It -- the joint committee also will establish a nonvoting technical assistance group from various companies, organizations and associations, and two representatives from the Illinois Commerce Commission. I know of no opposition to this, and I would ask for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar moves the adoption of Floor Amendment No. 2 to Senate Joint Resolution -- Senate Joint Resolution 21. Is there discussion? Senator Cullerton.

SENATOR CULLERTON:

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Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Cullerton.

SENATOR CULLERTON:

Senator, is there any specific language in the resolution that asks this joint committee to study the affect on residential rates?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

You know, I -- I don't know that there's any specific language, but we are certainly -- CUB is invited to the table. I think that we heard this in committee today, and your analysis on that side of the aisle is incorrect if it says that CUB is in opposition to this, 'cause they are not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cullerton.

SENATOR CULLERTON:

I -- I wasn't -- I'm a White Sox fan. The Cubs are in my district, but I wasn't interested in asking the question about the CUB. I was just curious to know if the -- if the language itself -- I mean, there's -- is this only -- is this joint committee only to look at the affect that all the changes would have on -- on -- on utility rates for corporate clients, or would it also cover residential? And I think you've said that you think it will. Right? And how many more people will be on this regulatory committee than will be on the new Commerce Commission?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

Well, quite a few more, I think.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator Cullerton.

SENATOR CULLERTON:

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I rise in support of Senate Joint Resolution 21. It was discussed in committee this morning, and all parties have -- have agreed and -- to sit on -- at the table, and certainly I think it's a good resolution. It's a good start, and I urge for its adoption.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Welch.

SENATOR WELCH:

I had a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Welch.

SENATOR WELCH:

Senator Mahar, are you going to consider other sources of electricity, such as hydropower in the State of Illinois and whether that's a feasible source for us to use?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Mahar.

SENATOR MAHAR:

No. The intent of this -- this group is to deal with the subject which you have been involved in for so many years, Senator Welch, and that is the -- bringing wheeling or the competition into the investor-owned utility industry in the State of Illinois. I -- I don't anticipate us getting into any other -- this is a big enough -- this is a big enough apple to take a bite of as it is. If took us about six months just to work out the language in this resolution.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Again, Senator Mahar

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has moved the adoption of Floor Amendment No. 2 to Senate Joint Resolution 21. Those in favor, say Aye. Opposed, Nay. The amendment is adopted. Any further Floor amendments approved for consideration, Madam Secretary?

ACTING SECRETARY HAWKER:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Okay. Ladies and Gentlemen, on the resolution -- on page -- on page 8 of your Calendar is Senate Joint Resolution 21. Senator Mahar, you wish to consider this at this point? All right. Is there any discussion on Senate Joint Resolution 21. This is final action. If not, those in favor, say Aye. Opposed, -- a roll call has been requested. Those -- those in favor will vote -- those in favor, vote Aye. Opposed, Nay, and the voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Madam Secretary. On that question, there are 58 Ayes, no Nays, no Members voting Present, and the resolution is adopted. Senator Cronin, for what purpose do you rise, sir?

SENATOR CRONIN:

Thank you. For purposes of a revised announcement. The Senate Education Committee will be meeting at 4 p.m., but in deference to certain Members, we're going to have the meeting take place in Room 400. Room 400 so they don't have to walk way over to A-1. Room 400 at 4 p.m. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

Page 5 of the Calendar is House Bill 385. Senator Maitland. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 385.

(Secretary reads title of bill)

3rd Reading of the bill.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Maitland.

SENATOR MAITLAND:

Thank you very much, Madam President, Members of the Senate. House Bill 385 it purports to correct a problem that we have with one community college that was actually mandated to be formed by the State. It -- it fell after the original Act that -- or, took care of the distribution of the corporate personal property tax replacement money. And what this does is simply allocate a pro rata share to Heartland Community College, which again was created after the Act was passed. I would be happy to respond to any questions that any Member might have, otherwise would appreciate support of House Bill 385.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, the question is, shall House Bill 385 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 32 Ayes, 19 Nays, 4 voting Present. House Bill 385, having received the required constitutional majority, is declared passed. On the bottom of page 6 is House Bill 1470. Senator Cronin seeks leave of the Body to return House Bill 1470 to the Order of 2nd Reading for the purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1470. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 1, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 1.

SENATOR LAUZEN:

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I move to table Amendment No. 1.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen has moved to table Amendment No. 1 to House Bill 1470. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is tabled. Any further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator Lauzen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Lauzen, on Amendment No. 2.

SENATOR LAUZEN:

I move to adopt technical Amendment No. 2, which places in an effective date while we continue to discuss among park districts, Department of Labor, Senators Garcia and Dunn -- will continue that process. We -- we do want our kids safe in the -- their work. We do want them in school when they're supposed to be, but we don't want the U.S. Department of Labor fining Illinois park districts thirty thousand dollars for employing kids in recreational activities, and we don't want unnecessary bureaucracy and paperwork so our kids can play and work.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none, all those in favor, say Aye. Opposed, Nay. The Ayes have it, and Amendment No. 2 is adopted. Are there any other further Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading is House Bill 1470. Senator Cronin. Read the bill, Madam Secretary.

ACTING SECRETARY HAWKER:

House Bill 1470.

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(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

Thank you, Madam -- Madam President, Ladies and Gentlemen of the Senate. This is technical in nature. We have -- we're asking -- I'm asking the Body to advance this for issues relating to Senator Lauzen's concerns and some others. It may be a very good bill, ultimately, in conference committee. I ask for your favorable consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there a discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Cullerton.

SENATOR CULLERTON:

Senator Cronin, I keep on hearing on the radio, you know, that there's these negotiations going on over workers' comp and there was a big fight at one point in time, and that it's been resolved, and you know, I'm only -- I only get to vote on this. You know, I'm mean, I'm not like a guy that could be invited to those meetings, but if -- could you just give us just a hint? Like a sneak preview as to, you know, what the -- what the fight's about and how exciting it is and where you're meeting and who's in the room, and you know, which one of the owners is winning, which one is losing? And also maybe -- I know we have an hour before we get to, you know, vote on this. Will that hour be like real late when we're tired, or will it be kind of like in the morning before we really are awake, or what's the plan?

PRESIDING OFFICER: (SENATOR DONAHUE)

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Senator Cronin.

SENATOR CRONIN:

Well, Senator Cullerton, I don't know whether it's a blessing or a curse to be the one that's involved in these meetings. Suffice is to say we're going to see a bill, or an amendment, very, very soon. There will be an opportunity to debate these issues. I don't think the issues that will ultimately -- will be debated will be any surprise to anyone. There's been a diligent effort for a matter of months to talk to all interested parties to come up with a fair, evenhanded bill that improves competitive business, competition and job opportunities and -- and so on and so forth. So you'll see something soon and I look forward to that debate.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there further discussion? Further discussion? Seeing none, the question is, shall House Bill 1470 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 31 Ayes, 10 Nays, 18 voting Present. House Bill 1470, having received the required constitutional majority, is declared passed. Senator O'Malley, House Bill 1465. He seeks leave of the Body to return House Bill 1465 to the Order of 2nd Reading for purposes of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 1465. Madam Secretary, are there any Floor amendments approved for consideration?

ACTING SECRETARY HAWKER:

Amendment No. 2, offered by Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley, on Amendment No. 2.

SENATOR O'MALLEY:

Thank you, Madam President, Members of the Senate. Senate

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Floor Amendment 2 to House Bill 1465 address some technical concerns that were raised concerning Amendment No. 2 <sic>, and I would solicit your support for them. It will require, among other things, that available in the -- information available in the county assessor's office shall be -- also be made available to the Board of Review. It also clarifies that the board of review may make changes in the assessment books for any change, either taxpayer or board initiated, and it adds references to the county assessor to make it clear that the county assessor may also make decisions in subsequent years concerning assessments of property. I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Senator Carroll.

SENATOR CARROLL:

Question maybe to the Chair, or to the sponsor. It sounded like he was explaining an amendment, yet the board says 3rd Reading. Which might it be?

PRESIDING OFFICER: (SENATOR DONAHUE)

It's a recall, Senator. And the board is incorrect.

SENATOR CARROLL:

Okay. The board did not show it. Okay.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Further discussion? Senator O'Malley moves the adoption of Senate Floor Amendment No. 2 to House Bill 1465. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Are there any other further Floor amendments?

ACTING SECRETARY HAWKER:

No further amendments reported, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

3rd Reading. Now, on the Order of 3rd Reading. Excuse me. Senator Cullerton, for what purpose do you seek recognition?

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SENATOR CULLERTON:

A point of personal privilege.

PRESIDING OFFICER: (SENATOR DONAHUE)

Please state your point.

SENATOR CULLERTON:

I'm very happy to introduce the Mt. Carmel Academy class, which is on the Republican side of the aisle in the gallery, and like to welcome them to Springfield.

PRESIDING OFFICER: (SENATOR DONAHUE)

Will you all please rise and be recognized. Welcome to Springfield. Now, on page 6 on the Order of 3rd Reading is House Bill 1465. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1465.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Madam President and Members of the Senate. House Bill 1465, as amended, is the Cook County Assessment Reform package that we have been working on. Some of the current -- some of the significant provisions include the following: Abolishing the current Board of Appeals, effective January 1, 1996; directs the Board of Appeals to maintain sufficient records to defend all actions and justify all decisions made by the Board of Appeals, and to transfer all records to the interim Board of Review on January 1, 1996. It also replaces the Board of Appeals with an interim board of review to be appointed by Members of the General Assembly representing Cook County by weighted vote; establishes a three -- establishes three election districts with boundaries to be drawn by the General Assembly no later than June 1, 1996;

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creates a three-person board of review, members are elected in the November, 1998 general election for four-year terms. It also provides for the annual selection of a chairman at the -- in the Board of Review by lot, with no members serving for two consecutive years; grants to the Board of Review many of the same powers and mandates as all other boards of review, including the authority to review, change any assessment regardless of any action by any other assessing authority or in the absence of taxpayer complaint; if phases in access also to the Property Tax Appeals Board beginning with residential property six units or less for assessments made in 1996. That is the 1996 assessment year, adding all other classes of property beginning with the 1997 assessment year. There are also some statewide initiatives contained in the legislation that I would like to make sure that everybody appreciates. In particular, there are a number of objection reform initiatives statewide that are the product of the work of the Civic Federation Task Force on reform of the Cook County Property Tax Appeals Process. In fact, for purposes of intent, I want to make it clear that the provisions of this amended bill concerning tax objections are based on the legislative draft and commentary contained in the report of the Civic Federation Task Force on Reform of the Cook County Property Tax Appeals Process as adopted by the Chicago Bar Association. The report is dated March 2, 1995. The -- the Civic Federation report and commentary is intended to be treated as part of the legislative history concerning this -- this bill. Finally, the -- the concept, or the doctrine of constructive fraud is abolished statewide, and clear and convincing, as a level of burden of proof, for circuit -- circuit courts by all counties is established. That's a summary of the bill, and I'd be happy to answer any questions there may be.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Is there any discussion? Senator Berman.

SENATOR BERMAN:

Thank you, Madam President, Ladies and Gentlemen of the Senate. There are some good points in this bill, and there are some points that I think justify a No vote. And let me point out to you that for those of you who are not from Cook County, you are increasing the costs of State government by the provisions of this bill. At the present time, the Property Tax Appeals Board handles only appeals from the hundred and one counties outside of Cook. Cook County has its own system of the Assessor and then the Board of Tax Appeals. This bill changes the Board of Tax Appeals and puts the Property Tax Appeals Board as a reviewing board, an appellate court, so to speak, of the decisions of the Cook County Board of Tax Appeals. Let me give you some numbers. The -- the current request for a budget from the Property Tax Appeals Board is seven hundred and thirty-eight thousand dollars. That's -- hears -- and they hear, at the present time, about nine thousand appeals per year. The Cook County Board of Appeals estimates that if the -- if the Property Tax Appeal Board is put in over them, there will be an increase at least ten thousand cases a year. The Board of Appeals in Cook County presently hears over sixty-six thousand appeals a year, and a ten-year average of over -- of almost forty thousand. If they were only fifty percent appeals you're talking about a doubling, tripling, perhaps quadrupling of the work load of the Property Tax Appeals Board, and that budget is paid for out of State dollars, not by Cook County dollars. So you are, by voting Yes on this, extending a substantial commitment of State dollars to do something which is presently being done within Cook County at the expense of only Cook County. I would also point out that you are substantially increasing the bureaucracy that's involved by increasing the number of members of the Board of Appeals and this process of appeals from the Cook

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County Board of Appeals to the State Property Tax Appeals Board.
I think that a No vote is called for on this bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any discussion? Any discussion? Seeing none,
Senator O'Malley, to close.

SENATOR O'MALLEY:

Yes. Madam President, there are a few remarks I'd like to make in closing. Primarily because of the prior speaker's comments, and I would point out to those of us who represent Cook County some facts that you should be aware of. I think most of the criticism is relied to access to the Property Tax Appeal Board. This is a remedy that is available to every taxpayer -- property taxpayer in the State of Illinois other than those of us who live and reside in -- in Cook County. I checked on the statistics about the Property Tax Appeals Board and, lo and behold, what did I find out, that eighty percent plus of all appeals that are made to the Property Tax Appeals Board, are for homeowners, and I think it's only appropriate that we extend this level of due process, which is just one more level that's available to the citizens of Cook County if we take this step today. So I think that primarily addresses the previous speaker's comments, but he also mentioned, I think, that there would be additional expenses at the Board of Review level. I don't know where those estimates come from, but I can tell you that there is broad appeal in -- in Cook County to allow for a three-member board of review. A third member to the current two members, and to be consistent with the rest of the State of Illinois, which currently has a Board of Review process with three members. I would ask for an affirmative roll call. And, again, I urge everybody from Cook County who represents any home owner in Cook County to do what they can to support this important initiative to allow home owners the due process that every other citizen of

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Illinois enjoys. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1465 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 33 Ayes, 25 Nays, none voting Present. House Bill 1465, having received the required constitutional majority, is declared passed. Senator Berman, for what purpose do you rise?

SENATOR BERMAN:

I would -- I would request, Madam President, a verification of the affirmative vote.

PRESIDING OFFICER: (SENATOR DONAHUE)

That is always in order. A verification has been requested. Will all Members please be in your seats, and will -- Madam Secretary, will you please read the affirmative vote.

ACTING SECRETARY HAWKER:

The following Members voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Ralph Dunn, Fawell, Fitzgerald, Geo-Karis, Hasara, Hawkinson, Karpel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard and Mr. President.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Berman, do you question the presence of any Member?

SENATOR BERMAN:

Senator Barkhausen.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Barkhausen's in his chair.

SENATOR BERMAN:

No further questions, Madam President.

PRESIDING OFFICER: (SENATOR DONAHUE)

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Thank you very much, Senator Berman. On a verified roll call, the Ayes are 33, the Nays are 25, there are none voting Present. House Bill 1465, having received the required constitutional majority, is declared passed. The middle of page 7 is House Bill 1853. Senator Dillard. Madam Secretary, read the bill.

ACTING SECRETARY HAWKER:

House Bill 1853.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Thank you Madam President, Ladies and Gentlemen of the Senate. This bill amends the State Treasurer's Act and the Deposit of State Moneys Act and requires the Treasurer to develop and publish and implement an investment policy for all funds under the Treasurer's control. The bill also requires the Treasurer to appoint an Inspector General to detect and prevent fraud and mismanagement in the Treasurer's Office. And finally, House Bill 1853 stipulates that if there is an agreement between the Treasurer and a bank or a savings and loan detailing the use of deposited State funds that that agreement may not require the gift of money, goods or services to a third party. This makes a number of positive changes we -- we put in the law, and a -- and a policy -- some type of investment policy for the State of Illinois, and it contains a couple of good, what I believe are, ethics and cleanup types of activity concerning the six billion dollars a year that are invested through the State Treasurer. I'd be happy to answer any questions.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there discussion? Senator Collins.

SENATOR COLLINS:

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Thank you, Madam President. Question of the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Collins.

SENATOR COLLINS:

Senator, when this bill was in the Exec Committee -- Executive Committee we had some concerns about the appointment procedures of this -- of this bill, because the -- at that time the bill required -- called for the -- the Treasurer to actually do the appointment, and -- of the -- of the Inspector General and -- and basically we did not feel that that would provide the necessary autonomy for that person to be free and objective to actually provide the kind of advice that she would need in order to -- to -- to do her job in a more efficient way, and we felt that that Inspector General should follow the same course and procedure in terms of the creation as -- as the others and that it be, in fact, confirmed by the Senate. Has that changed in this bill at all?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

No, it has not, Senator Collins. The Treasurer of the State of Illinois, either Judy Topinka today or her successor, would in fact appoint their own Inspector General, and as I explained to the committee this is an elected constitutional officer of the State of Illinois, and I believe, and the law is drafted -- or, the -- the amendment that puts the Inspector General in here is drafted so that the Inspector General only inspects the Treasurer's Office, and I believe that is her prerogative.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Severns.

SENATOR SEVERNS:

Thank you, Madam President and Members of the Senate. Just so the other Members of the Senate who are not members of the

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Executive Committee can be clear since they were not there during the debate, it's ironic that this bill proposes that we appoint a newly created Inspector General and Deputy Inspector General when, in fact, those appointments have already been made. The -- the appointment of the Inspector General was made on February 1st of this year, and that individual, although he might be qualified, happened to be the president of the 13th Ward Republican Organization in Chicago. So one might question the need for the legislation. But also it's unfortunate, as Senator Dillard knows, that we offered an amendment that could strengthen this bill that would have done something that many of us in this Chamber on both sides of the aisle would like to see done, and that's put the brakes on the deal that the Treasurer's made in the recent weeks. I think it's unfortunate that the sponsor - and I'm certain at the will of the Treasurer - decided to reject that amendment. I think it's unfortunate that we failed in making this bill a stronger bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator Shaw.

SENATOR SHAW:

I'd like to know if this position, Inspector General, does that require Senate approval?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

No, Senator Shaw, it doesn't. And again, this is because the Treasurer's Inspector General, I believe, is limited just to her office.

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

Well, we -- DCFS and DPA, they require Senate approvals. What's so different about this office?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator Shaw, this is an elected constitutional officer, and DPA and DCFS are code departments of the Governor, and obviously we can control the Inspector General somewhat through the appropriations process in this Chamber.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Shaw.

SENATOR SHAW:

You know, that's a -- that's a very good answer, but so is the Governor and you know, the Governor gets -- get to appoint those -- those people, I believe, and I don't see why that the Inspector General from the Treasurer's Office would not have to have approval of the Senate here -- of this Body. And I think it's a -- it's a bad precedent when you set up a public policy -- set public policy like this where you're going to bypass people's representative here. And I think you should reconsider this and put an amendment -- accept the amendment that was offered where that this individual would have Senate approval.

PRESIDING OFFICER: (SENATOR DONAHUE)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Madam President. In the Senate Executive Committee I did offer an amendment to require confirmation of the Inspector General by the Senate and that amendment was defeated. As a result of that, and if this bill is approved, we're going to end

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up with different procedures for different inspector generals, and as I said in the Committee, we're going to end up with a hodgepodge of inspector generals. We're going to reach the point where inspector generals won't mean anything because they all operate differently and they're all accountable to different people. Some to the Governor. Some to the department heads. Now to the -- to the Treasurer. I think at some point in the very near future we're going to have to stop and think about what it means to appoint an inspector general, because I think it's going -- the position itself, the title itself is going to lose credibility with the public, and it's not going to be able to accomplish what was originally intended with Inspector General's position, and that is to make sure that we build accountability into it. I have a question for the sponsor.

PRESIDING OFFICER: (SENATOR DONAHUE)

Indicates he'll yield, Senator del Valle.

SENATOR DEL VALLE:

In -- in this bill, Senator, regarding agreements between the Treasurer and eligible institutions that receive funds, deposits, there was language that concerned me regarding the possibility of the Treasurer's Office moving away from using funds to establish link-deposit arrangements that, I think, in the past have been used in very creative ways to stimulate the development of low-income housing and -- and help small businesses, et cetera. What, in this bill, is going to insure that that type of activity continues in the Treasurer's Office?

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Dillard.

SENATOR DILLARD:

Senator, we can continue those types of endeavors on a voluntary basis, but in the past some gifts have been as high as seventy-five thousand dollars a year for these types of

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activities, and in Treasurer Topinka's eyes these gifts, in many ways, really basically have the appearance of some degree of impropriety, and all we want to do is make sure that this type of -- of link-up investment, which in many cases as you know work well, are done on a voluntary and not with a gun-to-the-head type of policy out of the Treasurer's Office.

PRESIDING OFFICER: (SENATOR DONAHUE)

Is there any further discussion? Seeing none, Senator Dillard, to close.

SENATOR DILLARD:

I'd just appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR DONAHUE)

The question is, shall House Bill 1853 pass. All those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record. On that question, there are 29 Ayes, 21 Nays, 7 voting Present. House Bill 1853, having not received the required constitutional majority, has failed. Senator Dillard, for what purpose do you rise?

SENATOR DILLARD:

I'd request Postponed Consideration.

PRESIDING OFFICER: (SENATOR DONAHUE)

Postponed. If I could have the attention of the Body, we are going to stand at ease for just a moment, and we'll have further instructions in a minute.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

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PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cullerton, for what purpose do you rise?

SENATOR CULLERTON:

I have an announcement: If there's any Senators that would like to see the worker's comp conference committee I have a copy over here provided by Lee Daniels, Speaker of the House, and if anybody's interested in looking at the provisions, I'll make copies.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin.

SENATOR CRONIN:

In response to Senator Cullerton: John, you should know better, that's not the latest version. It's completely different than that, but go ahead, study that one.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Philip, for what purpose do you rise?

SENATOR PHILIP:

Thank you, Madam President and Ladies and Gentlemen of the Senate. It's a bogus -- absolutely bogus document. Don't believe a word of it. It isn't true. They have no idea what they're doing. You all know that.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, have there been any motions filed?

ACTING SECRETARY HAWKER:

I have a motion filed by Senator DeAngelis -- DeAngelis with respect to House Bill 320.

PRESIDING OFFICER: (SENATOR DONAHUE)

Madam Secretary, the Chair requests that those motions be printed on the Calendar. So ordered. Messages from the House.

ACTING SECRETARY HAWKER:

A Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that

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the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 377, with House Amendment No. 2.

I have a like Message on Senate Bill 1187, with House Amendment No. 4.

PRESIDING OFFICER: (SENATOR DONAHUE)

Introduction of bills.

ACTING SECRETARY HAWKER:

Senate Bill 1216, offered by Senators del Valle and Bowles.

(Secretary reads title of bill)

3rd -- pardon me. 1st Reading of the bill.

PRESIDING OFFICER: (SENATOR DONAHUE)

Senator Cronin, for what purpose do you rise?

SENATOR CRONIN:

For purposes of an announcement, Madam President. I'm making an announcement that I will make another announcement later. I apologize. The Senate Education Committee is not meeting right now. Contrary to our previous announcement, and we will let the Members know as soon as possible about the date and the time and the location. Sorry about the inconvenience, but we'll be meeting shortly.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Donahue, for what purpose do you rise?

SENATOR DONAHUE:

Thank you, Mr. President. I would like to request a Republican Caucus at 4:30. A Republican Caucus. 4:30 in Pate Philip's Office.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For all Members that -- that are within earshot that there will be a Republican Caucus at 4:30 in the Senate President's Office. Senator Cronin, what purpose do you rise?

SENATOR CRONIN:

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Thank you, Mr. President. For purposes of an announcement. The Senate Education Committee will convene at 5:30. We will caucus for one hour and we will convene at 5:30 in Room 400 to hear an amendment to House Bill 206. 5:30 in Room 400.

PRESIDING OFFICER: (SENATOR DUDYCZ)

Senator Weaver, for what purpose do you rise?

SENATOR WEAVER:

Thank you, Mr. President. There'll be a Republican Caucus in Senator Philip's Office immediately.

PRESIDING OFFICER: (SENATOR DUDYCZ)

For all Republican Members there will be a Republican Caucus immediately in the Senate President's Office. The Senate will stand at ease until 5:30.

(SENATE STANDS AT EASE)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

Committee Reports.

SECRETARY HARRY:

Senator Weaver, Chair of the Committee on Rules, reports the following Legislative Measure assigned to committees: Referred to the Committee on Commerce and Industry - Senate Amendment 1 to House Bill 838.

PRESIDING OFFICER: (SENATOR WEAVER)

Commerce and Industry will meet at six o'clock. The Senate will reconvene after the committee meetings. Senate stands in recess.

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(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR WEAVER)

The Senate will come to order. WMAQ-TV, WLS-TV, WBBM-TV request permission to videotape. Is there leave? Leave is granted. Committee Reports.

SECRETARY HARRY:

Senator Butler, Chair of the Committee on Commerce and Industry, reports Senate Amendment 1 to House Bill 838 Be Adopted.

PRESIDING OFFICER: (SENATOR WEAVER)

On page 6 House Bills 3rd Reading is House Bill 838. Senator Cronin, do you wish this bill returned to the Order of 2nd Reading for the purpose of amendment? Senator Cronin seeks leave of the Body to return House Bill 838 to the Order of 2nd Reading for the purpose of amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is House Bill 838. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senators Cronin and Butler.

PRESIDING OFFICER: (SENATOR WEAVER)

Senator Cronin. For what purpose Senator Demuzio arise?

SENATOR DEMUZIO:

Mr. President, we'd like to request a Democratic Caucus.

PRESIDING OFFICER: (SENATOR WEAVER)

All right. How long? The Senate will then stand in recess for a Democratic Caucus. We'll reconvene at quarter till ten.

SENATOR DEMUZIO:

Whoa. We need more time than that.

PRESIDING OFFICER: (SENATOR WEAVER)

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For what purpose Senator Jones arise?

SENATOR JONES:

Thank you, Mr. President. Unfortunately, these bills were presented to our Members at such a late hour. You had plenty of time on your side of the aisle to caucus. So, therefore, in order for our Members to have ample time to deal with it we would like to have ample time to deal with it. So what time is it? 9:20. So by the time we round the Members up we should be back at eleven. Had we had the bills and privy to it we could have discussed it in caucus like you did, but we never had such time to deal with it before it was introduced and sent to committee.

PRESIDING OFFICER: (SENATOR WEAVER)

Well, Senator Jones, there's been a lengthy committee hearing. The Senate will stand in recess until the hour of ten.

(SENATE STANDS IN RECESS)

(SENATE RECONVENES)

PRESIDING OFFICER: (SENATOR MAITLAND)

The Senate will reconvene. When the Senate recessed, Senator Cronin was discussing Floor Amendment No. 1 to House Bill 838. Senator Cronin.

SENATOR CRONIN:

Thank you very much, Mr. President and Ladies and Gentlemen of the Senate. Conference Committee Report No. 1 to House Bill 838 contains -- Amendment No. 1 -- Senate Amendment No. 1 to House Bill 838 contains significant meaningful reform of the worker's compensation system in the State of Illinois. We heard a lively debate in committee. We heard statements and criticisms and

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observations about the proposal from each affected party. And there is one point -- there's one conclusion that you can draw about this bill after the debate here on the Floor is that this bill will improve the current system and will help. I'm going to make a motion, do adopt at the moment.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Cronin has moved the adoption of Floor Amendment No. 1 to House Bill 838. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the amendment is adopted. Any further Floor amendments approved for consideration, Mr. Secretary?

SECRETARY HARRY:

No further amendments reported, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

3rd Reading. All right. Ladies and Gentlemen, top of page 6 on your Calendar is House Bill 838. Senator Cronin. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 838.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones, for what purpose do you rise, sir?

SENATOR JONES:

A point of personal privilege, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

State your point, sir.

SENATOR JONES:

Mr. President, as we get ready to move, or deal with, Senate -- House Bill 838 or the proposed worker compensation bill, and we Democrats were in caucus, we requested time in the caucus, and the reason why we requested time, Mr. President, during all the

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deliberations and negotiations on either the school bill or the workers' compensation bill, not one Democrat was included in those negotiations. So when you recessed and went into caucus at 5:30 -- or 4:30 to 5:30 you had inside knowledge as to what the final product would have been when it's presented to the Members. Your prior knowledge -- while you were in caucus, Senator Weaver came out and said the Rules Committee is going to hear the workers' compensation bill in Rules, and kicked it out to the committee with the prior knowledge. This is a very important piece of legislation as relate to the people of Illinois as far as the working people, as far as the educators and children in the Chicago public school system. If you want to have a -- a -- a process whereby the representatives of the people who are elected to this Chamber to have an opportunity to intelligently discuss the issues, then you would not try to freeze them out. You would allow them ample time, as you have had ample time. Several weeks in putting this package together you had prior knowledge to it, so you would not have needed as much time as we have. And so it's very regrettable. I see Senator Philip over there, the presiding officer of this Chamber, but it's very regrettable that you choose to shut out debate, shut out the Members on this side of the aisle from acquiring the knowledge of a all important piece of legislation. It's very unfortunate that you are operating in that manner. If you were genuinely sincere in having good, honest open debate on this issue, then you would have opened the doors and said, "You Democrat Members, we all can sit down and discuss this." But I really regret, when I requested time to debate this issue in our caucus so we can read this thick piece of legislation that you worked on for several weeks without any input from this side of the aisle, and you knew what was in the bill, and you said we going to get back in here in less than forty-five minutes and deal with it. It's -- it's not right. And you -- and that is

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what I call an abuse of a power, an abuse of authority, and it's really not necessary.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Philip, for what purpose do you rise, sir?

SENATOR PHILIP:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. As you know, Senator Weaver gave you a caucus for over half hour. We told you we were coming back at ten. I called your office, talked to your secretary and asked her to put a message in. I was here in 1974, my friend, when you passed the largest -- not you, but your side of the aisle was in the Majority, and you passed the largest increase in workmen's comp in the history of the State of Illinois. In fact, you put us number one in fifty states. Well, you know, there was no public hearing. We never saw that amendment or that bill. It was plopped on our desks and we voted on it in ten minutes. So Merry Christmas.

PRESIDING OFFICER: (SENATOR MAITLAND)

On -- on House Bill 838. Senator Cronin. Senator Jones, for what purpose do you arise, sir?

SENATOR JONES:

Well, I didn't realize, Senator Philip, that this was an attempt to be punitive because of what has happened in prior years. As you indicated, I didn't sponsor the bill, nor was I the presiding officer. So what you're saying, in essence, is that you want to be punitive to the people of Illinois because of something that happened twenty-one years ago. And it's very regretful that you are treating -- using your power as President to abuse the people of the State of Illinois.

PRESIDING OFFICER: (SENATOR MAITLAND)

On House Bill 838. Senator Cronin.

SENATOR CRONIN:

Thank you, Mr. President, Ladies and Gentlemen of the Senate.

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House Bill 838 proposes significant and meaningful changes in the workers' comp system in the State of Illinois. The -- the people that crafted this bill made a sincere effort to come up with a fair and evenhanded proposal. There was a protracted discussion, a lively debate in committee that evidenced the fact that all the parties that are affected by this bill are not thrilled about it. Business groups are not thrilled. Labor is very unhappy about it. Trial lawyers are unhappy. Doctors are not happy. We tried to be fair. We have a bill that has some meaningful and significant reforms. We have addressed the issue of managed care and health care cost containment by eliminating incidence -- eliminating incidence of doctor shopping by providing that an employee in this State may only choose one doctor. May only have a first choice of physician. We have a provision here that increases the maximum permanent, partial disability rate to four hundred and nine dollars a week. We have eliminated the employee second choice of physician, as I stated earlier, that helps the employers and the businesses. We've provided a credit for body-as-a-whole award. We've clarified the average weekly wage calculation. We've offered language that addresses the problem of repetitive trauma. We have language in here that prohibits venue shopping. We require an employee to notify an employer, in writing, within thirty days. We've improved workplace safety through strict anti-alcohol and drug language. We have comprehensive fraud language. There is much in this bill that the business community can look to and can suggest to their members that this is going to improve the economy; this is going to improve competitiveness and job opportunities. And yet on the other side of the ledger we have been very careful not -- not to harm legitimate and fair rights and benefits of the workers. We have prohibited the practice of balance billing against injured workers during the pendency of the claim and we believe that we've effectively

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eliminated for after the claim. We have coordination of medical benefits in disputed cases where the health insurers shall pay first. We've created a prompt payment provision assuring payment of bills and thereby reducing administrative and litigation costs to chase these bills down. We've doubled the penalty against insurers who willfully halt TTD payments. We've increased the burial benefit from forty-two hundred to five thousand. We've provided a mechanism to guarantee timely benefits paid to beneficiaries of the Rate Adjustment Fund for three years. Comprehensive fraud language helps everybody: employers, employees, all those doctors in the system. I'll be happy to answer questions. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Senator Weaver.

SENATOR WEAVER:

I'd move the previous question, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves the previous question. There are fourteen speakers. Fourteen speakers. Senator Garcia.

SENATOR GARCIA:

Thank you, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia, one moment, please. The Chair will announce that the timer is on. Each speaker will be given three minutes to speak. Please watch the lights. Please watch the lights. Please watch the lights. If the light goes red, I will ask you to bring your remarks to a close. And would ask you to do that. Senator Garcia.

SENATOR GARCIA:

Mr. President...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Jones, for what purpose do you rise, sir?

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SENATOR JONES:

There are several Members on this side of the aisle who may have questions of the sponsor of the bill. Now, in the sponsor's action -- is the -- the answer of the -- the respondent -- is that part of the three minutes?

END OF TAPE

TAPE 4

PRESIDING OFFICER: (SENATOR MAITLAND)

It is, Senator Jones. Senator Jones.

SENATOR JONES:

Then if -- if you want to deliberately shut out this side of the aisle, then, you know, I don't see why the Members on this side of the aisle should even participate. Just because you have the votes on your side of the aisle doesn't mean that you should use it to abuse.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there further -- Senator Garcia.

SENATOR GARCIA:

Thank you...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

...Mr. President. Would the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Garcia.

SENATOR GARCIA:

Senator Cronin, I have several questions, but I will limit my

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questioning since the strict rules have been invoked here. I'd like to call your attention to page 37 where the bill requires an injured worker to sign a record release form releasing all of his or her medical records, including mental health, alcohol and substance abuse, and sexually transmitted disease records. If he or she refuses to sign the release, are they barred from filing a claim? How can you explain such a harsh penalty?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

We -- we wanted to streamline administrative costs for access to medical records. We have been very careful to protect confidentiality, and we have specifically provided that irrelevant records do not go into evidence.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

What penalty is there on an employer if the employer makes those records public?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

The Commission is authorized to revoke a license of an insurance entity to do business in the State of Illinois. Furthermore, on page 39, lines 28 through 32, it specifically provides that release of any mental health, alcohol/substance abuse, sexually transmitted disease records and communications only in accordance with applicable State and federal laws and rules.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia.

SENATOR GARCIA:

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To the bill, Mr. President. Since we're so limited on time, I want to point out several things: First of all, that several million workers in the State of Illinois will be affected by this bill; that we've only had approximately an hour and a half to consider this sweeping proposal; that this proposal really doesn't consider workplace safety because it only purports to create a commission to study the issue of worker safety, and it turns the tables against workers. Have we asked workers and enabled them to come forth and testify on what types of workmen's compensation laws we ought to have in Illinois? The answer is a flat no. Essentially what we're seeing here is business ganging up on workers all over the State of Illinois, whether they are organized or not belonging to unions in the State of Illinois. It's also troubling that the proponents of this bill have not guaranteed that workers' compensation premiums will go down. If they don't believe and they know that they may not or will no go down...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Garcia, bring your remarks to a close, please.

SENATOR GARCIA:

...why can't they tell us? For these reasons and because many workers throughout the State of Illinois will be hurt, I urge a No vote, because this is clearly an anti-worker proposal.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Molaro.

SENATOR MOLARO:

The part -- part that I want to get at, I mean, is this part about alcohol. I mean, did you guys understand what's going on? We have a part here that says that if any worker's injured, even if there's no smell of alcohol -- there's nothing in your amendment, Senator Cronin, that talks about -- and police, when you stop somebody, there's got to be erratic driving or smell of alcohol before you would ask somebody to submit to an alcohol

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test. Here it's an implied consent. Just by the mere fact that you're injured, you have to take a sobriety test. You don't even have to have a smell of alcohol on your breath. You don't even have to show that anything arises. I see nothing there. You're saying that someone must do it, and if they don't submit to it, it's not like it is in the State of Illinois. You're not convicted of the crime of DUI, you just have your license suspended. You're saying if he refuses to submit to the test, he has no claim. I mean, you don't really want to do that. Come on, we talk about this all the time. You can't have it where some guy gets injured and you go up and say, "Well, you want to file a claim, buddy, you've got to submit to alcohol tests right now. And if you refuse -- you don't even give him time to talk to a lawyer to see what his rights are. If you refuse, you're barred from a claim. I mean, that's crazy. You don't even have a level in here of what intoxication is about. I mean, that's not fair. I -- you know, I don't know what you're trying to do with this bill, but this is one of many. We only have three minutes, so I -- I -- we could go on for forty-five minutes doing this. But this is one that's blatantly unfair. And -- and if I have time for a question, I would -- I would like to know why there is no -- no alcohol level here, or why there isn't something that would say that you have to have -- that you have to have at least a smell, an odor, of alcohol in it. Now, come on, Senator Cronin, you don't want something like this become the law of the land. If you're drunk or if you have alcohol smell on you, then maybe you could ask for the test. But just come up willy-nilly and say, "Hey, you're going to give blood," makes no sense. The guy's on the ground with a broken foot, and you're going to say to make a claim, you've got to give blood right here and now, or you're barred from ever making a claim? That makes no absolutely no sense.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin, that was a question. Senator Cronin.

SENATOR CRONIN:

I think it's really curious and ironic that the first speaker that gets up makes a point of inquiry about whether or not there's workplace safety provisions, and then the second speaker from that side of the aisle is concerned about protecting the rights of people who abuse drugs and alcohol on the job.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Molaro. Continue, Senator Molaro.

SENATOR MOLARO:

I don't know if that was an answer to my question or not, but let's get this straight as you read this bill. Remember this, and I -- you know, everybody over there just -- just understand what this part says.

PRESIDING OFFICER: (SENATOR MAITLAND)

Your time is expiring, Senator...

SENATOR MOLARO:

Okay. You -- you are asked -- every time a worker is injured, whether there's any -- any -- even a scintilla of evidence that he had a drink, as he's lying on the floor -- because it doesn't make sense to take the drug or the alcohol test the next day -- you are forced to give an alcohol test or a drug test and give blood right there on the accident floor, or you are barred from making a claim. There is no way you want that in this bill. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator DeLeo.

SENATOR DeLEO:

Thank you, Mr. President. I just want to yield my time to Senator Cullerton. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. What -- the reason why this bill came out so late is because there's been some very long and tough negotiations. And you know who was in the room? The doctors and the business community. And they were fighting about how -- whether we could possibly save some money in the workers' comp system. And the issue is whether or not we're going to have managed care or not. And we had managed care, there would a lot of savings. They didn't invite the labor people, because they weren't willing to change. But I would suggest to you -- oh, and by the way, the results of the battle between the doctors and the -- and the business people was that the doctors took a little hit. They kept the real savings, though, out of the system. And that's why Senator Cronin said everybody's mad. The doctors are mad, the business community's mad, and labor's mad. Well, labor wasn't even invited to the -- to the meeting; that's why they're mad. The doctors are mad because they took a little hit, and the business people are mad because they didn't get to get their managed care. So that's -- that's the politics of the system that we came here to. This is a terrible bill. And this is going to get us back in the game, because this is going to be much more effective at waking up the people who may have voted Republican last time, to seeing that you guys are not on their side. This cuts benefits. No question about it. By capping the permanent, partial disability rates at a certain level and not even taking into account inflation, that's a cut. The average weekly wage calculation sticks it to construction workers. The way that this is calculated now takes into account if a guy shows up for work and it's raining, he doesn't get paid. You're saying that that -- he didn't -- you're pretending like he just didn't work that day, wasn't even willing

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to go to work. It's an absolute cut. There's a carpal tunnel syndrome, which is a growing problem, especially among women who are working, this has a separate standard just for them, to make it more difficult for women and disabled people to -- to prevail in a workers' comp claim. The -- the release of unrelated medical records is phenomenal. You have -- to file claim, you have to sign a waiver. So if you're -- if you're a worker in McDonald's and you get a grease burn and you're a women, a young girl, and you go in and you file a claim, you file a release or you can't file the claim. Everything in your past, the fact that you went to see a psychiatrist, the fact you may have had an abortion - it's all open. And he says, well, there's confidentiality. There's -- you look at the language on page 40, it's a joke. You know what? We haven't even talked about this: There's thirty-five new patronage employees. The Personnel Code is removed from this bill. They fire all of the arbiters and hire thirty-five new people with no Personnel Code provisions, people who don't even have to know anything about the body, like the people who are there right now. The -- the fact that you eliminate the second choice of a doctor. Somebody's injured; they go to emergency room; they've got a doctor. Turns out the doctor's not so good; they want to go to a second doctor. Now they've got to take the -- the doctor that the employer has on the payroll. The -- the -- the idea of -- of -- if you are -- if you read this bill carefully and you want to do -- hire somebody to do some work in Illinois, you should go hire workers in Indiana. If you hire workers in Indiana and they're injured, they go under Indiana law and they're -- they're lower, 'cause they're the lowest in the nation. There's a -- a notification requirement. If somebody's injured on the work now, they've got -- on the job now, they've got forty-five days to orally tell their boss, "Hey, I was injured." Under this provision, it's down to thirty days,

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which is, I guess, not so bad, but it's got to be in writing. So now the worker, who doesn't know exactly what happened to him, but they -- they were injured, now they've got to write down on a piece of paper exactly what happened to them even though they're not themselves sure exactly what was the cause or what the -- what the true element is, by forms given to them by the Industrial Commission. And what is that for anyway? Who needs that? The -- the litigation explosion I'm told is going to come as a result of this bill is phenomenal. There's -- there's a thing in here called a wage differential award modification. I'm not even sure I know exactly what it means, but as a practical matter, it's going to mean that there's never any finality to any of the current cases. There's going to just be litigation galore. I know why you're calling it tonight. I know why you've got to get it out of here before you guys have a chance to really read it and hear from your own constituents. This is going to have tremendous political ramifications, much more so than the tort reform bill, because there's a lot of injured people who are on the job that are affected by this change who, right away, early on, are going to find out what you did to them, and it's going to have a very negative political ramifications for your Party. I urge a no vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Trotter.

SENATOR TROTTER:

Thank you very much, Mr. President. I yield my time to Senator Tom Dunn.

PRESIDING OFFICER: (SENATOR MAITLAND)

Let me -- let me -- let me make a ruling right now. We -- we do not have a policy in this Chamber to do that. I granted that to Senator Cullerton. I'm not going to do that any more, so you'd better either use your time -- either use your time, Senator, now,

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because I will not -- I will not give six minutes to another speaker. Senator Jones, for what purpose do you arise, sir?

SENATOR JONES:

According to the rules, a Member is given five minutes. You went down to three minutes, without any waiver of the rule whatsoever. So therefore, I think in your recent statement that a Member cannot yield their time, I think, you know, if you're going to be fair and play according to the rules, let's be fair on all bases 'cause the rules does say five minutes. So therefore, I wish you would reconsider what you just stated and give the Member an opportunity to yield his time.

PRESIDING OFFICER: (SENATOR MAITLAND)

I think -- the Chair has rule, Senator -- Senator Jones. Senator Trotter.

SENATOR TROTTER:

...have a question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Trotter.

SENATOR TROTTER:

In Chapter 48, paragraph 138, this Section excludes any nonresident injured employees hired by nonresident employees -- employers from coverage under the Illinois Workers' Compensation Act. How does an Illinois contractor compete with an Indiana contractor for Illinois business?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

If a Indiana worker, working principally in Illinois, is injured, then they may proceed under the Illinois Workers' Compensation System. But if an Illinois company is doing business in Indiana and the worker is injured in Indiana, this bill provides that they shall pursue their remedy in Indiana.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

Wouldn't this essentially force Indiana -- or, Illinois contractors to move to Indiana in order to compete?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

No. It would prohibit employees from seeking redress and stretching jurisdictional issues to get into the Illinois system because it's the most generous -- unfairly generous system.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Trotter.

SENATOR TROTTER:

I'm not going to belabor the point. Senator Cullerton hit most of the issues here; however, this is a -- quite a very punitive issue that we're talking about and what we're doing to the Illinois workers. I believe at this time that we should take the vote. I think we should all vote this down, because as pointed out by the other Senators who have spoken before me, that this bill here once it reach the light of day, we will all be looking for jobs next year.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Tom Dunn.

SENATOR T. DUNN:

Thank you, Mr. President. I hope the workers of Illinois are listening tonight, because your permanent, partial disability rate will be frozen as of July of this year, and the next people to raise it will be the people that gave you this bill. The average weekly work week for a construction worker will change substantially. The benefits for construction workers will change. For women who are injured in the job due to cumulative trauma

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disorders, you will have a higher standard than any other injured employee in the State of Illinois to prove your case. If you are an Illinois resident and you work in Indiana, and you are hurt, the Indiana Legislature is going to set your rate. And by the way, it just happens to be the lowest rate in the midwest. Clearly what's happened here is a missed opportunity occurred, a golden opportunity, if you will. When tort reform was done, this bill should have been done, but it wasn't. And now we're faced with another midnight, almost, bill - the kind of bill that we heard wouldn't happen anymore but now seems to be happening as we get closer to the deadline. There won't be any premium reductions in this bill. It was said so in committee basically, and what does that mean? It means in the marketplace, the competition that many people say will exist will not exist. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Carroll.

SENATOR CARROLL:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. I think it's time to thank the Republican Party. We know you took weeks, maybe months, to put this together, by yourself, as has been said, with a few doctors and a few from the IMA. Nobody who represented working people. Obviously no Democrats, I mean, we probably shouldn't even be on the Floor tonight. After you worked on it amongst yourselves, you still needed two hours to discuss it. Then came back and gave us a few minutes - a half hour, maybe forty minutes - to look it over, and said, this is what's here. And we've talked about a few of the items. What about the guy who's totally disabled and you say nine and a half years is enough? Twenty-five-year-old workman gets injured permanently. By the time they're thirty-five, let them starve to death. There's no public aid left anyway, so they won't get any workers' comp. They accidentally fall off the scaffold; there's no

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Scaffolding Act. So let them just expire nicely and let's not worry about it. They did increase, however, the benefits for the funeral directors when he dies so that those people can be compensated. I'm not going to claim it's any Member of the General Assembly who asked for that, Senator Philip, even though you're pointing, but I -- I don't believe he would have anything to do with that. We also talked about, as Senator Molaro, pointed out, boss takes his worker to lunch. Maybe it's his office manager. They have a sandwich and maybe a beer. Come back to the plant and -- and the office manager is checking the plant, standing there talking to another employee and an fork lift runs him over. He didn't do anything wrong; he was just standing there. Happened to have a drink at the boss's request at lunch. Deny him any benefits. So why do you say -- do I say thank you? I came up through the labor movement. My father was a labor leader. And I've been upset with his colleagues, those who succeeded him in life...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Carroll, your time has expired.

SENATOR CARROLL:

Let me just finish, Mr. President. Because the union people did not pay attention this last election. I will close by saying: You had a fast track. Watch this train coming down the road. This is the train that's going to roll you over.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. There's a provision in here that I think once it's made known - and I know that the employers will make it known to all employees - it will intimidate many, many employees to prevent them from making legitimate claims for being injured on the job. And that provision requires -- or allows, I'm

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sorry, allows an employer to have the full and complete medical records of an injured employee. Once they make a claim for an injury, the employer can go back from day one and inquire regarding any past mental problems, which may not have anything to do with the injury; any kind of alcohol problems - may not have anything to do with the injury; abortions - may not have anything to do with the injury; any one of -- any one of a number of medical histories that have nothing to do with the injury, but that becomes open record. It violates the doctor-patient relationship, confidentiality, and it will intimidate every employee. What's the purpose? What's the purpose? Today, under existing law, if any past medical history has a connection to the injury, it can be introduced. This goes far beyond that. There is no purpose to this paragraph but to intimidate the employees.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I rise to say that I'm so sorry this happened. When this was getting -- you were getting this bill -- package -- legislation together, I merely want to say to the sponsor, it would have been so nice if had a -- had a bipartisan committee and invited some Democrats in on this. You could have had just one or two. And then invite some of the people who are workers in our city, because they are the ones who are going to suffer. And I think that it's -- it's wrong that we have this bill. There's a lot of flaws in here, and they are not to the betterment of our citizens here in the State of Illinois. And so I merely wanted to say to you that I'm so sorry that we are doing this. I hope that we will vote it down. Thank you very kindly.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Clayborne.

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SENATOR CLAYBORNE:

Thank you, Mr. President. Senator Cronin -- will the --
excuse me. Would the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Clayborne.

SENATOR CLAYBORNE:

Senator Cronin, as it relates to the notice provisions, you're
reducing the notice provision by fifteen days as well as making it
a written notice. Am I correct?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

Yes. In the notice provision, we are requiring that there be
a shorter period of time to streamline administrative costs. We
are providing written notice so there is more certainty. Failure
to give written notice is not a bar as long as the employer is not
prejudiced on -- in one case, and then it's not a bar if the
employee has good cause not to have given written notice.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Clayborne.

SENATOR CLAYBORNE:

Thank you. The problem with that, Senator Cronin, is the fact
that if you're really looking for short notice and saving the
employer money, a quick oral notice when a person is injured seems
like, to me, would be more expedient. There's a -- there's a case
that I was involved in, Senator Cronin, where a young man was at a
steel foundry. He was up on a platform, Senator Cronin. Stuck
his head out. A crane came by and crushed his head. He was
twenty-nine years old at the time. He was in a coma for about
forty-five days. Obviously, the employer was aware that this
person had been injured on his job. The other problem, as it
relates to the law and how it is changed in the State of

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Illinois: This case was also prosecuted under the Structural Work Act, Senator Cronin, which basically means that if this young man had been hurt after tort reform, that if this bill passes, that this young man would not -- he would have had jeopardized in reading redress as it relates to his Workmen's Compensation Act; he would have problems getting redress as it relates to the Structural Work Act, Senator Cronin. The next point is that you change the language from -- from "reasonable and necessary" medical expenses to "usual and customary". Well, Senator Cronin, I'm sure you're not aware of the fact and the medical is not aware of the fact that there's a doctor right now who -- who a jury is out on because he practiced this same thing. Instead of charging what was reasonable and necessary, he charged what he thought was usual and customary. And right now he's being prosecuted by the U.S. Attorney's Office for that very reason, and I don't think you understand that, Senator Cronin. And it's -- it's to the point where if you're trying to save money, you would hold the doctors to the position of only charging what is reasonable and necessary, because the language of usual and customary is too broad. It's unfortunate that we will have many of Illinois' citizens, workers and laborers, who will be jeopardized for seeking redress, which will cause their families to -- to suffer loss of income, to suffer loss of support because of your interest of two entities. And that is the medical and the business.

PRESIDING OFFICER: (SENATOR MAITLAND)

Would you bring your remarks to a close, Senator Clayborne, please.

SENATOR CLAYBORNE:

Yes. As -- as -- as history has shown since the founding of this country, is that those who have labored, those who have fought, those who have sweated and suffered, have no rights because it's all about those who employ. Thank you.

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PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. You know, I hadn't intended to say anything, but after listening to all of the ills of this amendment here, I think that the people on your -- on the other side of the aisle, I don't believe that you want to do this. You know, there were some Democrats who voted for you in the last election. Those were working people. There were some Republicans who voted for you. Those were working men and women in this State. And they didn't send you down here to move the execution chamber from Joliet to Springfield, and that's what you're attempting to do in this legislation. And certainly the notice will go out to those people. There were many of those people who enjoyed workmen's comp so long till they didn't feel as though anything could -- like this would happen to them. They didn't feel as though that you would do this. They felt as though that you would be more humane than you are. But the other side of the aisle and the people who drafted this legislation are not humane. You're not thinking of the working men and women who -- the people who sent you here. You're not thinking -- some of the people that's a part of labor, they thought that -- they voted for you. They didn't think you would do this to them. I've had some to tell me, say, "They won't do that. They can't do that." This has been in existence for many years and they thought -- they didn't know how it got there. They just felt as though that it was an entitlement that would always be there. But when you attempt to do this in these -- in your own district, the people going to have some redress, and it's going to be some additional election come up. So I would ask you not to do this legal injection here in Springfield on the people of Illinois, working people of Illinois. You should let that happen down in Joliet somewhere, wherever they

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do it, but not in Springfield. And maybe the sponsor of this legislation don't want to sponsor this legislation, but I know you all have good sense over there and some of you - most of you - are fine and decent individuals and have compassion for people, for working people, not just the big corporations. But think about it before you cast that vote tonight. Vote for the working men and women of this State, not -- and you need to vote No on this legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Mr. President and Ladies and Gentlemen of the Senate, this bill does have some flaws. We all recognize it. However, for the main part, it has a lot of good work in it. And I would like to call the attention to the sponsor when -- if it passes this House, when it goes to the other House, that some of these things that were enumerated here tonight be corrected. One is the position that when -- when a worker is injured in Illinois, he's entitled to be under the laws of Illinois. That's what's my understanding when it was explain to me earlier. The other part is the notice provision should be cleaned up, and I think that that can be done so that it be a far better way of notifying an employer when someone is badly injured. For the most part, it has some very good factors in here. It provides for a more prompt payment of the medical bills to the injured worker than we've ever had before. So I'm going to vote for this bill and hope that some of these concerns that have been addressed here tonight will be cleaned up in the other House. So I speak in favor of the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President and Members of the Body. There is no

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point in me speaking specifically to the points of this bill. My colleagues have been doing that quite well. I would just like to draw your attention to the irony of this bill. There was a book written some years ago, George Orwell's 1984, in which the centerpiece of that was a discussion about doublespeak. And this bill, interestingly, is called workers' compensation, when in fact, in practice, it is now corporate compensation. When it -- it is called impartial, when, in fact, in practice it will be punitive. And with this bill you are asking working families to agree to be punished for being injured on a job, where the work they do is the reason that Illinois is still economically viable. I am wearing black today because I am in mourning for families who thought their contribution to the wealth of Illinois gave them a place at the table. I am suggesting to you, as we say in my community, what goes around comes around.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Farley.

SENATOR FARLEY:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. I think it's obvious from the questions that have been asked by Members of this side of the aisle, and even some comments made by a Senator on the other side of the aisle, that there are a lot of questions, there are a lot of flaws, there are a lot of things to still be accomplished in this -- in this bill. I think it's obvious that when you bring an item like this or an issue like this in the eleventh hour, it is not fair to not only the people of the State of Illinois that has no input in this eleventh hour, but to those that represent those people in the State of Illinois in the eleventh hour. Labor has not been invited to the table for input. Democratic Members, as was stated, was not -- or were not invited to the table for input. We have had a couple of hours to try and digest this very comprehensive, very damaging, in

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my opinion, amendment to this bill. I think that in all fairness to the people of the State of Illinois, all of the working millions of people in the State of Illinois, that we should hold this over. We should have some input by those that I had mentioned. I think that in fairness to -- to your Members that are inclined to vote for this, that they have a chance to look at it, see how it impacts the people that they represent in their particular districts. I think it's just a question of fairness. I've served on the Labor Committee both in the House and the Senate all my career here - some twenty-three years. And I am one of a handful of legislators here that voted for those workers' compensation changes in 1975. And I know that there were problems and there were changes that had to be caused from that year on. And that's how we came to an agreed bill process, where labor and management sat down and negotiated those changes. There were changes in 1977. There were changes in 1979. There were agreed bills that came out of negotiations by labor, by management, by business, by all of those that have a - a legitimate interest in -- in working men and women, and in business and the business climate, in this State. Mr. President, Ladies and Gentlemen of the Senate, I think this is a wrong thing to do at this time. I think this bill should be held. I think there should be further meetings and negotiation and further consideration. And at this time, I would suggest a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Petka.

SENATOR PETKA:

Thank you very much, Mr. President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Petka.

SENATOR PETKA:

Senator Cronin, for purposes of legislative intent, on page

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35, at lines 27 and 28, "usual and customary fee" is described as the amount charged. What does the term "charged" mean?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Cronin.

SENATOR CRONIN:

On lines 28 and 29, on page 35, the term "charged" in this context means the typical fees paid for medical treatment: diagnostics, supplies or other services by private sector payors.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Petka. Further discussion? Senator Jones.

SENATOR JONES:

Thank you -- thank you, Mr. President and Members of the Senate. I won't ask the sponsor a question, because I know what the legislative intent of this legislation, and that is literally to stab one in five of the working people not in the back, but in the chest. The only reason you're getting away with it now, because the bill was called at such a late hour. And due to a question from one of the other sponsors on the other side, as it relate to what the House will do, let me say, Senator Geo-Karis, the House has either to accept or reject this amendment. They will not have the opportunity to amend it or change it, unless this bill goes to conference committee. A bill of this magnitude, which affects one in five of the working people in Illinois, should not be something that is rushed through on the eleventh hour. There was talk about what happened in 1975, but in all the years since that time, there have been what you call an "agreed bill process," where business, where labor, where legislators - Democrat and Republicans from all -- both sides - all came together to come out with a product. It was nothing rammed through, even though Democrats did control the House, even though Democrats did control the Senate. But the Democrats and the Republicans sat down and tried to work out the problems. As I

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listened to the learned colleagues on this side of the aisle, as we talk about the alcohol. I notice you had a party last night. And I'm quite certain that some of the Members may have had some alcohol beverages. And being good, studious workers, they probably came back here, some of them, and -- and worked on this piece of legislation. Now if they drank at the party -- if something was wrong here at the Capitol and they slipped and they hurt themselves, they're on their back and would have been ineligible for any workmen's compensation. It's terribly unfortunate. Policemen work on a twenty-four-hour-a-day basis. They could be out with their family; they could be drinking. And they could spot a robbery - a policeman. And in trying to stop that robbery, he gets injured. Automatically - automatically - he would be denied any benefits just because he happened to be drinking, he or she. It's very unfortunate, but this is the wake-up call to every working person in the -- in Illinois. And some of them made mistakes. Some of them mistakes. They even made contributions to you. They even voted for some of you, not knowing -- not knowing that you're -- were going to do what you're attempting to do to them. So the vote on this issue is the most political vote that will happen during this Session of the General Assembly. It will happen during this Session because what you are doing, you have told them, "We don't care what you think. We don't care how you feel. We don't care whether or not you're injured or whether or not you'll be treated fairly. All we want to show you is that we have the power. There's more of us than there are of them." And you're going to ram this down their throat. But it's dark outside. It's nighttime. But I -- I guarantee you, what is done in the dark shall come out in the light. And when the people of Illinois realize what has happened to them, they're going to soundly reject you come next year. I urge a No vote on this bill.

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PRESIDING OFFICER: (SENATOR MAITLAND)

That concludes our speakers. Senator Cronin, to close.

SENATOR CRONIN:

Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. There was an issue raised about drugs and alcohol, and let it be clear that what this legislation provides -- aside from the rhetoric, drugs and alcohol is a safety issue. We have established a policy here in this bill that drugs and alcohol have no place in the workplace. And in those limited circumstances that are pointed out in some of these rare events that may occur, we have provided that there is only a rebuttable presumption. There's just a presumption, and then the injured worker may provide that the alcohol or drugs had no connection to the injury. Yeah, we want to protect the worker that might be hit by the front-end loader driver, or the guy that sits below the -- the worker up high on the beam. Yeah, we want to protect the guy that may be hurt as a result of someone else who's under the influence of drugs or alcohol in the workplace. There's been some complaints about whether or not labor was invited and participated. Labor did participate. There is a very significant provision in this bill that is supported by the Laborers' International. It provides for a pilot program for a dispute resolution mechanism that provides that reasonable people may agree to resolve their differences outside the process that we have known. That's in the bill, and labor supported it, an important, significant labor organization. The cap on PPD - there's been a lot of rhetoric from the other side of the aisle. All of you know or should know that there was -- during the agreed bill process - the almighty agreed bill process - there was a freeze on the PPD rate in the '80s. There was a three-year freeze. The issue about the Indiana worker and what this provides for workers who should work or who are going to be attracted to

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work in Illinois or Indiana - if the Indiana worker works principally in Illinois and this is where the injury takes place, he may -- he may pursue his remedy in Illinois. But if an Illinois company doing business in another State and then injury occurs in another State, then they ought to pursue the remedies in that State. We think that's fair. The written notice - much has been said about it - I don't think there's a clear understanding of this. This is an effort to expedite the process for the truly injured people, and if they can't give notice, if they're unconscious, then they don't have to give written notice, and the bill says that. The remarks that were made by one of our colleagues from the other side of the aisle about the nine-and-a-half-year limit for the twenty-five year old, then he's on public aid - that couldn't be more incorrect and diametrically opposed to what is in the bill. He's talking about the five-hundred-week limit, and that five-hundred-week limit is only for partial disabilities. Permanent, partial disability is a lifetime benefit, for a hundred years. The medical records issue - complete medical records are available now. Anyone who practices in that environment knows that they can get those records, subject to a lot of litigation costs and administrative haggling. We think we've provided a mechanism to save costs and protect confidentiality. The bipartisan complaint - you know, we believe that the current system needs to be changed. It doesn't make a lot of sense to actively pursue input from people who don't want to change the current system. And the U and C definition, in response to one of my colleagues on the other side - the "usual and customary" fee is the amount charged for a service or supply that is medically necessary to diagnose or treat an injury or illness. The fee is determined by taking into account these amounts for similar services or supplies provided in that geographic area and shall be updated annually. That is

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codification of current law. We've taken it a step further to contain costs and we have established legislative intent that the term "charged" in this context means the typical fees paid. This is a fair bill, and I think it's fair as evidenced by the fact that nobody's happy. The management and employers' group didn't get everything they wanted. If there is a sin that was committed in presenting and drafting and negotiating this bill, the sin that I as a sponsor may have committed, is that we tried to do -- we tried to do something fair. Nobody's happy. I respectfully suggest to you that this is a fair bill. I ask for your favorable vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 838 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 32 Ayes, 27 Nays, no Members voting Present. House Bill 838, having received the required constitutional majority, is declared passed. Senator Dillard, for what purpose do you arise, sir?

SENATOR DILLARD:

Thank you, Mr. President. Having voted on the prevailing side, I would move that we reconsider the vote...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator -- I -- I am very sorry. I -- Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

Thank you, Mr. President. We'd like to have a verification of those who voted in the affirmative.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio has requested a verification of the affirmative vote. Will all Senators be in their seats? Mr. Secretary, read the affirmative votes, please.

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SECRETARY HARRY:

The following voted in the affirmative: Barkhausen, Burzynski, Butler, Cronin, DeAngelis, Dillard, Donahue, Dudycz, Fawell, Fitzgerald, Geo-Karis, Hasara, Karpel, Klemm, Lauzen, Madigan, Mahar, Maitland, O'Daniel, O'Malley, Parker, Peterson, Petka, Raica, Rauschenberger, Sieben, Syverson, Walsh, Watson, Weaver, Woodyard, and Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Demuzio, do you question the presence of any Member?

SENATOR DEMUZIO:

Senator Dudycz.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Dudycz is in his chair.

SENATOR DEMUZIO:

Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson is in his chair.

SENATOR DEMUZIO:

Senator Donahue.

PRESIDING OFFICER: (SENATOR MAITLAND)

She is in her chair.

SENATOR DEMUZIO:

Senator Raica.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Raica? Senator Raica's in his chair.

SENATOR DEMUZIO:

Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis is in his chair. On a verified roll call, the Ayes are 32, the Nays are 27, no Members voting Present. And House Bill 838, having received the required constitutional majority, is declared passed. Senator Dillard.

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SENATOR DILLARD:

Thank you, Mr. President. I'd like to renew my motion: Having voted on the prevailing side on House Bill 838, that we reconsider its vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. I move the motion to reconsider lie on the table.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley moves that the motion to reconsider be tabled. All those in favor, say Aye. Opposed, Nay. The Ayes have it, and the motion is tabled. Ladies and Gentlemen, Supplemental Calendar No. 2 is being distributed to your desks. We'll be going to that order of business. Senator Philip, for what purpose do you arise, sir?

SENATOR PHILIP:

Thank you, Mr. President and Ladies and Gentlemen of the Senate. Just to wish a old friend, an old-timer, a happy birthday. May 23rd is Senator Weaver's ninetieth birthday. He's getting meaner, more cantankerous, more obnoxious as he goes along, but he's a great guy. We all love him. He's running for re-election. I thought I would make the announcement tonight. He will be the oldest Member of the Senate. But, Stanley, it's great to have you here. Try to stay awake for the rest of the proceedings.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver, Happy Birthday. Messages.

SECRETARY HARRY:

A Message from the President.

Dear Mr. Secretary - Pursuant to the provisions of Senate rule 2-10(e), I hereby extend the deadline for final action on the

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following category of bills, with specific bills enumerated under this category, to May 26th, 1995:

Appropriations - specifically House Bills 803, 809, 1016, 1018 and 1083.

Filed, May 23rd, 1995, by President Philip.

PRESIDING OFFICER: (SENATOR MAITLAND)

Message from the House.

SECRETARY HARRY:

A Message from the House by Mr. McLennand, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 100, together with the following amendments, which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to wit:

House Amendment 1.

We have like Messages on Senate Bill 465, with House Amendment 1; 484, with House Amendment 1; 485, with House Amendment 1; and 906, with House Amendment 1.

All passed the House, as amended, May 23rd, 1995.

PRESIDING OFFICER: (SENATOR MAITLAND)

Committee Reports.

SECRETARY HARRY:

Senator Cronin, Chair of the Committee on Education, reports House Bill 206 - the First Conference Committee Report Be Approved for Consideration.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Ladies and Gentlemen, top of page 13 on the Order of -- of Consideration Postponed, is House Bill 2401. Senator Hasara. The bill has -- the bill has been read a third time. Senator Hasara.

SENATOR HASARA:

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Thank you, Mr. President. I think when 2401 was called, there was some misunderstanding about intergovernmental agreements with the Illinois State Police. These are only on request of another agency, and also I think some of the points with the Kickstart Program, hopefully, have been cleared up for some of the Members. Be glad to answer any questions and would ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

Is there discussion? Is there discussion? Senator Demuzio.

SENATOR DEMUZIO:

Mr. President, can you tell me where we are?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator, I -- I did -- I did tell you where we are. We are on the top of page 13, Consideration Postponed, House Bill 2401. I made that announcement, sir. I will allow one -- one proponent and one opponent to speak on the bill. Senator Shadid, for what purpose do you arise, sir?

SENATOR SHADID:

Would the Senator yield for a question?

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates she will yield, Senator Shadid.

SENATOR SHADID:

Senator Hasara, the last time it was brought up I asked you if this includes the opportunity for State Police to do contract policing with municipalities. Is that still in there?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Hasara.

SENATOR HASARA:

I -- I was told by the State Police that they cleared that up with you, Senator. No, it does not.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Shadid.

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SENATOR SHADID:

Well if it's not in the bill, in the law, I was told it was going to be cleared up - the intention - and it was going to be very clear that the State Police could not be in the business of contracting police services with small communities. And if that's -- if that's not in there, I cannot vote for the bill.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Hasara, to close.

SENATOR HASARA:

I'd just ask for a favorable roll call.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 2401 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 47 Ayes, 11 Nays, no Members voting Present. House Bill 2401, having received the required constitutional majority, is declared passed. Ladies and Gentlemen, we will be going now to the Supplemental Calendar. Supplemental Calendar No. 2 that has been placed on your desk. On Supplemental Calendar No. 2 is House Bill 1853. Senator Dillard.

SENATOR DILLARD:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. We discussed and debated this bill earlier today and there were a number of Members who were working on the budget and other matters and were off the Floor, and it fell one vote short. Just very quickly, this is a bill that I believe brings sunshine and some good ethic -- ethics policy to the Office of the State Treasurer in the way we make our investments in the State of Illinois, and brings sunshine to link-deposit type of programs. It's a good bill, and I'd be happy to answer the one person on the other side's questions, if there is such a thing. It had a healthy

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debate this afternoon. I'd appreciate a favorable roll call now that we're all here.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Collins.

SENATOR COLLINS:

Yes, thank you. This bill was not a good bill when we voted on it and it was defeated, and it's not a good bill now. This bill still has the Inspector General in it, which does not follow the same process by which we select inspector generals for all of the other departments. And we just feel that we should not do this at a time. It also codifies an existing position that this particular officer has already taken upon herself to fill, and this is what we call pinstriped patronage. We ought not to do it. We're talking about downsizing government. We don't have the money. And I -- I'd just ask the people on this side of the aisle to vote against it.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dillard, to close.

SENATOR DILLARD:

Thank you, Mr. President. Let's, again, let the people of the State of Illinois know what the investment policy for their six billion dollars of tax money happens to be, and let's bring a little sunshine and see, in a published fashion, whether gifts of money are made to the Treasurer's Office for link deposits and those types of services. I'd appreciate a favorable roll call. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

The question is, shall House Bill 1853 pass. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 33 Ayes, 20 Nays, 6 Members voting Present. House Bill 1853, having

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received the required constitutional majority, is declared passed.
Senator Demuzio, for what purpose do you arise, sir?

SENATOR DEMUZIO:

I just have a parliamentary inquiry. We went to the Order of Motions in Writing to Reconsider the Vote. We never did reconsider the vote. We just voted on final passage of the bill. Oh: I'm sorry.

PRESIDING OFFICER: (SENATOR MAITLAND)

We are now, Senator Demuzio, going to Motions in Writing to Reconsider the Vote. House Bill 320. Senator -- Senator DeAngelis. Read the motion, Mr. Secretary.

SECRETARY HARRY:

Having voted on the prevailing side, I move to reconsider the vote by which House Bill 320 was passed.

Filed by Senator DeAngelis.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis.

SENATOR DeANGELIS:

Thank you, Mr. President. Having voted on the prevailing side, I move to reconsider the vote by which House Bill 320 was passed.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator DeAngelis, having -- having voted on the prevailing side, moves to reconsider the vote by which House Bill 320 passed. Those in favor will vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 24 Ayes, 32 Nays, no Members voting Present. The motion fails. All right, Ladies and Gentlemen. Bottom of Supplemental Calendar No. 2 is Conference Committee Reports. House Bills 206. Senator O'Malley. Read the bill, Mr. Secretary.

SECRETARY HARRY:

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First Conference Committee Report on House Bill 206.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. President. Conference Committee Report No. 1 to House Bill 206 is before the Body. I would -- as the cosponsor of this legislation, I would like to yield that the -- the beginning of the presentation of it be -- be done by Senator Watson, with your permission.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. All right. All right. Senator O'Malley has requested that Senator Watson join him in presenting the bill. The Chair will grant that privilege. They will indicate to me which one of the Senators will make the... Senator Carroll.

SENATOR CARROLL:

Why, thank you, Mr. President. I appreciate the courtesy, as always. Does that mean then that we can yield time and is this going to be the provision of the Chair? Since the Chair is allowing the yielding of time in one instance, will it be allowed in all instances?

PRESIDING OFFICER: (SENATOR MAITLAND)

The answer is no.

SENATOR CARROLL:

That's fair.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator -- Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. This is Conference Committee Report No. 1 to House Bill 206. We had a lengthy debate in the Education Committee hearing -- we had a lengthy discussion in the Education Committee in Room 400, about a two-and-a-half hour discussion in regard to the Conference Committee Report. We heard

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from witnesses; we heard from committee Members. Everyone was given an opportunity to express their concerns and questioned those who witnessed or those who sponsored this particular amendment. We are abolishing the current fifteen-member Chicago Board of Education and creating a five-member Chicago School Reform Board of Trustees to assume control of the school system for the next four years. The Mayor must appoint what we would call the Super Board within thirty days of the bill's effective date. The Mayor should also designate one mayor <sic> of the Super Board as president. We give considerable power and authority to the Board. It directs them to improve the quality of the educational services, reduce the cost of noneducational services, develop a long-term financial plan, streamline and strengthen the management, direct accountability efforts, enact policies that ensure the system will operate in an efficient and ethical manner, establish within sixty days of the bill's effective date a Local School Council Advisory Board, establish organizational structures and provide for such other local school council advisory councils as deemed necessary. The powers and the authority of the School Finance Authority are suspended over the next four years. The School Finance Authority would remain in place to continue paying off the bonds; however, they would be suspended over the next four years. The Inspector General is -- is temporarily moved under the Super Board. After four years, the Super Board will then be replaced by a seven-member Board of Education appointed by the Mayor, and the School Finance Authority then would assume its full powers back again, and the Inspector General is transferred back. Subdistrict councils and superintendents are abolished under this provision. I'd like for the next portion of the legislation to be yielded to Senator O'Malley.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Senator Watson, and thank you, Mr. President. The educational management and accountability provisions of -- of this legislation include the following: Gives principals the authority to direct, supervise, evaluate, hire and discipline all employees of the school, including the authority to direct any third-party contractors assigned to the school, and they are given sole authority to set school hours and schedule staff. Principals are given exclusive authority to evaluate engineers and food service managers and those employees are not allowed to appeal unsatisfactory evaluations. The teacher dismissal process is streamlined. It allows the general superintendent, or CEO, to initiate charges against teachers, rather than the full Board. It establishes time frames for the completion of dismissal hearings but provides that the Board will not lose jurisdiction over the dismissal if those time frames are not met. It relieves the Board of the burden of issuing written warnings to teachers or principals whose conduct is cruel, immoral, negligent or criminal, or which in any way causes psychological or physical harm to a student. The remediation process is streamlined for teachers receiving unsatisfactory recommendations. Reduces the additional remediation period beyond the initial forty-five days from one year to six years. Requires evaluations to be completed no less than ten days after the conclusion of remediation. Reserve or supernumerary teachers are abolished. Allows Chicago to use noncertified staff for any library duties and for school-sponsored extracurricular activities. Requires the Board to create a Chicago Schools Academic Accountability Council to direct school accountability efforts. The budget for the Council is to be set by the Board and paid for out of available sources. Establishes a pilot program of

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intervention in under -- under-performing schools. Allows the Accountability Council to recommend intervention to the Board. Before instituting intervention, the Board must hold a public hearing and evaluate all employees at the school. After considering the evaluations, employees may be retained, reassigned, laid off, or dismissed. The system CEO or superintendent will appoint a principal who is empowered to select all staff. Five percent of the school's Chapter I monies must be used for employee performance incentives. At this time I would yield on the financial issues to Senator Watson.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you, Mr. President. We appreciate the -- the Body's allowing us to present this jointly. It is a long narrative we have here, and it's a pretty substantial provision. But in the area of finances, we authorize Chicago for the next four years to -- to receive some of its State funding through two block grants instead of through categoricals. The following programs are collapsed into a -- what we would call a "general education" block grant. K through 6, arts planning, School improvement support, urban education, scientific literacy, substance abuse prevention, second language planning, staff development, outcomes and assistance, k through 6 reading, truant dropout optional education, Hispanic programs, agriculture education, gifted education, parental training, prevention initiative, report cards, and criminal background checks. All funds disbursed under this block grant may be used by the Board for any lawful purpose. The second educational service block grant will consist of the bilingual, pupil transportation, free lunch and breakfast, preschool education, special education, summer school, educational service centers, and administrators academy. Chicago is not

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relieved of any obligation to provide the services required under the program included in this block grant. I think that's an important concept and some of the concerns that we have coming from the community of Chicago revolves around that mandate and that concern. Guarantees that local school councils receive no less than two hundred and sixty-one million dollars in Chapter I funds each year. This does not necessarily mean that -- that the Super Board could not raise that level. Chicago's property tax levies would be collapsed into one, single operating levy, and this would give Chicago a 3.07 percent operating tax rate by collapsing these various rates: education, which is 2.11; special education at .04; agriculture-science school, .02; textbooks, .11; playgrounds, .08; buildings, .45; pensions, .26. The State's appropriation to the Chicago Teachers' Pension System will continue. Now this is not a mandated nor statutorily requirement that is required of the General Assembly to make a sixty-two million dollar contribution to the Chicago Teachers' Pension System. We have done this in the past. History has proven that this is something we should do. We feel obligated, but we also feel that that should go directly to the pension system, and it will - sixty-two million dollars. We also put provisions in there that would allow the Chicago Teachers' Pension System to go to the ninety-percent funding schedule level that was established by the legislation we passed during this last Session, last year, in the other pension systems in this State. This protects the financial credibility of the system and will be done by the year 2045, just as the other systems are being asked. Senator O'Malley now will continue with the collective bargaining changes and privatization.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Again, thank you, Mr. President and the Members of the Senate

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for your indulgence. The collective bargaining changes and -- and privatization provisions of the legislation include the following: It places an eighteen-month moratorium on school strikes in Chicago, and -- and the Board would not be required to submit to a binding dispute resolution process. It prohibits certain subjects from collective bargaining agreements for educational employers in Chicago, including the Chicago public schools and the Chicago city colleges. Some of those areas that are in question would be decisions involving charter schools, decisions to determine class size, staffing and assignment, academic calendar, hours and places of instruction, pupil assessment policies, and decisions concerning the use and staffing of experimental or pilot programs. The Board will also be allowed to enter into collective bargaining agreements up to four years and privatization contracts up to five years. Various statutory language inhibiting privatization with the school system is eliminated. Allows the Board to lay off employees replaced because of privatization upon fourteen days' written notices -- notice, and allows for waiver of any provision in any employee contract, including salaries and benefits, upon a fifty-one percent vote of the affected employees. I -- again, I will yield to Senator Watson to complete. There are some miscellaneous provisions that remain.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. We change the fiscal year for the Chicago public schools to begin June -- well, actually they will from September 1st, 1996 to June 30th, 1997. This will mirror the other school calendars throughout the State. It authorizes the Inspector General to investigate Board and LSC members and public commission projects. It mandates three days of training for all new local school council members. This will be coordinated by the

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Chicago Area Deans of Education, and there will be no cost to the State or to the Chicago public schools. It enacts whistle-blower protections. Prohibits former Board members from working for or contracting with the Chicago district for one year after they leave the Board. It directs the State Board of Education to develop strong conflict-of-interest and disclosure forms for the Board and local school council members. Provides for four-year staggered terms for local school council members, beginning with the election in the spring of 1996. Require principals to share internal audit information with local school councils and gives local school councils the powers to approve receipts and expenditure for all internal accounts. And it requires the Board to develop a policy to prevent nepotism in hiring of personnel and the selection of contracts. Mr. -- Mr. President, thank you for giving us the opportunity to make this presentation. We will now open ourselves to questions.

PRESIDING OFFICER: (SENATOR MAITLAND)

All right. Is there discussion? Once again, Ladies and Gentlemen, the timer will be on. I will be asking you to bring your remarks to a close, once the time has expired. Senator Weaver.

SENATOR WEAVER:

...previous question, Mr. President.

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Weaver moves the previous question. There are -- there are thirteen speakers with their lights on at this particular point in time. Senator Garcia. Senator Berman.

SENATOR BERMAN:

Thank you, Mr. President. Let me touch very quickly on a couple of points and really talk in summary about what the -- what the problem is with this proposal. All we're doing here is changing a structure. We are not addressing education. We are not

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addressing the needs of children. We are not addressing the funding needs of the Chicago school system. What we are doing is changing a structure, and there is no guarantees at all that the structure is going to translate to better education. Senator Cullerton is going to talk about the impact to the pensioners and the pension fund in Chicago. What we are doing here is to change a system which will shift the power of appointment from the Mayor and the City Council to the Mayor only. And there's really no qualifications required of this new five-person Super Board. It could be anybody. And there's no limit or floor as to their salaries. There is no balanced budget requirement. For -- for fifteen years, Chicago has had a balanced budget requirement. That is eliminated by this bill. So what you find is that all the State money that comes in categorical grants is going to be put into two block grants. All the property tax levies are going to be merged together, and there's going to be no balanced budget. What does all that mean? It means that without additional money from the State, what you're going to find is that Chicago schools are going to get deeper and deeper and deeper in the red, and that at the expiration of four years, when they have again a balanced budget, when the School Finance Authority comes back in place, we're going to hear all this talk about how did they get into all this red ink. We're going to get into the red ink because the State is reneging on its commitment to four hundred and ten thousand children. It's reneging on its commitment to fund education. It's reneging on its commitment to be fiscally responsible, and it's repealing these kinds of provisions in this bill. This bill is punitive - punitive - to the teachers and other workers in this system. Chicago hasn't had a teachers' strike for seven years. There's no many school districts that can say this in Illinois, but Chicago is being imposed with an eighteen-month teachers' strike ban. Why? Just to prove a point,

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not because -- based on any history. There are -- there's a -- a threshold regarding Chapter I. There is no guarantee that the required increases that are going to -- going to come about because of increased poor children is, in fact, going to be funded at the local schools. There's a floor...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Berman, bring your remarks to a close, please.

SENATOR BERMAN:

I thought I would have the same amount of time that was given to explain the bill, Mr. Chairman. I would ask for a little leeway, Mr. Chairman -- Mr. President. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Proceed, Senator Berman.

SENATOR BERMAN:

Thank you. The Chapter I money is pegged at last year's appropriation. There are projections of twenty million dollars more next year. That's not guaranteed to the poor children. For another ten million dollars the following year, no guarantee to the poor children. So there's a floor which will really be a ceiling because there's no leeway, and those poor children are going to be denied their money. I've got a bill -- a letter here from the Civic Federation that points out that a change in the fiscal year is going to cost Chicago sixty million dollars. This is from the Civic Federation. It's not from the Chicago Teachers' Union; it's not from Democratic legislators. It's from the Civic Federation. But there were no open discussions, there were no open meetings, there was no involvement by Democratic legislators from either the House or the Senate in putting this bill together. The Governor's Office admitted that; the Members on the other side of the aisle admitted that. Shame on us. Shame on us. Is this the way that we carve legislation that's going to affect my constituents, their children, without any input from those

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people's elected legislators? I'm embarrassed by this process, as relates to the children in Chicago - four hundred and ten thousand of them - that affect -- that attend Chicago public schools. There was no input from any elected officials, neither legislators nor the Mayor. They weren't invited to the Governor's Office. None of us were invited to any of the discussions until 1 o'clock today, when we see this bill that isn't even allowed to be amended. That's just touching on it. The process is -- is irrational. It stinks. This bill doesn't address the educational needs of Chicago. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator del Valle.

SENATOR DEL VALLE:

Thank you, Mr. President. I'd like to start out by saying that this is the most irresponsible piece of legislation affecting education that I've seen come before this Body in the eight years that I've been here. Senator Berman said that there was no participation from our side of the aisle in this process. As a Member of the Senate Education Committee, I resent the fact that we were not allowed to participate and that we were handed this amendment today just a few hours ago. Now, for those that are saying, "Well, this is only for Chicago," and for those who are saying, "Yes, this does affect collective bargaining, but it only affects Chicago," let me tell you that one legislator, one Senator in the committee, said that his school district would kill for these -- for these provisions. And so I think it's no secret that we begin with Chicago and we move throughout the State after this. And I suppose it's all done in the name of flexibility. I heard that word used many times today. But I think you've added a new meaning to the word "flexibility". I think to you flexibility means escape from responsibility, because that's exactly what you're doing with this bill. You are attempting and you will

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probably succeed in escaping from your responsibility to public schools in the State of Illinois, beginning with Chicago. This bill, once again, six years after we passed the last school reform bill for Chicago that was revenue-neutral, this bill, once again, provides not one, single cent for the Chicago public schools. This bill, once again, will affect Chapter I. Five, six years ago, we promised the schools that a year ago, they would end up with a hundred percent of the Chapter I funds, but we took thirteen million dollars last year and the year before, and now we're saying that they'll never - they'll never - see that money; yet, Chapter I has been the lifeblood of school reform in the City of Chicago. We are ramrodding a bill through, a bill that some of you see as the albatross around the Mayor's neck. Some of you see this bill as the rope - as the rope - that the Mayor of the City of Chicago needs to hang himself. Well, you know, I have my differences with the Mayor of the City of Chicago, but when the Mayor of the City of Chicago ends up hanging himself on this issue, he's going to take four hundred and ten thousand children along with him. And I will not have that on my conscience. And my kids go to a Chicago public school. And let me tell you it was just two weeks ago that my sixth-grader sat just feet away from a roof that caved in and injured two children, in school, but this bill says nothing about the capital needs of the Chicago public schools. It says nothing about the one billion dollar plus of reconstruction and rehabilitation needs that the school has. It doesn't say anything about the last time that the State provided pennies to the Chicago public schools: in '89 for renovation. This bill is silent on that. And we call it...

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator del Valle...

SENATOR DEL VALLE:

...school reform; we call it school accountability. I call it

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irresponsibility.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Collins.

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SENATOR COLLINS:

Thank you, Mr. President and Members of the Senate. I, too, have been in this Body for the last nineteen years now, and I have seen any number of so-called measures on school reforms for the Chicago school system, but none of which - none of which - I have seen that have been more negative and offered the greatest possibility for further erosion of the quality of education in the Chicago school system. Senator Berman mentioned the fact that this is about structural changes, and basically all that we've done here has been about structure changes that have very little or nothing to do with the quality of education. But there are two provisions in this bill that I would say that will probably have a greater possibility for impacting in a negative way on the quality of care, quality of education, and that is the use of the Block Grant Fund and the use of the consolidated taxes that was levied for special purposes in the City of Chicago. There's nothing so wrong with the consolidation of those levies, but there most certainly is something fundamentally wrong when you can take that money - this board of trustees who is not accountable, not elected by the people at all - and can use this money stated directly in the bill for whatever lawful purpose or for whatever means that they choose to -- to -- to use that money for. What this bill has

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also done, what you've done to the teachers, have created an environment that at best is -- it is -- it is at best that you can expect out of it is insecurity and anxiety, and at worst, hostility, neither of which is conducive to positive -- a positive learning atmosphere for the children of the City of Chicago. And I heard the sponsor said that this bill was about children. No it isn't. This bill is about politics. This bill is about setting up the Mayor, as Miguel have said. This bill is to make Clinton look bad when he comes for the Democratic Convention. It has nothing to do with children, and you ought to be ashamed of yourself and join with us and defeat it. A rightful death is where it should be.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Cullerton.

SENATOR CULLERTON:

Yes. Thank you, Mr. President, Members of the Senate. I'm just going to talk about one Section of the bill. Brief background: We have two pension funds that provide pensions for retired teachers in the State of Illinois - one for the Chicago public school teachers, and one for the rest of the State. The rest of the State - the Downstate Teachers - the employer contribution comes from us, the General Assembly, and in the City of Chicago, the employer contribution comes from us, the General Assembly, and in addition to that, we have a property tax levy that goes directly into that pension fund. That's why the Chicago Teachers' Pension Fund is so strong, 'cause we have this additional money that goes in. It's -- the unfunded liability ratio in Chicago is about eighty-two percent. The Downstate Teachers' Pension Fund liability, I think, is at about fifty-eight percent. What this bill does is to allow for the next four years, a total diversion of that extra money that's going into that pension fund. Now, we did this a few years ago, and the Democrats

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voted for it, and you voted against it. The Democrats voted for a slight diversion of the -- of the pension money into the pension fund. And you know what happened? The -- there was a diversion of less than sixty-five million. This bill allows for a diversion of sixty-five million for the next four years. The campaign literature that you guys put out against us was, you're taking money from the poor, little, old retirees and you're sending it into that rat hole: the Chicago public school system. Now the shoe is on the other foot. Now you're proposing a bill that does the same thing. And the ironic thing is, you know where most of these retirees live? They don't live in our districts. They've retired. They've moved out to the suburbs. They live in your districts, and when this bill passes, they're all going to be up in arms. They're going to say, "What are you doing to our pension?" And you can get up, Senator O'Malley, and you can say, "Well, it says right here by the year 2045, we'll back to full funding." They should live so long. What this -- what this bill says is this: We have a terrible problem in the Chicago public schools. There's a hundred and fifty million dollars short, and they're going to go on strike, and we'll have four hundred thousand kids out of school. What are we going to do? I got it. Why don't we just let 'em borrow a bunch of money so they can go into debt, and then on the strike part, I know, we'll pass a bill that says they can't strike. That's the solution to the Chicago public school problem for this year. I think it's a little shortsighted. I think that, once again, there's going to be some political ramifications with this bill just like the last, and I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Palmer.

SENATOR PALMER:

Thank you, Mr. President. To the bill: This is the latest of

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this Body's, particularly the other side of the aisle, and the State's end run around its responsibility to its children who happen to live in Chicago. The tragedy of this is that when I first got down here, I watched and participated with Chicago's people as they came here in good faith seeking reform, and they worked especially with your side of the aisle. And what this bill has done is to take Chicago people's rightful effort to reform schools and turned it against them. Teachers and local school councils who were supposed to be the centerpiece of reform, are now the enemy, because there's going to be the whistle-blower feature of this. Then you've got an entire school staff that can be fired should the Academic Accountability Council decide that a school is not living up to its responsibility. But, ho-ho, you have a Super Board which has the authority, but without any revenue, and you have the Academic Accountability Council, but you have capped the Chapter I funds, which are the very lifeblood of how people -- the schools are able to have some accountability and to have some educational progress. So what we have here is a total reversal of all that people came down here to get from you, and it is a shameful and terrible thing. And what makes it even worse is that you had an opportunity to do better than this. We had a bill which had we passed it, would have funded schools. We had a referendum which had it passed, which had bipartisan support, would have funded Illinois schools. But instead, we have chosen once again to put a bull's-eye around Chicago's neck and to shoot everything that this Body has against it. This is boomerang politics, and I say again: What goes around comes around.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Shaw.

SENATOR SHAW:

Thank you, Mr. President. I must say, at best, I'm confused on who will be in charge of running the schools up there, the

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Chicago school system. We have a chief executive officer, which doesn't really explain. We have chief fiscal officer. Does explain exactly who's in charge of the overall system. And we have a chief educational officer. Does -- it doesn't explain exactly whether he or she is in charge of the -- of the school. Or the purchasing officer, it doesn't explain that. But maybe in the next four years we can figure it out. But what I would like to say is that you call this reform, and you'll be back next year and talk about some more reforms in terms of the Chicago school system. I've been here for a number of years, and every year since I've been here, basically you have talked about reform for the Chicago school system. But most of the time you haven't given them a dime. In this bill, you haven't given them a dime. You didn't even -- you -- you haven't even raised the tax ceiling where that the Board could get the money in this bill. But you're handing the Mayor of the City of Chicago a bankrupt system and tell him, "You got it, and you run it, with no money." What is the -- what is the State's responsibility to the children of Chicago? What is the State's responsibility to -- to the children of Illinois? Aren't they entitled to some money to run these systems? But you're going to leave out of here and talk to your press people and -- and tell them to put a spin on it that we did something for the Chicago school system, when you know full well that you haven't give a dime to educate the children. What is the -- what is the teachers going to do when the principal -- under this bill, when the principal tell them, say, "Well you've got forty children in your class"? You've taken the voice of the teachers who's teaching the children, according to this bill. They have no say-so in working conditions, under this bill. This is a ridiculous bill, and you don't mean for the children of Chicago to get educated, as you don't mean for the children of anywhere in Illinois to be educated. You all should take this

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bill back to the drawing board, look at it again, and let's get some bipartisan support, and above all, you should have somebody that represents Chicago in the room with you when you write the legislation. I don't understand. I don't understand that all of the downstaters have the better ideas for what's good for Chicago, and good suburbanites who have great ideas, what's good for Chicago. If I attempted to do that to your schools, you'd probably want to run me out of this Senate. And I urge you not to do this to the children, four hundred and ten thousand kids of Chicago. Let's do it over again, and let's do it right. Let's put some money into the Chicago school system, where the children can be educated. I urge a No vote.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further -- further discussion? Senator Karpiel. Further discussion? Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. I have some questions for the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates they will yield, Senator Karpiel.

SENATOR KARPIEL:

Thank you, Mr. President. Senator Watson, has there been adequate input for the Legislature to assess these -- all of these issues?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you for that question. We appreciate the opportunity to respond, because obviously, there are some that disagree. But the record clearly shows that there's been -- normal legislative process has been followed, and that the Legislature, the community and the reform groups are included, and

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numerous individuals and groups that were involved in the drafting and consideration of this legislation. Examples of this are Representative Mary Lou Cowlshaw's Chicago Reform Working Group and the Senate Education Committee hearings. Accordingly, the enactment of the Statute is responsible and rational.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Karpel.

SENATOR KARPIEL:

Yes. Thank you. Senator Watson, how do we -- or, how would you respond to the claim that employees of Chicago are being unfairly targeted?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

It cannot be said that this bill unfairly targets the employees of Chicago. The legislative classification here is clearly reasonable. The General Assembly finds that the state of emergency exists in the Chicago public schools. These statutory amendments are based on the attendance needs -- or, the attendant needs of the Chicago public schools are in accord with and the continuation of the 1988 Chicago School Reform Act, which by the way, Mr. President, was slammed down on our desk, in which we had an opportunity of just a few minutes to try to digest what was in that particular piece of legislation before it was crammed down the throats of the Minority Party at that particular time, which happened to be the Republicans.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Mr. President. I want to salute the Chair for allowing Senator Berman and Senator del Valle to go over their time, for that respect that you have shown to my two colleagues

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there, I will waive my time. Thank you.

PRESIDING OFFICER: (SENATOR MAITLAND)

Thank you, Senator Molaro. Senator Sieben.

SENATOR SIEBEN:

Well, thank you, Mr. President. I simply stand and support the legislation. As a Member of the Senate Education Committee for the past three years, just share with the Members that this subject of Chicago school reform has been the subject of our committee in many different hearings that we've had and many different issues that we've debated. So I'm a little surprised that the other side of the aisle wants to talk about this as some kind of a surprise that appeared on their desk at 1 o'clock today. The actual language may have just appeared, but the substantive contents of what we're talking about here tonight has been the subject of discussion for at least the three years that I've been a Member of the Senate Education Committee. I would also like to commend the sponsors for the work and the time that they've put in on this bill, and also the Governor's Office. As we heard in our committee hearing tonight for two and a half hours, Mr. Grosboll shared with us the type of input that they've had on this legislation. So, you may find room to criticize the process of putting the language together in the bill, but I really don't think there's any room for criticism of the opportunity to provide input on this legislation or the items that -- that appear in this legislation. There has been ample opportunity for input on this legislation. I'd also share that it's kind of amusing to listen to some of the complaints from the other side of the aisle. They're strangely reminiscent of many of the arguments that we made on legislation when I was over in the House for six years as a Member of the Minority Party over there. I think it sounds like somebody's just replaying some of the tapes from those Sessions that we spent over there under Speaker Madigan's leadership. I do

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have -- Mr. President, I do have one question for Senator O'Malley for the purpose of legislative intent, if he would yield for a question.

PRESIDING OFFICER: (SENATOR MAITLAND)

Indicates he will yield, Senator Sieben.

SENATOR SIEBEN:

Senator O'Malley, why does the bill's Section on prohibited subjects of collective bargaining apply only to the Chicago School Board, Chicago Board of Education and City Colleges?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator O'Malley.

SENATOR O'MALLEY:

Thank you, Mr. -- Mr. President and Senator Sieben for the question. The severe educational needs of Chicago students are well known to this Body. These needs are acknowledged to be among the most pressing and difficult faced in urban America, and both the Chicago Board of Education and City Colleges have the responsibility of addressing the needs of Chicago students. There are also significant educational and financial links between the two districts. Large numbers of pupils who attend Chicago public schools subsequently attend one of the City's community college, some after graduation from the Education Program. Additionally, in recent years, as the Board has faced severe financial and budgetary problems, City Colleges has assumed increasing responsibility for various adult education and vocational education programs previously provided by the Board of Education.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Dudycz.

SENATOR DUDYCZ:

Thank you, Mr. President. I just have one question of the sponsor.

PRESIDING OFFICER: (SENATOR MAITLAND)

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Indicates he will yield, Senator Dudycz.

SENATOR DUDYCH:

Senator Watson, does this bill -- or, does this conference committee report continue the primary focus of Chicago School Reform Act of 1988?

PRESIDING OFFICER: (SENATOR MAITLAND)

Senator Watson.

SENATOR WATSON:

Yes. Thank you. The answer to that is, absolutely. The primary focus of the 1988 Chicago School Reform Act was school-based governance. Decisions as to the issues of special concern to individual schools were transferred to the school principals and to local school councils. The 1995 amendatory Act continues that focus, affording school principals the latitude in hiring they require to institute change at the local level. Despite these changes, employees' rights continue to be protected in many respects by Statute and will be further protected in accord with the rules and regulations of the Board of Education of the City of Chicago. The result is local autonomy and flexibility coupled with accountability. This Body has in its record a variety of educational authority supporting the soundness of this proposition. The authority was examined with the passage of the 1988 Chicago Reform Act and with the passage of this 1995 amendatory Act.

PRESIDING OFFICER: (SENATOR MAITLAND)

Further discussion? Senator Smith.

SENATOR SMITH:

Thank you, Mr. President, Ladies and Gentlemen of the Senate. If it wasn't so funny, it would be ridiculous. To see these grown men, who live in the suburban area of the City of Chicago, out from Chicago, have nothing really of real monetary or logical or moral interest in the City of Chicago and its young people, stand

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here on this Floor - this august Floor, this -- the Senate, the House of Lords - and play. Do you not know that you are dealing with the lives of young people, young people yet unborn, young people whom we are looking forward to, to fill these Chambers some day? And you are just playing. This is horrible that you would carry on like this. This is a serious matter, and you don't play with young people like this. And as it has been stated, what goes around will come 'round. The mills of the guards grind slow but exceedingly fine. Believe me when I tell you. And I -- I look to here, this -- how ludicrous this is. Even assistant principals will be removed from the Teachers' Union. What -- what's your rationale there? It doesn't make sense. And you leave out of here and laugh and have a big time, and didn't we do it to them, the City of Chicago. And these young people are begging for an opportunity in the City of Chicago, in the State of Illinois, and you don't care. You got together and put all of this stuff together, and it's sad. And anything is all right for us. Well, we are elected by the people of the State of Illinois, and we come here to represent them, and we're not playing. So until you give us something that's logical and sensible -- here you have here, that the -- let me see, what -- this LA <sic> members, they have to go to school for so many days and all of this, and then you have -- let me see, you have a - a head of the -- all these different heads here. Let me see here. You've got a chief operating officer, a chief fiscal officer. You've got a chief educational officer, a chief person. What is all of this? This is not children. This is not school. Then you talk about the incoming members of the LSC will be required to take a three-day training program within six months of taking office. This is ludicrous. We're dealing with young people. Nothing about the curriculum of them or how long that they -- what type of programs that you'll give them. You're talking about structure. And

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what's -- you just don't do things like this, sir. And you should be ashamed of yourself. You would not have it in your neighborhood where your school -- young people is going to school. And we don't want it for the City of Chicago. They may not have all that you have, but they're human beings and they're born in the image of God, and they're entitled to a good life. And we are here in this legislative Body to see that they get that, and that's what -- whereas you're standing up here playing. This is -- this is ridiculous. And this will go out in the newspaper. You should be ashamed of yourself. And I just have to say that to you, but I'm very sorry. Please, let's not play with the legislation.

PRESIDING OFFICER: (SENATOR MAITLAND)

And the final speaker, Senator Jones.

(MIDNIGHT)

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SUPPLEMENTARY APPENDIX D

PA 102-0699

(105 ILCS 5/2-3.192 new)

Sec. 2-3.192. Significant loss grant program. Subject to specific State appropriation, the State Board shall make Significant Loss Grants available to school districts that meet all of the following requirements:

(1) The district has been affected by a recent substantial loss of contributions from a single taxpayer that resulted in either a significant loss of the overall district Equalized Assessed Value or a significant loss in property tax revenue from January 1, 2018 through the effective date of this amendatory Act of the 102nd General Assembly.

(2) The district's total equalized assessed value is significantly derived from a single taxpayer.

(3) The district's administrative office is located in a county with less than 30,000 inhabitants.

(4) The district has a total student enrollment of less than 500 students as published on the most recent Illinois School Report Card.

(5) The district has a low income concentration of at least 45% as published on the most recent Illinois School Report Card.

The Professional Review Panel shall make recommendations to the State Board regarding grant eligibility and allocations. The State Board shall determine grant eligibility and allocations. This Section is repealed on July 1, 2023.

PA 102-0698

Section 110. The amount of \$2,700,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for Significant Loss Grants authorized by 105 ILCS 5/2-3.192

**IN THE CIRCUIT COURT OF JACKSON COUNTY, ILLINOIS
FIRST JUDICIAL CIRCUIT**

PEOPLE OF THE STATE OF ILLINOIS,)
 JACKSON COUNTY; SHAWNEE)
 COMMUNITY UNIT SCHOOL DISTRICT)
 NO. 84; SHAWNEE COMMUNITY COLLEGE,)
 COMMUNITY COLLEGE DISTRICT NO. 531;)
 and JACKSON COUNTY AS TRUSTEE)
 (for Taxing Districts))

FILED
 2/15/2023 3:25 PM
 Cindy R. Svanda
 Circuit Clerk
 Jackson County, Il
 BD

Plaintiffs,)

v.)

No. 2022TX6)

GRAND TOWER ENERGY CENTER, LLC;)
 ROCKLAND CAPITAL, LLC; ROCKLAND)
 CAPITAL GP, LLC; and ROCKLAND CAPITAL,)
 LP)

Defendants.)

FIRST AMENDED COMPLAINT

NOW COME, Shawnee Community Unit School District No. 84 by and through its attorneys, ROBBINS, SCHWARTZ, NICHOLAS, LIFTON and TAYLOR, LTD.; the People of the State of Illinois, Jackson County by JOSEPH CERVANTEZ, STATE’S ATTORNEY OF JACKSON COUNTY through his assistant Joni Bailey; Shawnee Community College, Community College District # 531 by and through its attorneys, JOHNSON, SCHNEIDER & FERRELL, LLC.; and Jackson County as Trustee (for Taxing Districts) by and through its attorney NEAL J. WALLACE, (collectively the “Plaintiffs”) and for their First Amended Complaint against Grand Tower Energy Center, LLC; Rockland Capital, LLC; Rockland Capital GP, LLC; and Rockland Capital, LP (collectively the “Defendants”), state as follows:

INTRODUCTION

1. This is an action for collection of two years of delinquent real estate taxes pursuant to Section 21-440 of the Illinois Property Tax Code. 35 ILCS 200/21-440 (2023).
2. Defendant, Grand Tower Energy Center, LLC, is the owner of record to which taxes were assessed by the Jackson County Tax Assessor for parcel 16-14-200-001 in 2020 (payable in 2021) and 2021 (payable in 2022).
3. The 2020 assessed taxes on Jackson County Parcel 16-14-200-001 were Two Million One Hundred Sixty-Two Thousand Eight Hundred Sixty-Three Dollars and Eighty-Two Cents (\$2,162,863.82).
4. The 2021 assessed taxes on Jackson County Parcel 16-14-200-001 were Two Million Two Hundred Sixty-Five Thousand Six Hundred Forty-Two Dollars and Seventy-Eight Cents (\$2,265,642.78).
5. The 2020 and 2021 assessed taxes on Jackson County Parcel 16-14-200-001 have not been paid.
6. On December 10, 2021, the Jackson County Treasurer conducted a Delinquent Real Estate Tax Sale for 2020 assessed taxes payable in 2021.
7. On December 10, 2021, Jackson County as Trustee for Taxing Districts under Trusts 16-14-200-001 became the holder of Tax Certificate 202000756.
8. Tax Certificate 202000756 remains open and valid. The redemption period expires August 2, 2024.
9. Plaintiffs seek a judgment against Defendants for the total amounts due for assessed taxes on Jackson County parcel 16-14-200-001, including costs of this action and attorney's fees.

10. Plaintiffs also seek a judgment against Defendants for pre-judgment and post-judgment interest.

VENUE

11. The Circuit Court for the First Judicial Circuit, Jackson County, is the proper venue for this matter, as the property for which the taxes remain unpaid is located in Jackson County, Illinois, and all transactions at issue which are the subject of this Complaint took place in Jackson County.

PARTIES

12. At all times relevant hereto, the People of the State of Illinois are statutory Plaintiffs in cases filed under Section 21-440 of the Property Tax Code. The People of the State of Illinois suffer damage when property owners do not pay their property taxes due to the increased tax liability that results to the People and due to the loss of essential governmental services and functions resulting from nonpayment.

13. Jackson County, as Trustee for Taxing Districts holds Tax Certificate 202000756 for Parcel 16-14-200-001.

14. At all times hereinafter mentioned Plaintiff, Shawnee Community Unit School District No. 84 (“Shawnee School District”) is an Illinois School District under the Illinois School Code 105 ILCS 5/1 et seq with its principal office at 3365 State Route 3 North, Wolf Lake, Illinois.

15. At all times hereinafter mentioned Plaintiff, Shawnee School District, is an Illinois School District that employs approximately 54 educational faculty and staff, and it is responsible for the education of approximately 300 kindergarten through twelfth grade students, 95% of whom are categorized as low-income.

16. For Tax Year 2020, the Shawnee School District's property tax levy resulted in a tax extension on the Subject Property in the amount of \$1,196,153.86. For Tax Year 2021, the School District's property tax levy resulted in a tax extension on the Subject Property in the amount of \$1,300,951.82.

17. The Subject Property's property tax revenue is necessary for the Shawnee School District to perform essential school functions including the payment of staff and the provision of essential student services. As the result of the Defendants' failure to pay taxes, Shawnee School District is without this revenue to perform these essential school district functions for Shawnee School District students and staff and the Shawnee School District community.

18. At all times hereinafter mentioned Plaintiff Shawnee Community College, Community College District # 531 ("Shawnee Community College") is an Illinois Community College under the Public Community College Act, 110 ILCS 805/1-1 et seq with its principal office at 8364 Shawnee College Road, Ullin, Illinois.

19. Plaintiff, Shawnee Community College, employs educational faculty and staff and is responsible for the education of approximately 2,600 students in the communities of Anna, Cairo, Metropolis, Ullin and Vienna.

20. For Tax Year 2020, the Shawnee Community College's property tax levy resulted in a tax extension on the Subject Property in the amount of \$194,874.57. For Tax Year 2021, the Shawnee Community College's property tax levy resulted in a tax extension on the Subject Property in the amount of \$185,513.13.

21. The Subject Property's property tax revenue is necessary for the Shawnee Community College to perform essential college functions including the payment of staff and the provision of essential student services. As the result of the Defendants' failure to pay taxes,

Shawnee Community College is without a portion of this revenue to perform these essential college functions for Shawnee Community College students and staff and the Shawnee Community College community.

22. At all times hereinafter mentioned Plaintiff Jackson County is an Illinois County under the Illinois Counties Code 55 ILCS 5/1-4010 with its principal office located at 1001 Walnut Street, Murphysboro, Illinois.

23. For Tax Year 2020, Plaintiff Jackson County's property tax levy resulted in a tax extension on the Subject Property in the amount of \$512,097.55. For Tax Year 2021, Plaintiff Jackson County's property tax levy resulted in a tax extension on the Subject Property in the amount of \$518,614.95. The Subject Property's property tax revenue is necessary for Jackson County to perform essential government functions for the health, safety and well-being of the residents of Jackson County. As the result of the failure to pay taxes, Jackson County is without this revenue to perform these essential governmental functions for the residents of Jackson County.

24. At all times hereinafter mentioned Joseph E. Meyers and Associates is the County Delinquent Tax Agent for Jackson County pursuant to the authority of the Illinois Property Tax Code 35 ILCS 200/ (2023) and a Resolution adopted by the Jackson County Board.

25. For Tax Year 2020, the combined levies for Taxing Districts - Grand Tower Township, Grand Tower Park District, Kinkaid Reeds Creek Conservancy District, Assessing District 3, Tower Rock Fire District, Grand Tower Drainage District, and Grand Tower Road and Bridge District - resulted in a tax extension on the Subject Property in the amount of \$259,737.84. For Tax Year 2021, the combined levies for Taxing Districts - Grand Tower Township, Grand Tower Park District, Kinkaid Reeds Creek Conservancy District, Assessing District 3, Tower Rock Fire District, Grand Tower Drainage District, and Grand Tower Road and Bridge District - resulted

in a tax extension on the Subject Property in the amount of \$260,562.88. The Subject Property's property tax revenue is necessary for these taxing districts to perform essential government functions for the health, safety and well-being of the residents of Jackson County. As the result of the failure to pay taxes, Jackson County is without this revenue to perform these essential governmental functions for the residents of Jackson County.

26. Upon information and belief, at all times relevant hereto, Defendant Grand Tower Energy Center, LLC ("GTEC"), was a Delaware corporation with its principal office located at 24 Waterway Avenue, Suite 400, The Woodlands, Texas, 77380.

27. Upon information and belief, at all times relevant hereto, Defendant GTEC owned and operated an Illinois power plant in Grand Tower, Jackson County, Illinois, on the Subject Property.

28. Upon information and belief, at all times relevant hereto, Defendant Rockland Capital LLC was a Delaware Corporation with its principal office located at 24 Waterway Avenue, Suite 400, The Woodlands, Texas, 77380.

29. Upon information and belief, at all times relevant hereto, Defendant Rockland Capital GP, LLC was a Delaware Corporation with its principal office located at 24 Waterway Avenue, Suite 400, The Woodlands, Texas, 77380, and general partner of Rockland Capital LP, A Delaware Corporation.

30. Upon information and belief, at all times relevant hereto, Defendant Rockland Capital, LP was a Delaware Corporation with its principal office located at 24 Waterway Avenue, Suite 400, The Woodlands, Texas, 77380, and the manager of the power plant located in Grand Tower, Illinois, and assessed to GTEC as owner.

THE SUBJECT PROPERTY

31. The Grand Tower Power Station is a natural gas fired combined cycle electric generation station located at 1820 Power Plant Road in the City of Grand Tower, Grand Tower Township, Jackson County, Illinois.

32. The Grand Tower Power Station complex comprises eleven Jackson County Parcel Identification Numbers (“PINs”):

16-13-300-006

16-14-200-001

16-14-200-002

16-14-400-001

16-14-400-002

16-23-200-001

16-24-101-001

16-13-300-004

16-13-100-001

16-13-300-001

46-13-300-001

33. Jackson County Parcel number 16-14-200-001 will hereinafter be referred to as the “Subject Property”.

34. Upon information and belief, on or about September 30, 2013, Rockland Capital, LLC, Rockland GP, LLC, or Rockland Capital, LP, or a predecessor in interest, contracted to purchase the Subject Property and adjacent parcels from Ameren Corporation as part of a portfolio of natural-gas fired power plants.

35. Upon information and belief, in January 2014, Main Line Generation, LLC, parent company of GTEC, and a wholly owned affiliate of Rockland Capital, LLC purchased the Subject Property from and affiliate of Ameren Corporation as part of a portfolio of natural-gas fired power plants.¹

36. Upon information and belief, Rockland Capital GP, LLC and Rockland Capital LP acquired the interest of Rockland Capital, LLC, in the Grand Tower Power Station at some date following the January 2014 acquisition.

THE TAX YEAR 2020 TAX SALE

37. On August 19, 2021, the first installment of taxes for Tax Year 2020 on Subject Property in the amount of \$1,081,431.91 became due and owing.

38. As of August 19, 2021, the Defendants had not paid the first installment of taxes for Tax Year 2020 on Subject Property.

39. On or about October 19, 2021, the second installment of taxes for Tax Year 2020 on Subject Property in the amount of \$1,081,431.91 became due and owing.

40. As of October 19, 2021, the Defendants had not paid the second installment of taxes for Tax Year 2020 on Subject Property.

41. On December 6, 2021, in Jackson County Case 2021TX5, Judge Steven M.J. Bost of the First Judicial Circuit, Jackson County, Illinois, entered a final judgement and order of sale for taxes and special assessments in favor of the People of the State of Illinois, for multiple parcels, including the Subject Property, pursuant to Section 21-180 of the Property Tax Code, 35 ILCS

¹ Appellant, Grand Tower Energy Center, LLC's Response to Intervenor's Closing Brief in Property Tax Appeal Board Docket 14-03445 and 15-00452, at page 2, footnote 1.

200/21-180 (2023). A copy of said Order with supporting documents is attached hereto, marked as **Complaint Exhibit A**, and made a part hereof.

42. On December 10, 2021, after due notice and with no sufficient defense having been made or cause shown why judgment should not be entered against the Subject Property for taxes (special assessments, if any), interest, penalties and costs due and unpaid thereon, the Jackson County Treasurer conducted a Delinquent Real Estate Tax Sale for multiple parcels, including the Subject Property.

43. At the annual tax sale conducted on December 10, 2021, Jackson County as Trustee for Taxing Districts under Trusts 16-14-200-001 became the holder of Tax Certificate 202000756, which remains open and valid with a redemption period that expires on August 2, 2024.

44. The Tax Year 2021 taxes payable in 2022 on the Subject Property were not offered at the annual tax sale conducted on January 20, 2023.

COUNT I AGAINST GTEC

PAYMENT OF TAX YEAR 2020 TAXES

45. The Plaintiffs reassert and re-allege the allegations set forth above in Paragraphs 1 through 44 as though fully set forth herein.

46. Upon information and belief, GTEC held an ownership interest in the Subject Property on January 1, 2020.

47. On January 1, 2020, the Subject Property was assessed to GTEC in the assessment records of the Jackson County Chief County Assessment Officer and the Jackson County Board of Review (Hereinafter collectively the “Jackson County Assessor”).

48. On January 1, 2020, GTEC was liable for the taxes for Tax Year 2020 on the Subject Property.

49. Pursuant to Section 9-175 of the Property Tax Code, the owner of the property on January 1 in any year shall be liable for the taxes of that year. 35 ILCS 200/9-175 (2023).

50. Pursuant to Section 9-175 of the Property Tax Code, each owner of property on January 1 of a year is liable jointly and severally in any action under Section 21-440 for all taxes of that year. 35 ILCS 200/9-175 (2023).

51. Pursuant to Section 21-440 of the Property Tax Code, the County Board may, at any time after final judgment and order of sale against delinquent property under Section 21-180, institute a civil action in the name of the People of the State of Illinois in the circuit court for the whole amount due for taxes and special assessments on the delinquent or forfeited property. 35 ILCS 200/21-440 (2023).

52. Pursuant to Section 21-440 of the Property Tax Code, any county, city, village, incorporated town, school district or other municipal corporation to which any tax or special assessment is due, may, at any time after final judgment under Section 21-180, institute a civil action in its own name, in the circuit court, for the amount of the tax or special assessment due to it on the delinquent or forfeited property, and prosecute the same to final judgment.

53. Because Tax Year 2020 taxes in the amount of \$2,162,863.82 remain due on the delinquent Subject Property, Plaintiffs seek to collect the taxes plus interest, penalties, fees and other charges granted by law pursuant to 35 ILCS 200/21-440.

54. The Plaintiffs have incurred and will incur certain costs and attorney fees in their efforts to collect the taxes due.

WHEREFORE, the Plaintiffs pray for the entry of a judgment in its favor and against GTEC in the amount of \$2,162,863.82 plus penalties, fees and the costs of collection including attorney fees, and court costs, and for such further relief as this Court deems appropriate and just.

COUNT II AGAINST GTEC

PAYMENT OF TAX YEAR 2021 TAXES

55. The Plaintiffs reassert and re-allege the allegations set forth above in Paragraphs 1 through 44 as though fully set forth herein.

56. Upon information and belief, GTEC held an ownership interest in the Subject Property on January 1, 2021.

57. On January 1, 2021, the Subject Property was assessed to GTEC in the assessment records of the Jackson County Assessor.

58. On January 1, 2021, GTEC was liable for the taxes for Tax Year 2021 on the Subject Property.

59. The Plaintiffs reassert and re-allege the allegations set forth above in Paragraphs 49 through 52 as though fully set forth herein.

60. Because Tax Year 2021 taxes in the amount of \$2,265,642.78 remain due on the delinquent Subject Property, Plaintiffs seek to collect the taxes plus interest, penalties, fees and other charges granted by law pursuant to 35 ILCS 200/21-440.

61. The Plaintiffs have incurred and will incur certain costs and attorney fees in their efforts to collect the taxes due.

WHEREFORE, the Plaintiffs pray for the entry of a judgment in its favor and against GTEC in the amount of \$2,265,642.78 plus penalties, fees and the costs of collection including attorney fees, and court costs, and for such further relief as this Court deems appropriate and just.

COUNT III AGAINST ROCKLAND CAPITAL, LLC

PAYMENT OF TAXES

62. Plaintiffs reassert and re-allege the allegations set for above in Paragraphs 1 through 61 as though fully set forth herein.

63. Upon information and belief based on statements made by legal counsel for GTEC at the February 8, 2022, hearing before the Jackson County Board of Review, GTEC may lack sufficient liquid assets to satisfy the real estate tax liability on the Subject Property for Tax Years 2020 and 2021.

64. On information and belief, GTEC is a shell company that was formed by Rockland Capital, LLC, Rockland Capital GP, LLC and/or Rockland Capital, LP on January 13, 2014, immediately prior to Rockland's purchase of the Subject Property (Rockland Capital, LLC, Rockland Capital GP, LLC and/or Rockland Capital, LP are at times hereinafter referred to collectively as "Rockland" or the "Rockland Entities").

65. On information and belief, Rockland formed GTEC as a means to, among other things, inadequately capitalize GTEC so that the Rockland could avoid paying the Subject Property's property tax liability that was present at the time that Rockland acquired the Subject Property.

66. The Rockland Entities hold themselves out as the Subject Property's owner. On information and belief, the Rockland Entities and a third-party management company, NAES, under Rockland's direction and control, manage the day-to-day operations of the Subject Property.

67. The Rockland Entities are the governing and dominating personality of the business enterprises of GTEC.

68. Upon information and belief, GTEC was merely an instrumentality to conduct the business.

69. Adherence to the corporate existence would sanction a fraud, promote injustice, and/or promote inequitable consequences on third persons, such as Plaintiffs if the record owner, GTEC, lacked the liquid assets to satisfy the real estate taxes and assessments related to the Subject Property.

70. Upon information and belief, Defendants, GTEC, Rockland Capital, LP, Rockland Capital GP, LLC, and Rockland Capital, LLC are alter egos of one another. Defendants, GTEC, Rockland Capital, LP, Rockland Capital GP, LLC, and Rockland Capital, LLC should be treated as one entity to prevent Defendants, GTEC, Rockland Capital, LP, Rockland Capital GP, LLC, and Rockland Capital, LLC, from using the corporate fiction as a tool to inflict fraud upon Plaintiffs. The corporate fiction of Defendants, GTEC, Rockland Capital, LP, Rockland Capital GP, LLC, and/or Rockland Capital, LLC, should be disregarded because they have been used as part of an unfair device to achieve the inequitable result of claiming insolvency on behalf of GTEC, the shell company, thereby leaving the Plaintiffs having insufficient revenue to perform essential governmental and school functions and to provide essential governmental and school services.

71. If a judgment is entered in this matter against GTEC which GTEC lacks the liquid assets to satisfy, the corporate fiction should be disregarded because: (1) the fiction is used, or is being used, as a means to inadequately undercapitalize an Illinois power plant and its existing property tax obligations; (2) Defendants, GTEC, Rockland Capital, LP, Rockland Capital GP, LLC, and/or Rockland Capital, LLC were organized and operated as a mere tool or business conduit of Rockland Capital, LP, Rockland Capital GP, LLC, and/or Rockland Capital, LLC; (3) the corporate fiction is resorted to as a means of evading existing legal obligations including the

payment of property taxes; (4) the corporate fiction is used to circumvent payment of taxes; and (5) the corporate fiction is relied upon as a protection to justify a wrong.

72. The corporate structure should not shield evasion of existing property tax obligations, circumvention of statute, and the like. This abuse necessitates disregarding the existence of the Defendants, GTEC, Rockland Capital, LP, Rockland Capital GP, LLC, and/or Rockland Capital, LLC as separate entities. As a result, the corporate veil of Defendants, GTEC, Rockland Capital, LP, Rockland Capital GP, LLC, and Rockland Capital, LLC should be pierced to provide that all Defendants, including Rockland Entities, are jointly and severally liable to Plaintiffs for a judgment recovered by Plaintiffs in this matter against GTEC.

73. To hold the Defendants vicariously liable for the unpaid taxes by piercing the corporate veil, Plaintiffs must prove the corporate form should be disregarded. Plaintiffs can satisfy their burden and the corporate veil can be pierced for the following reasons:

- A. GTEC is inadequately capitalized.
- B. GTEC failed to observe corporate formalities.
- C. At all times relevant, the Rockland Entities identified themselves as owner of the Subject Property on Rockland's website at <https://www.rocklandcapital.com/natural-gas-combined-cycle/>.²
- D. Rockland purchased the subject property in furtherance of Rockland investors' interest in the Subject Property.
- E. The Rockland Entities used their own staff or a third-party management company, NAES, hired by Rockland to manage the Subject Property and handle the Subject Property's daily operations.

² Visited by the undersigned on April 4, 2022

- F. NAES identifies “Rockland Capital” as owner of the Subject Property on NAES’s website at <https://www.naes.com/locations/grand-tower-energy-center/>³
- G. The Rockland Entities used their own staff or a third-party management company hired by the Rockland Entities and conducts the business and affairs of the Subject Property as though GTEC does not exist.
- H. Based on information and belief, GTEC does not have any employees or any functioning officers or directors.
- I. Based on information and belief, the funds of the Rockland Entities and GTEC are commingled and are one in the same.
- J. Based on information and belief, the revenues generated from the Subject Property are diverted to the Rockland Entities to the detriment of GTEC’s creditors and the People of the State of Illinois.

74. Rockland has previously acknowledged and admitted to ownership of the Subject Property and to the exercise of control over the Subject Property. In a hearing before the Illinois Property Tax Appeal Board on May 18, 2018, Rockland executives appeared, identified themselves as Rockland executives and not as executives or employees of GTEC, and then testified under oath that Rockland “owned” the Subject Property. A copy of the applicable portions of the Property Tax Appeal Board hearing transcript is attached hereto, marked **Complaint Exhibit B**, and made a part hereof. At the May 18 hearing, Rockland’s “principal” and “investment team”

³ Visited by the undersigned on April 4, 2022

member, Jonathan Beach, and Rockland's asset manager and vice president, Robert Rapenske, testified under oath to the following:

- A. Rockland purchased the Subject Property from Ameren.
- B. Rockland own the Subject Property.
- C. Prior to purchase, Rockland principals analyzed, negotiated and performed projections to determine the Subject Property's profitability.
- D. Rockland suffered losses from the Subject Property's economic performance.
- E. Rockland performed substantial maintenance to increase the Subject Property's profitability.
- F. Rockland implemented policies and procedures to improve the Subject Property's performance.
- G. Rockland hires, oversees and "instructs" a third-party management company, NAES, to serve as plant manager and to implement Rockland procedures with respect to the Subject Property's operations.
- H. Rockland serves as the Subject Property's asset manager.
- I. Rockland manages the Subject Property and oversees the Subject Property's daily operations.
- J. Rockland establishes budgets for the Subject Property.
- K. Rockland establishes maintenance plans for the Subject Property.
- L. Rockland is in control of environmental remediation efforts at the Subject Property and works with the Illinois Environmental Protection Agency on

management zone applications, testing and compliance with federal regulations.

M. Rockland could have improved the subject property in order to make the property profitable, but it did not engage in this activity.

75. By reason of the foregoing, Rockland Capital, LP, Rockland Capital GP, LLC, and/or Rockland Capital, LLC perpetrated an injustice against Plaintiffs because they used GTEC as a façade to funnel revenues directly to Rockland Capital, LP, Rockland Capital GP, LLC, and/or Rockland Capital, LLC in order to avoid paying property taxes; the property taxes for the Subject Property should have gone to fund educational programming and services for the Shawnee School District where 95% of the students are low income, for the governmental services in Jackson County and the affected taxing districts.

76. By reason of the foregoing, GTEC is a mere façade for Rockland Capital, LP, Rockland Capital GP, LLC, and/or Rockland Capital, LLC .

77. Rockland Capital, LP, Rockland Capital GP, LLC, and Rockland Capital, LLC are the alter egos of GTEC; and Rockland Capital, LP, Rockland Capital GP, LLC, Rockland Capital, LLC and GTEC are one and the same entity.

78. Because of Rockland's actions, Rockland Capital, LLC should be jointly and severally liable for the taxes assessed to and owed by GTEC to Plaintiffs for Tax Years 2020 and 2021.

79. Based on the foregoing, this Court should pierce the corporate veil of GTEC, and enter judgment in favor of Plaintiffs and against Rockland Capital, LLC.

WHEREFORE, the Plaintiffs pray for the entry of a judgment in its favor and against Rockland Capital, LLC in the amount of \$4,428,506.60 plus penalties, fees and the costs of

collection including attorney fees, and court costs, and for such further relief as this Court deems appropriate and just.

COUNT IV AGAINST ROCKLAND CAPITAL GP, LLC

PAYMENT OF TAXES

80. The Plaintiffs reassert and re-allege the allegations set forth above in Paragraphs 1 through 79 as though fully set forth herein.

81. Rockland Capital GP, LLC is the alter ego of GTEC, Rockland Capital, LP and Rockland Capital, LLC, and Rockland Capital GP, LLC, Rockland Capital, LP, Rockland Capital, LLC and GTEC are one in the same entity.

82. Because of Rockland Capital GP, LLC's action, Rockland Capital GP, LLC should be jointly and severally liable for the taxes assessed to and owed by GTEC to Plaintiffs for Tax Years 2020 and 2021.

WHEREFORE, the Plaintiffs pray for the entry of a judgment in its favor and against Rockland Capital GP, LLC in the amount of \$4,428,506.60 plus penalties, fees and the costs of collection including attorney fees, and court costs, and for such further relief as this Court deems appropriate and just.

COUNT V AGAINST ROCKLAND CAPITAL LP

PAYMENT OF TAXES

83. The Plaintiffs reassert and re-allege the allegations set forth above in Paragraphs 1 through 82 as though fully set forth herein.

84. Rockland Capital, LP is the alter ego of GTEC, Rockland Capital GP, LLC and Rockland Capital, LLC; and Rockland Capital, LP, Rockland Capital GP, LLC, Rockland Capital, LLC and GTEC are one in the same entity.

85. Because of Rockland Capital, LP's action, Rockland Capital, LP should be jointly and severally liable for the taxes assessed to and owed by GTEC to Plaintiffs for Tax Years 2020 and 2021.

WHEREFORE, the Plaintiffs pray for the entry of a judgment in its favor and against Rockland Capital, LP in the amount of \$4,428,506.60 plus penalties, fees and the costs of collection including attorney fees, and court costs, and for such further relief as this Court deems appropriate and just.

Respectfully submitted,

SHAWNEE COMMUNITY UNIT
SCHOOL DISTRICT NO. 4

By: /s/ Scott L. Ginsburg
Scott L. Ginsburg, one of its Attorneys

JACKSON COUNTY

JOSEPH A. CERVANTEZ, State's Attorney

By: /s/ Joni Bailey
Joni Bailey
Assistant State's Attorney

SHAWNEE COMMUNITY COLLEGE

By: /s/ John Schneider
John Schneider, one of its attorneys

JACKSON COUNTY AS TRUSTEE

By: /s/ Neal Wallace
Neal Wallace, one of its attorneys

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IN THE CIRCUIT COURT FOR THE
FIRST JUDICIAL CIRCUIT JACKSON COUNTY, ILLINOIS

STATE OF ILLINOIS)
) SS
COUNTY OF JACKSON)

21-TX- 5

ORDER

Please before the undersigned Presiding Judge, Steven M. J. [Signature]
In the Circuit Court for the First Judicial Circuit, Jackson County Illinois, duly
convened and in session on December 6, 2021, the following court officials being
present, Cindy Svanda, Clerk of said Court, Joseph A. Cervantez, State's Attorney,
of said County and State aforesaid.

Now comes Elizabeth A Hunter, County Treasurer and Ex-Officio
Collector and her attorney, and makes application for judgement and order of sale
for taxes and special assessments of delinquent lands and lots and for judgement
fixing the correct amount of any taxes paid under protest, etc., all properties with
taxes unpaid, and for an Order authorizing the sale of said properties, such
property to be offered for sale commencing Friday, December 10, 2021, at the
Davis-McCann Center, 15 N 14th St, Murphysboro, IL, and make due proof to the
court of publication giving due notice of the application made aforesaid by
submitting a copy of the newspaper containing said notice, advertisement and
delinquent list which the court admits into evidence, and the same filed herein as a
part the records of the court, Southern Illinoisan Newspaper.

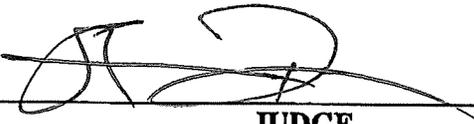
Being the Book identified as the Tax Judgements, Sale, Redemption
and Forfeiture record number Ninety-four (94) consisting of pages

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FILED 24
DIRECTOR CLERK
JACKSON COUNTY, IL

1 through 98 listing individual properties by Property Tax number. This Order being attached to said identified book #94 and covers the properties as herein identified showing taxes not paid.

Having been filed herein and having been introduced in evidence by said Collector and the Court having examined said delinquent list copied therein, and having heard all objections to the Entry of Judgement filed herein, and having pronounced Judgement therein as required by law and as shown by the Order of this Court entered herein, and whereas issue notice has been given of the intended application for Judgement against said land and lots in said application described, and no sufficient defense having been made or cause shown why Judgement should not be entered against said lands and lots for taxes, railroads, telephone and telegraph properties, if any special assessments or installments thereof and special levee and drainage taxes, interest, penalties and costs due and unpaid thereon for the year or years herein set forth in said application, except as to certain lands and lots to which objections to judgement are filed, therefore, it is considered by the Court that Judgement be and is hereby entered against the aforesaid tract of tracts of lots or lands, or parts of tracts or lots or as the case may be in favor of the people of the State of Illinois for the sum annexed to each, except as to such tracts or lots as to which objections are filed, being the amount of taxes, special assessment of installment thereon: and it is Ordered by the Court that the several tracts of lots or lands or so much or each of them as shall be sufficient to satisfy the amount of special assessments of the taxes or installments thereof: levee and drainage taxes, if any interest, penalties and cost annexed to them severally, to be sold or forfeited as the law directs.

ENTERED: December 6, 2021

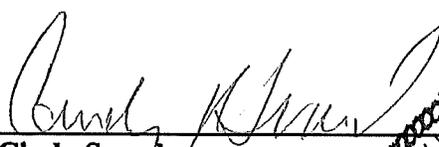


JUDGE
Of the Circuit Court for the First Judicial Circuit

STATE OF ILLINOIS)
) SS 21-TX-
COUNTY OF JACKSON)

I, Cindy Svanda, Clerk of the Circuit Court for the First Judicial Circuit, Jackson County, Illinois do hereby certify that the foregoing is a true and correct record of the delinquent real estate in said County, against which Judgement and Order of sale was duly entered in the aforesaid Court on December 6, 2021, for the amount of taxes, special assessments, interest, and cost due severally thereon as therein set forth and that the Judgement and Order of the Court in relation thereto fully appears as said record.

Dated: December 6, 2021



Cindy Svanda
Clerk of the Circuit Court



JACKSON COUNTY DELINQUENT REAL ESTATE TAX LIST

Parcel Number	Total	Name	Parcel Number	Total	Name
15-16-407-009	\$803.61	FIROUZI, MOHAMMAD ALI	15-21-178-007	\$2,023.46	HF RENTALS, LLC
15-16-407-015	\$473.44	ALLISON, JOHN	15-21-181-014	\$3,813.03	FISHER, LINDEEY
15-16-408-012	\$768.40	EASLEY, DELORIS	15-21-183-007	\$1,876.21	HF RENTALS, LLC
15-16-409-001	\$171.13	HOFFNER, ELLI, MONICA & S	15-21-184-005	\$1,522.08	WERTS, DARIN & KELLEY
15-16-426-009	\$653.15	ROWE, FORNESTEE & ROWE, FO	15-21-204-003	\$226.58	CONEY, VALERIE
15-16-426-016	\$387.79	EPPLEY, ADELLA & CON BARRI	15-21-204-004	\$226.58	CONEY, VALERIE
15-16-426-021	\$698.03	ROWE, EUNICE	15-21-228-012	\$1,545.98	HARRIS, C & WASHINGTON,
15-16-426-036	\$226.51	LEGENCE BANK	15-21-227-025	\$603.92	ROBBINS, STEVEN
15-16-426-037	\$226.51	LEGENCE BANK	15-21-227-030	\$704.65	THOMPSON, HEBRECA
15-16-426-038	\$226.51	LEGENCE BANK	15-21-227-045	\$60.95	GREER, SHANNON
15-16-426-039	\$226.51	LEGENCE BANK	15-21-227-049	\$50.95	GREER, SHANNON
15-16-426-040	\$226.51	LEGENCE BANK	15-21-227-050	\$509.43	GREER, SHANNON
15-16-426-042	\$148.09	THORNTON, EVERETT	15-21-229-022	\$1,000.00	MICHEL, KENNETH
15-16-429-016	\$1,243.27	SOFIFTH HOLDINGS, LLC	15-21-234-013	\$4,071.39	NIMMO, JOHN & SARA
15-16-429-028	\$117.49	VIAGS, ORLAN & CHARISTY	15-21-254-010	\$453.16	PK LAND TRUST
15-16-430-005	\$7,157.43	DIGGS REALTY, LLC	15-21-255-004	\$2,746.69	FISHER, LINDEEY
15-16-430-006	\$148.09	DIGGS REALTY, LLC	15-21-255-007	\$4,261.12	HF RENTALS, LLC
15-16-431-006	\$760.55	HARRIS, SHELBA	15-21-264-014	\$2,057.52	REBER, JONCE & MURRAY
15-16-431-014	\$102.38	SCOTT, VALERIE JO	15-21-276-046	\$10,318.46	REBOLD LARKIN & LURST
15-16-431-023	\$1,807.60	SCOTT, BARBARA	15-21-282-034	\$8,998.93	FISHER, DAVE
15-16-431-029	\$1,341.69	WELCH, MICHAEL	15-21-303-005	\$1,549.92	BENSO, FRANK & LYNDA
15-16-432-023	\$1,786.31	GREATER GILLESPIE TEMPLE	15-21-303-009	\$2,016.63	BENSO, FRANK
15-16-454-010	\$194.25	TMBERLINE LANDSCAPE DESIG	15-21-304-015	\$3,442.48	HUTCHISON, ZACHARY
15-16-454-014	\$194.25	TMBERLINE LANDSCAPE DESIG	15-21-305-004	\$1,670.55	HARRISON, E STEWART
15-16-454-015	\$194.25	TMBERLINE LANDSCAPE DESIG	15-21-305-005	\$1,682.25	HF RENTALS, LLC
15-16-454-016	\$194.25	TMBERLINE LANDSCAPE DESIG	15-21-305-009	\$347.02	SCHLENK, GEORGE
15-16-454-017	\$194.25	TMBERLINE LANDSCAPE DESIG	15-21-307-002	\$1,859.29	HF RENTALS, LLC
15-16-454-023	\$17.73	TMBERLINE LANDSCAPE DESIG	15-21-307-003	\$2,174.63	HF RENTALS, LLC
15-16-454-024	\$221.15	TMBERLINE LANDSCAPE DESIG	15-21-310-012	\$3,098.05	HF RENTALS, LLC
15-16-454-025	\$877.81	GUPTA, VINOD	15-21-310-013	\$2,721.94	HF RENTALS, LLC
15-16-454-026	\$101.94	TMBERLINE LANDSCAPE DESIG	15-21-311-003	\$2,184.77	HF RENTALS, LLC
15-16-455-008	\$2,421.67	GREEN, CHRISTINE	15-21-311-007	\$1,864.33	SOFIFTH HOLDINGS, LLC
15-16-455-012	\$1,016.29	CHICK, LARHONDA	15-21-321-013	\$17,477.83	HF RENTALS, LLC
15-16-455-013	\$199.59	HOLDEN, FLORA	15-21-327-004	\$1,277.04	HF RENTALS, LLC
15-16-457-012	\$1,802.89	HOLDEN, FLORA	15-21-327-005	\$2,241.37	HF RENTALS, LLC
15-16-458-001	\$9,532.21	JONES, JENNIE	15-21-328-006	\$9,663.04	P K LAND TR AGREEMENT
15-16-458-009	\$1,404.56	LAZORCHAK, STEVE & RICH, J	15-21-328-015	\$289.92	FISHER, HENRY
15-16-459-011	\$294.44	CHICK, LARHONDA	15-21-328-016	\$688.92	P K LAND TR AGREEMENT
15-16-462-012	\$1,519.04	CHICK, LARHONDA	15-21-328-019	\$1,328.96	HF RENTALS, LLC
15-16-462-017	\$1,893.03	YARBROUGH, BETTY	15-21-329-005	\$14,584.42	HF RENTALS, LLC
15-16-462-033	\$3,434.32	HARDEN, FLOA J ESTATE	15-21-329-006	\$18,717.30	HF RENTALS, LLC
15-16-462-044	\$230.80	VILLECA, LUIS	15-21-329-013	\$3,189.07	ROSEWELL, DANIEL
15-16-463-002	\$2,084.68	ELLIS, LUCINDA, LLC	15-21-331-002	\$9,477.67	HF RENTALS, LLC
15-16-477-020	\$1,720.52	EDWARDS, CARLOS	15-21-332-009	\$8,897.82	HF RENTALS, LLC
15-16-478-005	\$1,705.07	NUNLEY, JACKIE	15-21-332-020	\$44.72	FISHER, HENRY
15-16-478-011	\$213.75	NUNLEY, JACKIE & KARLA	15-21-332-021	\$26,657.37	HF RENTALS, LLC
15-16-478-006	\$13,129.19	HALL, WINNIE	15-21-332-026	\$33.97	P K LAND TR AGREEMENT
15-16-479-013	\$2,481.81	CARBONDALE MUSLIM CENTER,	15-21-334-002	\$2,038.47	WEST, CHARLOTTE
15-16-479-024	\$594.59	CONEY, VALERIE	15-21-353-007	\$3,537.61	SOFIFTH HOLDINGS, LLC
15-16-479-031	\$74.91	CONEY-MUHAMMAD, VALERIE &	15-21-401-007	\$658.04	HF RENTALS, LLC
15-16-481-001	\$161.61	CONEY, VALERIE	15-21-401-008	\$10,163.28	HF RENTALS, LLC
15-16-481-002	\$191.95	CONEY, VALERIE	15-21-405-003	\$1,151.04	FISHER, HENRY
15-16-481-003	\$189.03	CONEY, VALERIE	15-21-405-004	\$6,760.47	FISHER, HENRY
15-16-481-020	\$175.51	KENNEDY, MITCHELL	15-21-406-002	\$66,613.83	CENTER FOR COMPR SERV, INC
15-16-482-042	\$1,569.76	P N & P PROPERTY, INC.	15-21-408-010	\$11,730.28	P K LAND TR AGREEMENT
15-17-351-012	\$1,183.06	GADDAM, SRINIVAS	15-21-410-003	\$320.65	FISHER, LINDEEY
15-17-360-008	\$2,880.93	HF RENTALS, LLC	15-21-410-004	\$220.00	FISHER, LINDEEY
15-17-401-004	\$1,554.12	WOPAN, ROSE YULIAN	15-21-426-012	\$1,870.83	LF LAND TRUST
15-17-404-002	\$328.47	DOZIER, BRENDA	15-21-426-017	\$1,241.22	ASHIL, JEFFREY TRUSTEE
15-17-429-015	\$2,782.58	THE WILD BERRY GROUP, LLC	15-21-427-010	\$10,900.74	506-511 S GRAHAM AVE, LLC
15-17-430-001	\$1,358.89	COX, DARRYL & LA VELL	15-21-427-011	\$331.72	506-511 S GRAHAM AVE, LLC
15-17-430-002	\$2,025.59	HARRIS, CROWE, SHARON	15-21-427-012	\$88.72	506-511 S GRAHAM AVE, LLC
15-17-476-002	\$2,265.86	BERNEY, ERIC	15-21-427-013	\$331.72	506-511 S GRAHAM AVE, LLC
15-17-478-006	\$3,193.47	FISHER, LINDEEY	15-21-427-014	\$887.58	ASHIL, JEFFREY TRUSTEE
15-17-480-007	\$5,159.76	VAJNANI ENTRP, LLC	15-21-428-004	\$966.43	506-511 S GRAHAM AVE, LLC
15-18-126-019	\$7,292.31	FINE MANOR R, LLC	15-21-428-005	\$10,809.69	506-511 S GRAHAM AVE, LLC
15-18-202-007	\$2,621.11	CRIBBES, ROLLAND	15-21-428-006	\$331.72	506-511 S GRAHAM AVE, LLC
15-18-252-021	\$28,462.87	TK421 LAND TRUST	15-21-428-007	\$11,163.29	506-511 S GRAHAM AVE, LLC
15-18-252-022	\$1,611.42	TK421 LAND TRUST	15-21-428-008	\$11,038.97	506-511 S GRAHAM AVE, LLC
15-18-252-023	\$1,623.48	TK421 LAND TRUST	15-21-430-001	\$252.05	FISHER, LINDEEY
15-18-252-024	\$1,727.46	TK421 LAND TRUST	15-21-430-009	\$13,556.11	FISHER, LINDEEY
15-18-346-002	\$1,581.26	GHATGEAR, BRAD	15-21-432-006	\$24,288.00	MORALES, SILVIA
15-18-429-036	\$395.32	PEREZ, VANJEL & PEREZ, PAT	15-21-454-009	\$14,991.64	SOFIFTH HOLDINGS, LLC
15-18-458-011	\$11,776.92	FWSH HOLDINGS, LLC	15-22-104-014	\$18,704.17	J DAWA FAMILY, LLC
15-19-151-007	\$250.47	VAN WINKLE, CASIE & JULIE	15-22-104-015	\$6,955.32	HUMID TOWN VENTURES, LLC
15-19-176-012	\$929.46	FISHER, LINDEEY	15-22-195-010	\$5,771.83	GADAM, SRINIVAS & WINCOM
15-19-180-001	\$1,000.00	ISA, ISA	15-22-195-018	\$19,424.00	HARTIN, THOMAS
15-19-201-008	\$2,085.54	DANLEY, JOAN	15-22-152-004	\$2,687.15	BIGGS, DONALD
15-19-201-009	\$3,769.99	CARWYLL, MARK	15-22-152-007	\$12,193.32	PARRA, CARMEN
15-19-204-010	\$84.42	RANSOM, ANGELA & RICHARD	15-22-153-011	\$2,538.86	HOWARD, JANETTE
15-19-226-003	\$285.32	FIRST APOSTOLIC CHURCH	15-22-155-006	\$2,164.62	SIBERT, TIA
15-19-237-004	\$2,281.78	CRIBBES, LARRY	15-22-155-008	\$2,938.82	BIGGS, DONALD
15-19-327-006	\$4,550.42	ZCHORDEP, DAVID	15-22-155-013	\$269.53	HICKS, LUDIE
15-19-330-005	\$3,849.37	GAMBEO, FABRIZIO	15-22-156-018	\$2,501.61	CHAPMAN INVESTMENT GROUP
15-19-401-008	\$11,776.23	VEEKS, WROPIAS TRUST	15-22-180-005	\$1,827.23	HF RENTALS, LLC
15-19-405-051	\$5,651.32	SZZ PROPERTIES, LLC- CARBO	15-22-180-007	\$1,191.15	HF RENTALS, LLC
15-20-128-055	\$1,750.53	GUPTA, INC	15-22-189-009	\$2,188.09	MIC DENN, WENDY & EPPLEY
15-20-127-050	\$3,172.72	SCHWARTZ, WAYNE STANLEY TR	15-22-181-008	\$2,865.77	JARAMILLO, EDWARD
15-20-152-009	\$3,423.62	LEFLER, STEVEN	15-22-183-005	\$2,318.48	FFYFE, WILLIAM & JESSIE
15-20-154-015	\$3,086.88	KETZNER, CHRISTI	15-22-183-007	\$2,138.71	BRIGHAM, PATRICIA
15-20-155-008	\$2,540.91	NAGAMAJU, HANGARATHA	15-22-202-017	\$27,486.87	RAF REPT, LLC
15-20-178-011	\$2,285.78	CHIDER, RABA	15-22-251-038	\$5,925.23	KHIDER, RABA
15-20-181-006	\$2,249.79	HF RENTALS, LLC	15-22-252-003	\$471.68	PHILLIPS, BRYAN & BARBARA
15-20-181-010	\$3,454.59	FISHER, LINDEEY	15-22-252-006	\$1,791.27	KRAUSE, KYLE
15-20-200-007	\$2,015.94	HUJIADO ROSAS, DANIEL	15-22-252-023	\$783.07	BRUNSON, JOHN & TURKESSA
15-20-200-008	\$1,414.44	ESSELBURN, ROBERT & JESSI	15-22-252-024	\$18.72	HOWELL, RICHARD
15-20-254-003	\$2,133.89	MUSCOLI, MARINA	15-22-253-021	\$83.72	HOWELL, RICHARD
15-20-254-012	\$1,236.94	JIDDIQUIL, NAREF & RUIR, FA	15-22-253-022	\$1,975.15	HOWELL, RICHARD
15-20-255-003	\$1,804.84	HOFFVAN, NANCY	15-22-253-023	\$83.72	HOWELL, RICHARD
15-20-257-009	\$1,465.15	BARNETT, JOHN	15-22-254-004	\$1,267.89	GREATER GILLESPIE TEMPLE
15-20-258-001	\$489.80	SHMOO, LLC	15-22-254-045	\$90.47	GUPTA, VINOD
15-20-276-003	\$430.91	ASHIL, JEFFREY TRUSTEE	15-22-255-011	\$157.15	GUPTA, VINOD
15-20-279-005	\$3,130.87	UECHTY, JOSHUA	15-22-255-014	\$157.15	VILLANUEVA-MONTES, JESSICA
15-20-280-004	\$230.60	WALL INVESTMENTS, LLC	15-22-255-015	\$157.15	VILLANUEVA-MONTES, JESSICA
15-20-280-007	\$142.91	FLOYD, NATALIE	15-22-255-019	\$597.04	VILLANUEVA-MONTES, JESSICA
15-20-280-010	\$1,614.20	FLOYD, NATALIE	15-22-255-022	\$304.29	VILLANUEVA-MONTES, JESSICA
15-20-304-024	\$3,012.41	GATES, ANTHONY	15-22-276-023	\$245.90	MILLARD, LAWRENCE
15-20-329-012	\$4,304.18	YOUNGBERG, KAREN	15-22-377-006	\$113,474.99	THE POINTE AT SIU, LLC
15-20-377-016	\$9,902.09	WALLS, CHRISTOPHER & LYNDA	15-23-178-004	\$1,863.33	BLACKFOOT PROPERTIES, LLC
15-20-406-022	\$2,820.50	SCHAUER, KENNETH & BANKS,	15-23-178-029	\$24,325.23	BLACKFOOT PROPERTIES, LLC
15-20-408-024	\$2,820.76	FISHER, LINDEEY	15-23-276-004	\$561.80	LUEBKE, BRADLEY
15-20-408-024	\$1,419.03	PRICE, THOMAS & NORTON-PRI	15-23-351-005	\$1,901.18	CHERRY, VICAH
15-20-426-005	\$4,268.98	EVITH, JOSHUA & KARLE	15-23-376-014	\$1,640.85	HEPD, ASHLEY
15-20-429-006	\$2,240.95	SOFIFTH HOLDINGS, LLC	15-23-377-001	\$2,148.89	MC CONERN, SHANNON
15-20-429-007	\$538.87	SOFIFTH HOLDINGS, LLC	15-23-377-011	\$941.86	BARB, JAMES
15-20-431-006	\$16,118.93	FISHER, LINDEEY	15-26-301-010	\$56.81	BUSH, CARL DEAN
15-20-432-005	\$17,875.93	FISHER, LINDEEY	15-26-302-006	\$1,269.29	BUSH, CARL DEAN
15-20-453-007	\$3,644.97	BALLESTER-CONCEPCION, LUIS	15-26-302-018	\$468.04	BUSH, CARL DEAN
15-20-476-011	\$2,442.46	FISHER, LINDEEY	15-26-302-019	\$137.47	BUSH, CARL DEAN
15-20-476-013	\$1,495.39	COLLINS, CAROL	15-26-303-002	\$184.62	BUSH, CARL DEAN
15-20-477-007	\$1,411.86	SKALSKY, NEONILA	15-26-303-003	\$184.62	BUSH, CARL DEAN
15-20-478-013	\$3,976.11	KULOVANY, NICOLE	15-26-303-010	\$184.62	BUSH, CARL DEAN
15-20-478-019	\$8,017.69	HF RENTALS, LLC	15-26-303-014	\$141.51	BUSH, CARL DEAN
15-20-478-021	\$2,708.82	DAVIS, JOAN	15-26-305-011	\$1,468.23	WETS, GALE & ELIZABETH
15-20-480-008</					

JACKSON COUNTY DELINQUENT REAL ESTATE TAX LIST

19-17-103-012	\$216.99	VOLLMER, YVONNE	19-27-103-002	\$16.85	MILLARD, LAWRENCE	19-29-276-013	\$198.16	SCDEV, LLC
19-17-103-013	\$165.39	VOLLMER, YVONNE	19-27-151-003	\$77.88	MILLARD, LAWRENCE	19-29-276-014	\$10,121.02	KELLER, JOANN TRUST
19-17-103-014	\$165.39	VOLLMER, YVONNE	19-27-151-006	\$352.15	MILLARD, LAWRENCE	19-29-277-001	\$93.35	HARRY CARTER HOLDINGS, LLC
19-17-103-015	\$165.39	VOLLMER, YVONNE	19-27-151-007	\$306.02	MILLARD, LAWRENCE	19-29-277-007	\$203.18	SCDEV, LLC
19-17-103-016	\$165.39	VOLLMER, YVONNE	19-27-306-021	\$1,439.96	BREWER, MICHAEL & GRACE	19-29-426-005	\$244.12	SCDEV, LLC
19-17-103-017	\$165.39	VOLLMER, YVONNE	19-27-306-032	\$65.15	STANKIEWICZ, DAVID	19-29-427-001	\$245.00	SCDEV, LLC
19-17-103-018	\$165.39	VOLLMER, YVONNE	19-27-307-004	\$970.25	STANKIEWICZ, DAVID	19-29-427-010	\$657.71	HARRY CARTER HOLDINGS, LLC
19-17-103-019	\$207.09	VOLLMER, YVONNE	19-27-307-005	\$138.75	STANKIEWICZ, DAVID	19-29-477-001	\$83.90	SCDEV, LLC
19-17-103-020	\$110.99	VOLLMER, YVONNE	19-27-307-026	\$1,775.09	STANKIEWICZ, DAVID	19-29-477-009	\$494.42	SKAGGS, STEPHEN & PAMELA
19-17-126-012	\$182.57	VOLLMER, YVONNE	19-27-307-030	\$138.75	STANKIEWICZ, DAVID	19-30-151-008	\$992.95	MILLER, BROOKE
19-17-126-013	\$156.68	VOLLMER, YVONNE	19-27-307-038	\$24.69	STANKIEWICZ, DAVID	19-30-151-009	\$9,017.05	MILLER, BROOKE
19-17-126-020	\$156.68	VOLLMER, YVONNE	19-27-309-039	\$1,976.57	STANKIEWICZ, DAVID	19-32-100-011	\$5,250.72	SZARY, BARBARA A TRUST
19-17-126-021	\$156.68	VOLLMER, YVONNE	19-27-355-036	\$52.80	MILLARD, L J			
19-17-127-002	\$148.15	VOLLMER, YVONNE	19-27-355-056	\$98.72	MILLARD, LAWRENCE			
19-17-127-003	\$148.15	VOLLMER, YVONNE	19-28-101-001	\$370.17	SCDEV, LLC			
19-17-201-007	\$58.95	BARIL, JUSTIN	19-28-101-012	\$44.78	SCDEV, LLC			
19-18-200-010	\$3,571.61	MC MURPHY, PHILLIP & S AN	19-28-102-001	\$12,557.67	SCDEV, LLC			
19-19-100-002	\$171.39	VINCENT, ARTHUR	19-28-102-006	\$80.04	SCDEV, LLC			
19-20-100-012	\$500.25	HUGHEY, CHRISTOPHER	19-28-126-009	\$35.89	SCPROP, LLC			
19-20-300-024	\$157.49	FRANCIS, ELIZABETH	19-28-128-001	\$42.16	SCDEV, LLC			
19-20-400-005	\$439.52	SCDEV, LLC	19-28-351-008	\$44.78	HARRY CARTER HOLDINGS, LLC			
19-21-301-006	\$837.45	SCDEV, LLC	19-28-351-009	\$44.78	HARRY CARTER HOLDINGS, LLC			
19-21-326-018	\$65.05	SCDEV, LLC	19-28-427-012	\$193.52	BRIERTON, PATRICIA			
19-21-351-017	\$315.79	TRIVEDI, BHARGAV & GAYATR	19-28-427-014	\$1,829.39	BRIERTON, PATRICIA			
19-21-351-019	\$676.35	SCDEV, LLC	19-28-477-011	\$809.23	POST OFFICE EQUITIES, LLC			
19-21-376-002	\$992.95	HARRY CARTER HOLDINGS, LLC	19-29-226-001	\$553.11	SCDEV, LLC			
19-21-376-013	\$443.09	SCDEV, LLC	19-29-226-002	\$1,648.08	SCDEV, LLC			
19-21-378-001	\$51.15	SCDEV, LLC	19-29-226-007	\$37.33	SCDEV, LLC			
19-21-378-003	\$992.95	HARRY CARTER HOLDINGS, LLC	19-29-226-012	\$1,028.58	SCDEV, LLC			
19-21-400-015	\$53.85	SCDEV, LLC	19-29-276-004	\$80.04	SCDEV, LLC			
19-22-100-019	\$1,311.28	TOMAS, IRMA	19-29-276-005	\$7,748.50	SCDEV, LLC			
19-22-400-015	\$163.85	BROWN, CHRISTOPHER & STEV	19-29-276-006	\$10,017.57	SCDEV, LLC			
19-23-200-007	\$440.94	ZAPP, JOHN & MORRISSETTE-ZA	19-29-276-007	\$13,137.65	SCDEV, LLC			
19-24-251-008	\$171.08	SCHIMPF, KELLIE & RYAN	19-29-276-010	\$112.87	HARRY CARTER HOLDINGS, LLC			

STATE OF ILLINOIS,
SS COUNTY OF JACKSON

I, Elizabeth A Hunter, County Treasurer and Ex-Officio Collector of the County of Jackson aforesaid do solemnly swear that the foregoing is a true and correct list of lands, lots, tracts, railroad properties and the improvements thereon situated in the County of Jackson, upon which I have been unable to collect the taxes, levee and drainage taxes, special assessments, interest, penalties, and cost as set forth, and that said taxes remain due and unpaid as I verily believe.



ELIZABETH A HUNTER
JACKSON COUNTY TREASURER
EX-OFFICIO TAX COLLECTOR

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-13-300-006

Site Address:

Tax Year: 2020

Certificate: 2020-00-755

Sale Date: 12/10/2021

Township: 14

Property Class: 0080

Owner: GRAND TOWER ENERGY CTR, LLC

1820 POWER PLANT RD

GRAND TOWER, IL 62942

Tax Buyer: JICTB, INC

1701 BROADMOOR DR

SUITE 100

CHAMPAIGN, IL 61821

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$13,130.45
Sale Interest	0.00% x 1 period	\$0.00
CLERK FEE		\$72.00
Total Redemption Amount		\$13,202.45

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-630

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-14-200-001 Site Address: 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Year: 2020 Certificate: 2020-00-756 Sale Date: 12/10/2021 Township: 14 Property Class: 0080	Owner: GRAND TOWER ENERGY CTR, LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: JACKSON COUNTY TRUSTEE, JOSEPH E 141 ST ANDREWS AVE. PO BOX 96 EDWARDSVILLE, IL 62025
--	---

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$2,260,238.69
Sale Interest	18.00% x 1 period	\$406,842.96
CLERK FEE		\$72.00
Total Redemption Amount		\$2,667,153.65

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-631

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-14-200-002 Site Address: Tax Year: 2020 Certificate: 2020-00-757 Sale Date: 12/10/2021 Township: 14 Property Class: 0020	Owner: GRAND TOWER ENERGY CTR, LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: P & N PROPERTIES, INC PO BOX 632 TEUTOPOLIS, IL 62467
---	--

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$110.08
Sale Interest	16.00% x 1 period	\$17.61
CLERK FEE		\$72.00
Total Redemption Amount		\$199.69

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-632

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-14-400-001 Site Address: Tax Year: 2020 Certificate: 2020-00-758 Sale Date: 12/10/2021 Township: 14 Property Class: 0020	Owner: GRAND TOWER LAND HOLDING,LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: P & N PROPERTIES, INC PO BOX 632 TEUTOPOLIS, IL 62467
---	---

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$166.93
Sale Interest	7.00% x 1 period	\$11.69
CLERK FEE		\$72.00
Total Redemption Amount		\$250.62

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-633

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-14-400-002 Site Address: Tax Year: 2020 Certificate: 2020-00-759 Sale Date: 12/10/2021 Township: 14 Property Class: 0080	Owner: GRAND TOWER ENERGY CTR, LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: AS - IS PROPERTIES, LTD, PO BOX 126 METROPOLIS, IL 62960
---	---

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$217.93
Sale Interest	0.00% x 1 period	\$0.00
CLERK FEE		\$72.00
Total Redemption Amount		\$289.93

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-634

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-23-200-001 Site Address: Tax Year: 2020 Certificate: 2020-00-760 Sale Date: 12/10/2021 Township: 14 Property Class: 0080	Owner: GRAND TOWER ENERGY CTR, LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: SI RESOURCES LLC P. O. BOX 3074 CARBONDALE, IL 62902-3074
---	--

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$171.38
Sale Interest	0.00% x 1 period	\$0.00
CLERK FEE		\$72.00
Total Redemption Amount		\$243.38

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-635

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-24-101-001

Site Address:

Tax Year: 2020

Certificate: 2020-00-762

Sale Date: 12/10/2021

Township: 14

Property Class: 0080

Owner: GRAND TOWER ENERGY CTR, LLC

1820 POWER PLANT RD

GRAND TOWER, IL 62942

Tax Buyer: METRO LIENS, INC,

PO BOX 126

METROPOLIS, IL 62960

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$146.82
Sale Interest	0.00% x 1 period	\$0.00
CLERK FEE		\$72.00
Total Redemption Amount		\$218.82

***** AMOUNT CAN INCREASE AT ANY TIME *****

This estimate subject to correction

***** Personal Checks not Accepted *****

Make Cashier Check Payable to the County Clerk

**Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS**

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-636

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-13-300-004 Site Address: Tax Year: 2020 Certificate: 2020-00-754 Sale Date: 12/10/2021 Township: 14 Property Class: 0020	Owner: GRAND TOWER ENERGY CTR, LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: PEACEOFMIND ALERT, INC 1102 W JEFFERSON EFFINGHAM, IL 62401
---	--

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$173.26
Sale Interest	0.00% x 1 period	\$0.00
CLERK FEE		\$72.00
Total Redemption Amount		\$245.26

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-637

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-13-100-001 Site Address: 1703 POWER PLANT RD GRAND TOWER, IL 62942 1501 POWER PLANT RD Tax Year: 2020 Certificate: 2020-00-752 Sale Date: 12/10/2021 Township: 14 Property Class: 0080	Owner: GRAND TOWER ENERGY CTR, LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: JICTB, INC 1701 BROADMOOR DR SUITE 100 CHAMPAIGN, IL 61821
---	--

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$933.01
Sale Interest	0.00% x 1 period	\$0.00
CLERK FEE		\$72.00
Total Redemption Amount		\$1,005.01

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK
CLERK: _____

DEPUTY: _____

SA-638

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 16-13-300-001 Site Address: Tax Year: 2020 Certificate: 2020-00-753 Sale Date: 12/10/2021 Township: 14 Property Class: 0080	Owner: GRAND TOWER ENERGY CTR, LLC 1820 POWER PLANT RD GRAND TOWER, IL 62942 Tax Buyer: SABRE INVESTMENTS LLC PO BOX 3074 CARBONDALE, IL 62902
---	---

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$261.90
Sale Interest	0.00% x 1 period	\$0.00
CLERK FEE		\$72.00
Total Redemption Amount		\$333.90

*** AMOUNT CAN INCREASE AT ANY TIME ***

This estimate subject to correction

*** Personal Checks not Accepted ***

Make Cashier Check Payable to the County Clerk

Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-639

Estimate of Real Estate Redemption

12/13/2021

The amount required to redeem all the Tax Sale and all of its subsequent Tax Sales on the following property using current fees & the specified date is:

Parcel Number: 46-13-300-001

Site Address:

Tax Year: 2020

Certificate: 2020-00-935

Sale Date: 12/10/2021

Township: 14

Property Class: 4600

Owner: GRAND TOWER ENERGY CENTER

1820 POWER PLANT RD.

GRAND TOWER, IL 62942

Tax Buyer: JACKSON COUNTY TRUSTEE, JOSEPH E

141 ST ANDREWS AVE.

PO BOX 96

EDWARDSVILLE, IL 62025

Redemption amount calculated as of 12/13/2021

Amount of Sale		\$294.87
Sale Interest	18.00% x 1 period	\$53.08
CLERK FEE		\$72.00
Total Redemption Amount		\$419.95

***** AMOUNT CAN INCREASE AT ANY TIME *****

This estimate subject to correction

***** Personal Checks not Accepted *****

Make Cashier Check Payable to the County Clerk

**Tax Sales Redemptions will only be accepted in:
CASH, MONEY ORDER, CASHIERS CHECKS**

INTEREST WILL CHANGE ON THE FOLLOWING DATES

06/11/2022

CERTIFICATE EXPIRES ON: 12/10/2023

Frank L. Byrd, COUNTY CLERK

CLERK: _____

DEPUTY: _____

SA-640

I N D E X

1			
2			
3	<u>WITNESS:</u>	<u>Page</u>	<u>Line</u>
4	JONATHAN BEACH		
5	BY MR. NOVICK.....	32	5
6	BY MR. GINSBURG.....	50	23
7	BY ALJ BOGGESS.....	55	2
8	ROBERT RAPENSKE		
9	BY MR. DOODY.....	60	19
10	BY MR. BRENNER.....	80	2
11	BY MR. GINSBURG.....	81	2
12	BY ALJ BOGGESS.....	90	4
13	BY MR. DOODY.....	94	18
14			
15			
16	<u>EXHIBITS:</u>		
17	(No exhibits marked.)		
18			
19			
20			
21			
22			
23			
24			

COLLOPY REPORTING SERVICE - (630) 926-7894

1 PROPERTY TAX APPEAL BOARD
2 STATE OF ILLINOIS
3
4 IN RE THE MATTER OF:)
5 GRAND TOWER ENERGY) No. 14-03445-I-3
6 CENTER, LLC) 15-00452-I-3
7 JACKSON COUNTY,)
8 GRAND TOWER, ILLINOIS)

VOLUME I

9 PROCEEDING before the Property Tax Appeal
10 Board taken on May 21, 2018, commencing at 1:00 p.m.
11 at the Stratton Office Building, Room 402, 401 South
12 Spring Street, Springfield, Illinois, before
13 Elisabeth Collopy, CSR, RPR.

PREPARED FOR:

16 PROPERTY TAX APPEAL BOARD
17 Mr. Edwin E. Boggess
18 Hearing Officer
19 Room 402 Stratton Office Building
20 401 South Spring Street
21 Springfield, IL 62706-0002

COLLOPY REPORTING SERVICE - (630) 926 7894

1 There were present at the taking of this
2 deposition the following counsel:
3 LAW OFFICE OF PATRICK C. DOODY
4 MR. PATRICK C. DOODY
5 MR. COREY NOVICK
6 70 West Madison Street
7 Suite 2060
8 Chicago, Illinois 60602
9 (312) 346-4992
10 pcdooty@doodylaw.com
11 on behalf of the Appellant;
12
13 STATE'S ATTORNEY'S OFFICE
14 JACKSON COUNTY, ILLINOIS
15 MR. DANIEL W. BRENNER
16 1001 Walnut Street
17 Third Floor
18 Murphysboro, Illinois 62966
19 (618) 687-7200
20 dbrenner@jacksoncounty-il.gov
21 on behalf of the Board of Review;
22
23 ROBBINS SCHWARTZ
24 MR. SCOTT L. GINSBURG
MR. SAMUEL B. CAVNAR
55 West Monroe Street
Suite 800
Chicago, Illinois 60603
(312) 332-7760
sginsburg@robbins-schwartz.com
scavnar@robbins-schwartz.com
on behalf of the Intervenor.

EXHIBIT B

COLLOPY REPORTING SERVICE - (630) 926-7894

1 ALJ BOGGESS: Good afternoon. My name is
2 Edwin Boggess. I'm your hearing officer this
3 afternoon. This is a proceeding before the State of
4 Illinois Property Tax Appeal Board pursuant to
5 Section 16-170 of the Property Tax Code. The
6 subject of this proceeding this afternoon is an
7 appeal from Jackson County Board of Review.
8 Property Tax Appeal Board docket numbers are
9 14-03445-I-3 and 15-00452-I-3.
10 For purposes of this proceeding,
11 those two PTAB docket numbers, we will have one
12 hearing, correct?
13 MR. DOODY: Correct.
14 ALJ BOGGESS: And I'll reserve the right to
15 issue separate decisions on each appeal.
16 Appearing on behalf of the
17 appellant this afternoon we have Patrick Doody,
18 attorney representing Grand Tower Energy Center,
19 LLC. And appearing on behalf of the Board of Review
20 we have assistant state's attorney representing the
21 Jackson County Board of Review Daniel Brenner.
22 Appearing on behalf of the intervenors Shawnee
23 Community Unit School District No. 84, we have
24 attorney Scott Ginsburg.

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1 value, there would have been less functional
2 obsolescence and the value would have been higher.

3 Dr. Lagassa's sales comparison
4 approach provides what I believe to be the
5 conclusive evidence of value in this case. In his
6 2014 appraisal, Dr. Lagassa provides 18 sales of
7 natural gas-fired combined cycle plants that
8 occurred since January of 2009. These sales were
9 for properties of similar size and similar vintage
10 to the subject property and each took place after
11 the change in the market conditions that shook up
12 the electricity industry by replacing coal with gas
13 as the fuel source of choice. In fact, we will look
14 at one such sale that was of a nearly identical
15 combined cycle power plant in Illinois for \$608 per
16 megawatt. Dr. Lagassa's concluded value was equal
17 to \$386 per megawatt.

18 In his sale comparison approach, 14
19 of Dr. Lagassa's 18 sales sold for more than \$386
20 per megawatt. Again, Dr. Lagassa took a
21 conservative approach based upon ample
22 contemporaneous, relevant market data and arrived at
23 a value that was supported by the information
24 provided in his report.

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1 Finally, in his income approach,
2 although in January 1, 2014, the plant was coming
3 off two great years, Dr. Lagassa estimates the
4 future performance of this plant by looking not only
5 at the good years but at the bad years. In
6 conjunction with the information that he reviews and
7 the recent trends in the property's performance and
8 the trends in the market for the electric generation
9 through natural gas, Mr. Lagassa does not swing for
10 the fences and estimate that this plant should run
11 at 50 percent or 35 percent or even 25 percent as it
12 did in 2012. Dr. Lagassa concluded, based on the
13 historical operations of the plant, even taking into
14 account the years influenced by Ameren's business
15 decision, that 9.5 percent was reasonable for 2014
16 and 2015, a number that is lower than the plant's
17 actual three-year and four-year average.

18 After considering all forms of
19 revenue, appropriate deductions for operating
20 expenses and developing a market-supported discount
21 rate, Dr. Lagassa arrives at a value conclusion of
22 \$231,220,000 under the income approach.

23 Due to the tight range of values in
24 his appraisal, Dr. Lagassa was able to give equal

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1 weight to each of his approaches to value to arrive
2 at a fair cash value for the subject property of
3 \$220 million as of January 1, 2014, and \$200 million
4 as of January 1, 2015.

5 ALJ BOGGESS: Before I turn over to you,
6 Mr. Doody, for the case in chief, I would ask
7 counsel if you have a different value you're
8 requesting from '14 to '15 based on your appraisal
9 experts or the testimony that comes out through the
10 hearing, please highlight and pinpoint that out for
11 me.

12 (Break taken.)

13 ALJ BOGGESS: We're back on the record.
14 Mr. Doody, are you ready for your case in chief?

15 MR. DOODY: We are. Mr. Novick is going
16 to --

17 MR. NOVICK: For our first witness, I'd like
18 to ask for Jonathan Beach to take the stand.

19 ALJ BOGGESS: Mr. Beach, if you could spell
20 your name for the record and you remain under oath.

21 THE WITNESS: B-e-a-c-h.

22
23
24

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1 JONATHAN BEACH,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. NOVICK:

6 **Q.** If you could please state your name, by
7 whom you're employed, and your position.

8 **A. Jonathan Beach. I work for Rockland
9 Capital and I'm a principal.**

10 **Q.** What are your duties and
11 responsibilities for Rockland?

12 **A. I'm on our investment team, so I focus
13 on trying to find due diligence on and execute on
14 investments in the North American power and
15 available energy space.**

16 **Q.** Can you tell me a bit about your
17 educational background, please?

18 **A. I have two degrees from Rice University,
19 a degree in mathematical economic analysis and a
20 master's degree in chemistry.**

21 **Q.** Have you after authored any articles?

22 **A. I've co-authored five articles during my
23 education.**

24 **Q.** Can you tell me about your employment

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1 history, please?
 2 **A. Yes. After I graduated from**
 3 **undergraduate, I took a job with investment bank**
 4 **Merrill Lynch in their two-year analyst program.**
 5 **Did that for two years. Then decided to go back to**
 6 **school, finish some science education. But at the**
 7 **end of that, I decided that I did want to pursue a**
 8 **career in investments.**

9 **So after receiving my master's, I was**
 10 **looking for jobs in investments. Took a job with**
 11 **Rockland Capital. This was in 2006. Came on as an**
 12 **analyst for them as well. Stayed on as an**
 13 **associate. And then in 2010, I took a job with a**
 14 **large Swiss investment manager and was looking at**
 15 **global infrastructure generally, not just U.S. power**
 16 **but still covering power and still covering the U.S.**
 17 **And then in 2013 returned to Rockland and again**
 18 **focused on U.S. power, and I've been there since.**

19 **Q.** And are you familiar with the Grand
 20 Tower Energy Center in Grand Tower, Illinois?

21 **A. I am.**

22 **Q.** How is it you became familiar with Grand
 23 Tower?

24 **A. Right after I came back to Rockland,**
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1 **2000 or 2001, had been paired with new combustion**
 2 **turbines. It's what we call a Frankenstein plant in**
 3 **the industry, which makes it a combined cycle**
 4 **natural gas plant, which typically operates at some**
 5 **reasonably high capacity factor, either based load**
 6 **or mid merit; but in this case, the market just**
 7 **didn't need very much of the power from Grand Tower,**
 8 **so it was operated as a peaking plant.**

9 **Q.** Again, in layman's terms, can you
 10 explain what a peaker is?

11 **A. Simplifying, you can divide power plants**
 12 **into three groups: Base loading units are running**
 13 **most or all of the time, mid merit units that maybe**
 14 **run half the time, and then peaking units that are**
 15 **really only running when there is, like, an abnormal**
 16 **system condition or when there is high demand.**

17 **Q.** And so why is Grand Tower run as a
 18 peaker?

19 **A. It's just what the market bears. The**
 20 **cost of Grand Tower is -- the system operator**
 21 **operates a competitive market, and you tell the**
 22 **system operator what your costs are; and if you'll**
 23 **be profitable to run, he's going to dispatch you and**
 24 **you're going to get the market price for power.**

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1 **they had just submitted an indicative offer to**
 2 **purchase a portfolio of three plants Ameren was**
 3 **selling. Grand Tower was one of these plants, and I**
 4 **was staffed to lead the due diligence process.**

5 **Q.** If you could explain in layman's terms
 6 what exactly is an indicative offer?

7 **A. Typically when power plants are being**
 8 **sold, an investment banker is hired to run an**
 9 **auction process that they do in two stages. In the**
 10 **first stage, there's sort of limited information**
 11 **provided. You give a memo and some financial**
 12 **projections, and with that you're asked to provide**
 13 **an indicative offer for the buyer to consider,**
 14 **knowing that you haven't been able to conduct your**
 15 **full due diligence yet. And then with that**
 16 **indicative offer, they judge who they'd like to**
 17 **invite in to perform full due diligence and provide**
 18 **a final binding offer.**

19 **Q.** So at the conclusion of your due
 20 diligence, what sort of plant did you consider Grand
 21 Tower to be?

22 **A. Grand Tower is a little odd. I think it**
 23 **was talked about in the opening statements. It was**
 24 **a former coal plant where the steam turbines, around**

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1 **That is rarely the case for Grand Tower.**

2 **Q.** And you had mentioned that you returned
 3 to Rockland to lead the due diligence team. When
 4 was that?

5 **A. This was July of 2013.**

6 **Q.** Did you evaluate any other facilities at
 7 the same time?

8 **A. Yes. Ameren was selling Elgin and**
 9 **Gibson City as a package with Grand Tower.**

10 **Q.** And, specifically, what sort of things
 11 did you evaluate when you did your due diligence for
 12 Grand Tower?

13 **A. Really tried to understand Grand Tower**
 14 **as the potential as a stand-alone business and not**
 15 **just one asset inside of a broader company. So**
 16 **trying to look at its fixed cost structure, its**
 17 **variable cost structure, trying to understand the**
 18 **condition of it, you know, hiring consultants to**
 19 **opine on specialty items. Things like that. Trying**
 20 **to understand the abnormal environmental or other**
 21 **liabilities associated with it. Really trying to**
 22 **get a view of how the plant will separate and how**
 23 **much money it can make in the market it operates in**
 24 **over time.**

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1 Q. What were your findings?
 2 A. **Grand Tower had a lot of issues, tied a
 3 lot to Ameren sort of neglecting the plant for many
 4 years. It was way past due on a lot of maintenance.
 5 Its forced outage rates were very, very high. Its
 6 availability rates were very low. The condition was
 7 generally kind of bad and there was several
 8 environmental liabilities that a new owner was going
 9 to have to deal with.**

10 Q. What type of environmental liabilities
 11 did Grand Tower have?

12 A. **There's some asbestos related to the old
 13 coal plant that's been retired in place. The
 14 biggest one is there is an ash pond that was
 15 mentioned in the opening statements that's connected
 16 to its time as an old coal-fired facility, and the
 17 new owner was going to have to remediate that with
 18 the new regulations that has to do with coal waste
 19 now.**

20 **There's also a river intake structure
 21 that will eventually have to be demolished. The old
 22 coal pile potentially needs some remediation.
 23 Things that are a bit abnormal for a gas plant.**

24 Q. Now, you testified a moment ago that
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1 A. **They typically sell in an auction
 2 process.**

3 Q. And is that what occurred here?

4 A. **That's exactly what occurred here.**

5 Q. Can you describe the purchase process
 6 for Grand Tower?

7 A. **Ameren hired a bank, Barclays. They
 8 were well-known in the sector. They were a team
 9 that was formerly at Lehman Brothers. That was one
 10 of the big advisers in the power industry. They
 11 then did the sort of two-stage process that I talked
 12 about a little earlier where they contacted a wide
 13 variety of potential bidders, both big public
 14 companies and small and large private investors,
 15 people not unlike us.**

16 **They then provided some limited
 17 information to gauge people's interest and to see
 18 how people were generally valuing facilities. Then
 19 all these people submitted first what we call first
 20 round or indicative offers, and from that group, we
 21 were one of the ones admitted to perform full due
 22 diligence and, you know, go visit the site, meet
 23 with plant management and Ameren management.
 24 Receive all sorts of records and things were that**

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1 Grand Tower had -- I believe your actual words were
 2 very, very high forced outage rates. Again, in
 3 layman's terms, what does that mean when you say
 4 "forced outage rates"?

5 A. **I'm specifically referring to e4D, which
 6 is an acronym for equivalent forced outage rate
 7 demand. Essentially, it's something that means that
 8 when the system wants your power or would want your
 9 power if you were available, that you are not there,
 10 not producing power. So for the year 2013, I
 11 believe it averaged across all units of 58 percent
 12 forced outage rate. So that means that about
 13 58 percent of the time that the system operator did
 14 want or would have wanted Grand Tower, it was not
 15 able to operate.**

16 Q. And did you end up buying the portfolio?

17 A. **We did.**

18 Q. And when did you enter into the purchase
 19 agreement to buy the three facilities?

20 A. **September 30, 2013.**

21 Q. When did the deal close?

22 A. **Closed January 31, 2014.**

23 Q. What is the process by which power
 24 plants typically sell?

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1 **posted in a data room and then spend several weeks
 2 going through all this information to come up with
 3 what our final binding offer would be and submit it.**

4 Q. And was the bidding process competitive?

5 A. **Very much so. Our final "offer" was for
 6 \$143 million. After a few weeks of realizing that
 7 we were not getting anywhere with Ameren, we raised
 8 our offer by \$20 million to \$163 million. At this
 9 point, Barclays reengaged with us and we began
 10 trading back and forth a purchase agreement with
 11 Ameren.**

12 **We thought the deal was ours. About
 13 literally a day or two before the deal was ready to
 14 sign, got a call from Barclays that another party
 15 had increased their offer beyond ours and that we
 16 would have to further increase our offer or they
 17 were going to stop negotiating with us. We agreed
 18 and met their demand and signed the purchase
 19 agreement very shortly thereafter.**

20 Q. And when you were doing your due
 21 diligence -- when you were evaluating Grand Tower,
 22 did you use the sales prices of other power
 23 generating facilities to determine what you should
 24 bid?

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1 **A. We did not.**
 2 **Q.** Why not?
 3 **A. It's just not relevant to any particular**
 4 **plant what some other plant might or might not earn.**
 5 **Grand Tower is sort of its own animal, a little bit**
 6 **different than most other plants I've ever seen or a**
 7 **lot different than a lot of them. Most notably of**
 8 **importance is its market. Grand Tower operates in a**
 9 **market where it can only get paid for what is in**
 10 **that market, and other plants operate in markets**
 11 **where they get paid for what is paid in that market,**
 12 **and those can be widely different amounts.**
 13 **Q.** So if you didn't use sales prices of
 14 other power generating facilities to determine what
 15 to bid, what did you use to evaluate what you would
 16 pay?
 17 **A. We did a discounted cash flow analysis.**
 18 **Q.** If you don't mind, in layman's terms can
 19 you tell me what a discounted cash flow analysis
 20 would be?
 21 **A. We're trying to project how much money**
 22 **we think the plant might be able to earn based on**
 23 **the market and its operating characteristics, trying**
 24 **to predict its cost structure and understand its net**

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1 **cash flows over time and then discount those back at**
 2 **a discount rate to come up with a present value that**
 3 **we use for the purchase price.**
 4 **Q.** How did your projected discounted cash
 5 flow analysis compare with your actuals for 2014 and
 6 2015?
 7 MR. GINSBURG: Objection. Irrelevant. The
 8 discounted cash flow to which he's referring is an
 9 appraisal. It's an appraisal that's not in evidence
 10 and there should be no evidence on the record as to
 11 what results came from his presale. They had an
 12 opportunity to file that discounted cash flow
 13 analysis as evidence, and they failed to do so.
 14 It's irrelevant. We don't know who
 15 prepared it. We don't when it's dated. He cannot
 16 testified how it compares with the real world. They
 17 have an appraisal. That appraisal does a discounted
 18 cash flow analysis. They are left to rely on that
 19 appraisal.
 20 ALJ BOGGESS: Reply, Mr. Novick?
 21 MR. NOVICK: Thank you. I mean, Mr. Beach is
 22 testifying to how he actually valued the facility,
 23 and that's the purpose of his testimony here today.
 24 And certainly Mr. -- all of the appraisers are

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1 making predictions -- especially since we're not
 2 dealing with one year; we're dealing with '14 and
 3 '15 -- about what years will be. Mr. Beach is just
 4 testifying about what the actuals were because
 5 that's what we're actually valuing is the actual
 6 value of the property, not a speculative value which
 7 is what the appraisers were putting on. So I think
 8 it's relevant, certainly, to Mr. Beach's state of
 9 mind.
 10 MR. GINSBURG: No. He's testifying as to
 11 what he projected the value of the plant to be based
 12 upon its income earning capacity. That's what a
 13 discounted cash flow is. That is an appraisal.
 14 They have filed an appraisal. It resolves a value
 15 of \$20 million. They are left to rely on that
 16 appraisal. They cannot testify as to what they
 17 predicted the value to be, particularly when that is
 18 not of evidence. The PTAB has a specific rule
 19 prohibiting testimony about an appraisal when that
 20 appraisal is not of evidence.
 21 MR. NOVICK: If I may respond very briefly.
 22 The intention is not to have Mr. Beach testify to
 23 what his discounted cash flow is. It's merely to
 24 show that he did this discounted cash flow analysis

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1 because that's what they used to value the property.
 2 He was a bidder in the marketplace.
 3 MR. GINSBURG: We'll stipulate to that point.
 4 I agree a discounted cash flow is an important
 5 matter that should be considered. I think we should
 6 move on from what his discounted cash flow
 7 projected.
 8 MR. NOVICK: We didn't ask that question.
 9 ALJ BOGGESS: Maybe I'm wrong. Didn't both
 10 appraisers use a discounted cash analysis in the
 11 income approach?
 12 MR. GINSBURG: They did.
 13 ALJ BOGGESS: So we'll have that testimony
 14 from the experts. The testimony here is on the
 15 acquisition of the property and what they considered
 16 and what they used and how they came about to
 17 determine the price, whether it be allocated or
 18 total price for the portfolio. I'm going to allow
 19 the testimony. The objection is overruled.
 20 BY MR. NOVICK:
 21 **Q.** The question that I had asked you,
 22 Mr. Beach, if you remember, was how did your
 23 projected discounted cash analysis compare with your
 24 actuals for 2014 and 2015?

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1 **A. We did significantly worse in 2014 and**
 2 **2015 than the projections.**
 3 **Q.** And how much did you end paying for the
 4 three facilities?
 5 **A. Paid \$168 million plus some adjustments**
 6 **for working capital.**
 7 **Q.** To your knowledge, was Ameren forced to
 8 sell these properties?
 9 **A. No.**
 10 **Q.** And how did you actually arrive at the
 11 value for Grand Tower?
 12 **A. It was an allocated value. The purchase**
 13 **agreement with Ameren states only a purchase price**
 14 **for the package of plants itself. And so to come up**
 15 **with how it was allocated, Ameren had had three**
 16 **appraisals done of each of the facilities. One of**
 17 **the appraisals had Grand Tower at a negative value.**
 18 MR. GINSBURG: Objection. We're not -- he
 19 can't testify as to the contents of an appraisal
 20 that's not of record. It's the same objection.
 21 It's the same PTAB rule. They have an appraisal.
 22 It's a matter of public record that there were
 23 appraisals. Those appraisals were deliberately not
 24 filed with the PTAB and they shouldn't be testified
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1 about today.
 2 MR. NOVICK: We're not asking for him to
 3 testify about the appraisals. We're basically
 4 showing the process by which Mr. Beach and his
 5 company came up with the \$47 million, which is what
 6 was allocated as part of this purchase price. And
 7 that's the only reason why -- it's not being offered
 8 to suggest that 47 million is the right price.
 9 We're literally offering the testimony to show this
 10 is the process by which we got to this number.
 11 Nothing more. We're not asking you to put that
 12 number on the property.
 13 MR. GINSBURG: It's a matter of public record
 14 that there were appraisals and it's a fact that they
 15 did not file the appraisals. I think that's
 16 relevant and we should move on from this line of
 17 questioning as far as what the contents of the
 18 appraisals were.
 19 ALJ BOGGESS: The witness is still testifying
 20 concerning the acquisition of the property, what
 21 they considered. Objection overruled.
 22 BY MR. NOVICK:
 23 **Q.** And, again, I'll start back at the
 24 beginning. How did you arrive at the value for
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1 Grand Tower?
 2 **A. Well, we -- so the purchase agreement**
 3 **was for the three properties, but Ameren had had**
 4 **done on all three properties three different**
 5 **appraisals; and to agree upon what each property was**
 6 **going to get, we used those appraisals as a guide.**
 7 **And one of those had a negative value, one had sort**
 8 **of a minimal value, and then one had the 47 million.**
 9 **That was the highest, and we agreed with Ameren to**
 10 **use that as the basis.**
 11 **Q.** And when you were bidding for the three
 12 facilities, did you value all the properties
 13 equally?
 14 **A. No. Definitely not.**
 15 **Q.** Can you tell me how you valued the three
 16 facilities since it was purchased in the single
 17 transaction?
 18 **A. Elgin was clearly -- there's the three**
 19 **facilities. Elgin in northern Illinois and then**
 20 **Gibson City and Grand Tower in southern Illinois.**
 21 **Elgin was clearly more value than both of them**
 22 **combined, mainly because Elgin operates in a**
 23 **different grid. I think it was mentioned that Grand**
 24 **Tower operates in MISO; Gibson City does as well.**
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1 **Elgin operates in a market that is called PJM.**
 2 **In PJM, there's what's called a**
 3 **capacity market that goes on over a three to four**
 4 **year rolling period, so you always know every three**
 5 **to four years you have a set stream of cash flows**
 6 **that you know you're going to receive with very high**
 7 **confidence as opposed to in MISO where it's between**
 8 **sort of zero and one year is your forward look. And**
 9 **historically the values for capacity have been**
 10 **almost nothing there in MISO as well.**
 11 **So there's many, many, many million**
 12 **dollars that we knew were coming into Elgin over the**
 13 **first three to four years. Owning Elgin, it was**
 14 **very easy to ascribe a lot of value to those as**
 15 **opposed to Gibson City and Grand Tower where we had**
 16 **to just come up with our best estimate of what we**
 17 **think the market might do.**
 18 **Q.** Now, you just testified that the Elgin
 19 facility had a certainty about capacity payments.
 20 Can you tell me what a capacity payment might be?
 21 **A. Yes. So a grid operator -- when you're**
 22 **running a power plant, of course you're getting paid**
 23 **for the electricity you're producing, but a grid**
 24 **operator also in many grids -- and this is true in**
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1 **MISO and PJM -- provides a payment just for you to**
 2 **be available so if they do need you, then you turn**
 3 **on and you're ready to run.**

4 **Q.** And you mentioned that you considered
 5 Elgin to be essentially the crown jewel of the
 6 portfolio. Do you have any information that would
 7 lead you to believe that others also valued the
 8 plant similarly?

9 **A. Yes. The broker told us that they had**
 10 **an offer for just Gibson City and Elgin that**
 11 **exceeded our purchase price for all three.**

12 **Q.** And what sorts of steps have you taken,
 13 if any, to improve the operations at Grand Tower?

14 **A. Done quite a bit trying to catch up on**
 15 **all the past due maintenance. Really, just trying**
 16 **to make Grand Tower as reliable as possible and**
 17 **bringing it up to speed with, you know, where it**
 18 **should be in its maintenance cycles on the steam**
 19 **turbines and the combustion turbines.**

20 **Also implementing some new**
 21 **procedures. We're recommissioning the duct firing**
 22 **so that we can sell more capacity and potentially**
 23 **make more money. And we reduced -- Ameren had been**
 24 **starting up the machine so that -- I think it was**

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1 **said it took eight to nine hours to start both the**
 2 **units at Grand Tower, and this start-up time is very**
 3 **inefficient. You're burning lots and lots of gas,**
 4 **but you're not producing a lot of power, so it's**
 5 **very expensive to start.**

6 **If you could just turn it on and it**
 7 **would be at full load, that would be ideal. We put**
 8 **in a new procedure that allows the plant to start up**
 9 **in about half the time, again trying to give it the**
 10 **best chance as possible to operate and make a little**
 11 **bit of money.**

12 **Q.** Was Grand Tower profitable in 2014?

13 **A. No.**

14 **Q.** How about 2015?

15 **A. No.**

16 MR. NOVICK: I have no further questions.

17 ALJ BOGGESS: Mr. Brenner, on behalf of the
 18 Board of Review, do you have any crossing
 19 examination?

20 MR. BRENNER: No, sir.

21 ALJ BOGGESS: Mr. Ginsburg?

22 CROSS-EXAMINATION

23 BY MR. GINSBURG:

24 **Q.** Mr. Beach, you said you made efforts to

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1 get duct firing up and running. Tell us what you
 2 mean by that.

3 **A. That's a little bit technical. Might be**
 4 **a better question for Bob.**

5 **Q.** What is duct firing?

6 **A. Duct firing is something tied to the**
 7 **steam turbines where you can -- somehow it's burning**
 8 **in the ducts to allow it to produce more capacity**
 9 **that I can't give you a good answer on. But you're**
 10 **getting more capacity. I can tell you that.**

11 **Q.** Rockland Capital doesn't actually
 12 operate this plant, true?

13 **A. The operator is NAES, a third-party**
 14 **operator.**

15 **Q.** That's NAES; is that true?

16 **A. That's correct, yes.**

17 **Q.** So Rockland is the owner and they hire a
 18 third-party contractor. And that third-party
 19 contractor, essentially, has people on the site, a
 20 plant manager; and they're the ones that are giving
 21 orders and getting the plant running and making, you
 22 know, the trial and error to get the plant running
 23 and trying to get it more efficient. That's all
 24 NAES?

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1 **A. Well, NAES is the operator, but we are**
 2 **internally what we call the asset manager. So we**
 3 **oversee NAES. The new start-up procedure was all**
 4 **based on work that people on Bob's team decided to**
 5 **put in place and third-party consultants that they**
 6 **had hired to figure out what to do and then instruct**
 7 **NAES on implementing these things.**

8 **Q.** Okay. I'm going to hand you a document
 9 provided to me by Mr. Doody in our production
 10 request. Is this a document with which you are
 11 familiar?

12 MR. NOVICK: If I could just object. You're
 13 handing a document. Can we get copies, please?

14 ALJ BOGGESS: Mr. Ginsburg, can you show
 15 counsel?

16 MR. GINSBURG: This was a document -- it was
 17 the first document. We did a production request.
 18 This document was provided to us. We're just trying
 19 to establish its authenticity.

20 ALJ BOGGESS: This is the same document
 21 you've handed the witness?

22 MR. GINSBURG: Yes.

23 BY MR. GINSBURG:

24 **Q.** Is this a document with which you're

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1 familiar?

2 ALJ BOGGESS: Hang on. We'll let Mr. Novick

3 examine the document, make sure there are no

4 problems.

5 MR. NOVICK: Is this part of a larger

6 document or is this --

7 MR. GINSBURG: We were provided a flash drive

8 with many, many documents. This was one of the

9 documents. This is also a document that is copied

10 and pasted into the Green review report. I'm just

11 trying to get a better understanding of what it is.

12 ALJ BOGGESS: Has this document been

13 previously submitted into the record?

14 MR. GINSBURG: It's copied in several -- most

15 of it is copied and pasted in the review reports.

16 That's one of the reasons I want to know what it is

17 so I can get a better understanding of what

18 Mr. Green did in his calculations.

19 ALJ BOGGESS: I guess I'm confused. Who

20 prepared the document?

21 MR. GINSBURG: That's what I'm asking.

22 That's my question.

23 ALJ BOGGESS: And this is something you

24 received from Mr. Doody's office?

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1 MR. GINSBURG: Yes.

2 ALJ BOGGESS: Your position?

3 MR. NOVICK: I think at this point there is

4 no foundation. We had quite a large document

5 request which we complied with. We actually

6 complied with it twice because we lost the first

7 flash drive. But when we complied with it, we were

8 assembling documents from all across Rockland

9 Capital.

10 I think if you're going to ask him

11 a question, did you prepare this document --

12 ALJ BOGGESS: Why don't we do this. Let's

13 see if we can lay a foundation and then go from

14 there. You may continue foundation questions.

15 BY MR. GINSBURG:

16 Q. Is this a document with which you are

17 familiar?

18 A. No.

19 Q. Okay. There's no trick question there.

20 That's really all I wanted to know.

21 MR. GINSBURG: I have no further questions.

22 ALJ BOGGESS: Just a couple questions, just

23 basic questions.

24

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1 EXAMINATION

2 BY ALJ BOGGESS:

3 Q. Mr. Beach, there's three basic types of

4 power plants, correct? A base load, peaking plant,

5 and what's the middle one?

6 A. Mid merit.

7 Q. Now, the base load-type of power plant

8 would run generally 24/7; is that correct?

9 A. Yes or very close to it.

10 Q. Now, the operating costs on a base load,

11 would that be high or low compared to the other two?

12 A. Typically the fixed costs on base load

13 units are very, very high and their variable costs

14 are lower. And then, conversely, on peaking plants,

15 the variable cost is very high, but its fixed cost

16 is very low.

17 Q. Mid merit, how long would that be

18 operating for generally?

19 A. I think officially somewhere between

20 like 25 and 50 percent or something like that.

21 Q. And a peaking plant, just during high

22 demand?

23 A. Somewhere between zero and 10 or

24 12 percent, maybe 15 percent.

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1 Q. Now, you testified a little bit about

2 the forced outage rates. Does the operator have any

3 control over those forced outage rates?

4 A. I mean, I think there is definitely an

5 influence of the operator, but it also has to do

6 with, I guess, the condition of the plant just

7 generally outside of whatever you're doing with it.

8 Q. Now, the subject, is that selling power

9 in a regulated or unregulated market?

10 A. Unregulated.

11 Q. And you're selling power based on a

12 bidding process a day ahead?

13 A. Yes. We offer in -- there's a day ahead

14 and real-time market, but we always offer into the

15 day ahead.

16 Q. Now, what would you do if you bid on a

17 day ahead, but then something broke and you couldn't

18 provide power when power was requested? That's a

19 forced outage, correct?

20 A. That's correct. Then you -- financially

21 what happened -- the grid operator, if they were

22 expecting 100 megawatts from a plant then and that

23 plant went down, they'll call another plant or

24 they'll ramp up another plant and they'll -- you

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1 **have to be buying at the real-time price whatever**
2 **your short position is. If you said I'm going to be**
3 **producing 100 megawatts and then you're down, you**
4 **have to buy back 100 megawatts.**

5 **Q.** Now, you talked about the portfolio sale
6 in brief. Were the other two plants in an
7 unregulated market also?

8 **A. Yes. Gibson City is in the same. It's**
9 **also in MISO zone 4. And Elgin is in what's called**
10 **ComEd region of PJM.**

11 **Q.** And Elgin is still unregulated, correct?

12 **A. That's correct.**

13 **Q.** Now, the subject, I believe you stated,
14 had an eight to nine hour start-up time; is that
15 correct?

16 **A. That's correct.**

17 **Q.** Is that the quickest of the three base
18 power plants, eight to nine hours?

19 **A. The three base?**

20 **Q.** I call them -- well, the three types,
21 base load, mid merit, and peaking.

22 **A. Well, that is -- a peaking plant**
23 **typically has a much faster start-up time. Eight to**
24 **nine hours is very much on the slow end of what**

1 **would be a mid merit. For a base load unit, you**
2 **could have a combined cycle that's considered a base**
3 **load unit if it was in the right market and**
4 **operating enough of the time which could potentially**
5 **start a lot faster. But sort of the prototypical**
6 **base load units, the coal and nuclear plants, those**
7 **typically have much longer start-up times, but they**
8 **don't shut down. So it might take a day to start**
9 **up, but then it's going to continue running without**
10 **shutting down for weeks or months.**

11 **Q.** When you talk about the subject being a
12 peaking plant, is that your description based on
13 start-up or capacity?

14 **A. That is a description based on its**
15 **capacity factor. It is only operating a very small**
16 **percentage of the year because the market price is**
17 **only high enough to justify its operation. But,**
18 **technically, it is not -- you would not want to run**
19 **a combined cycle plant as a peaking plant.**

20 **Q.** Now, in '14, what was the subject
21 running as? A peaking plant?

22 **A. Yes.**

23 **Q.** In 2015, was it running as a peaking
24 plant?

1 **A. Yes.**

2 **Q.** How many months of the year was the
3 subject operating in 2014, if you recall?

4 **A. Well, it -- when you say operating, it**
5 **was not officially retired or laid up at any point**
6 **in 2014. A significant percentage of the year it**
7 **was broken and not operational, but it was -- the**
8 **plant was supposed to be available the entire year**
9 **as opposed to before when it would take outages**
10 **during the winter.**

11 **Q.** I believe there's testimony or will be
12 evidence in the record that the subject operated
13 only during the summer months in 2008 or 2009. I
14 can't recall.

15 **A. I'm aware that Ameren at some point was**
16 **only operating it in the summer months.**

17 **Q.** But in 2014 that was not the case?

18 **A. No. Since we have owned it, we have**
19 **tried to have full year operation.**

20 ALJ BOGGESS: That's all I have. Any further
21 redirect, Mr. Novick?

22 MR. NOVICK: No, thank you.

23 ALJ BOGGESS: Board of Review, any questions?

24 MR. BRENNER: No, sir.

1 ALJ BOGGESS: Mr. Ginsburg?

2 MR. GINSBURG: No, sir.

3 ALJ BOGGESS: Thank you. I believe you're
4 done, Mr. Beach. I'll leave that up to counsel to
5 keep you around or let you go.

6 Mr. Novick, next witness.

7 MR. DOODY: Our next witness will be
8 Mr. Robert Rapenske.

9 ALJ BOGGESS: Robert, if you could please
10 state your full name and spell it for the record.

11 THE WITNESS: Robert Rapenske,
12 R-a-p-e-n-s-k-e.

13 ALJ BOGGESS: Mr. Rapenske, you remain under
14 oath. Thank you.

15 ROBERT RAPENSKE,
16 called as a witness herein, having been first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION
19 BY MR. DOODY:

20 **Q.** Mr. Rapenske, by whom are you employed?

21 **A. Rockland Capital.**

22 **Q.** And what is your position there?

23 **A. I'm an asset manager, a vice president**
24 **in the asset management group.**

1 **Q.** What were your responsibilities for
2 Rockland in 2013 and '14?
3 **A.** They were pretty much the same as today.
4 I manage multiple plants, oversee the daily
5 operation, talk to the plant managers, establish
6 budgets, maintenance plans, things of that nature.
7 I also participate quite a bit in the due diligence
8 process on potential acquisitions.

9 **Q.** And did you participate in the due
10 diligence process for the three properties that
11 Rockland purchased from Ameren?

12 **A.** I did.

13 **Q.** Specifically, what was your
14 participation in the Grand Tower facility?

15 **A.** It was the same for the other
16 facilities. Basically, as Mr. Beach testified, we
17 had access to a data room that Ameren provided with
18 various documents. Operational, maintenance,
19 regulatory, I reviewed all those. We had -- we were
20 able to submit individual questions, obtain further
21 documentation on a particular subject. We
22 participated in a couple phone calls with the Ameren
23 folks. Certainly they were very open and answered
24 all of our questions for the most part.

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1 **Q.** And can you tell us a little bit about
2 your educational background?

3 **A.** Sure. Most of my education comes from
4 the Navy. I spent eight years in the U.S. Navy
5 Nuclear Power Program. I went to Navy Nuclear Power
6 School. I was on the USS Kamehameha as a reactor
7 operator for four or five years. Four years.
8 Onboard that ship, I maintained the reactor plant, I
9 operated the reactor plant, maintained the reactor
10 controls.

11 **After that, I was lucky enough to get**
12 **a land-based job for four years. I became -- the**
13 **Triton submarines had just come out. And before the**
14 **crews could take control of that boat, especially**
15 **the engineering department, it was of such a special**
16 **design that they decided to send only --**
17 **require sea-experienced personnel could man those**
18 **boats. They had to have a lot of experience out to**
19 **sea in order to get one of those billets, and then**
20 **they send them to us for six weeks and we gave them**
21 **a crash course up at the prototype plant on high**
22 **power reactor physics, core construction, reactor**
23 **protection, electronics courses, things like that.**

24 **Q.** What was your employment history after

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1 the Navy?

2 **A.** So after the Navy I went to work for
3 Baltimore Gas & Electric at their Calvert Cliffs
4 nuclear plants units 1 and 2. I did back to back
5 refueling outages there as instrumentation
6 technician.

7 **After that, I decided to move back**
8 **home. I had been away for quite a few years, and I**
9 **decided to try my hand at residential construction,**
10 **general contracting. I did that for six years along**
11 **with some commercial contracting. The economy kind**
12 **of died off around 1990, so I decided to get back**
13 **into the power industry.**

14 **I went to work for a combined cycle**
15 **facility in northern New Jersey, and I was there for**
16 **16 years. I worked my way from instrument tack up**
17 **to maintenance manager, operations manager, plant**
18 **manager. Was plant manager there for several years.**
19 **And it just so happens I was at Rockland's first**
20 **plant that they bought. That was the first plant**
21 **that they ever purchased.**

22 **Beyond there, I went to work for**
23 **NAES, who has been mentioned here. At the time they**
24 **were the world's largest third-party operator of**

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1 **independent power plants. I worked for them for**
2 **about a year doing transitions as they acquired new**
3 **facilities from different owners.**

4 **Beyond that, I went back to work for**
5 **Rockland at a plant that they owned. It was a coal**
6 **and oil-fired plant down in South Jersey. I was**
7 **there for several years, probably up to seven years**
8 **or so. And in 2010 when Rockland raised their first**
9 **power fund, that's when I went to work directly for**
10 **Rockland as a Rockland employee and have been on**
11 **board ever since.**

12 **Q.** How did you become familiar with the
13 Grand Tower energy plant?

14 **A.** Through the due diligence process that
15 we had going on in 2013.

16 **Q.** Did you inspect the property?

17 **A.** I did from the records standpoint and I
18 also -- after we signed the sale agreement, I was
19 on -- I certainly went on a tour because it was
20 going to become one of my facilities and, you know,
21 from the time of acquisition to the time I
22 transitioned it to another individual because I
23 needed to head up a couple other plants, I was asset
24 manager there.

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1 Q. What were the results of your
2 inspection?

3 A. I was concerned.

4 Q. In what manner?

5 A. I had never in my 30-plus years in the
6 power industry seen a couple things that really
7 bothered me, and that was the high forced outage
8 rate, the low capacity factor. I was concerned with
9 those. I was trying to figure out what was driving
10 those two numbers because those are things you don't
11 really want to deal with. They're not typical.

12 The numbers were -- you know, the
13 capacity factor, I think, long-term from 2001
14 through 2013 was about 8 percent. That's a pretty
15 low number for a combined cycle plant. I'll just
16 say a combined cycle plant. It wasn't quite a
17 combined cycle plant. It was a hybrid plant. And I
18 think that's mostly its downfall.

19 Q. What do you mean by a hybrid plant?

20 A. Well, the plant itself, as others have
21 testified to, was built back in the 1920s. There
22 were units 1 and 2, coal-fired boilers, and then
23 they got rid of them in the '70s, I think it was,
24 for units 1 and 2. And in the '50s they added two

1 late in the process about -- and this is just a
2 fact -- that the plant runs out of water. The very
3 first week we bought that plant, I remember standing
4 next to my boss, a partner in the company, on the
5 river intake structure and looking 37 feet down at a
6 dry Mississippi in that particular area.

7 So we did our homework very quickly
8 and found out that from 2001 through 2013 -- no --
9 through the beginning of 2014, including that time I
10 was standing right there and looking and there's no
11 water to run the plant, it was 5,200 hours that this
12 plant was down, either totally out of commission or
13 had a reduced output because of a lack of water.

14 Q. And why is water necessary for a power
15 plant?

16 A. Well, the steam goes into a steam
17 turbine, and that steam needs to be condensed back
18 into water and that water needs to go back into the
19 heat recovery steam generator in the configuration
20 that it's in now, or the old boiler let's say. And
21 you can't pump steam, per se, so you needed to
22 create -- condense it back into water. And the
23 Mississippi, what it does is it provides a cooling
24 medium for that steam.

1 more coal-fired units. Those coal-fired units,
2 they're basically boilers fueled by coal, creating
3 steam, running two steam turbines and a generator
4 off of each steam turbine.

5 And those particular plants or those
6 particular units were abandoned in place, but yet
7 the steam turbines were reutilized in the combined
8 cycle configuration. That's always a red flag when
9 you reuse a steam turbine that's meant for a very
10 slow start-up such as a very large coal boiler is.
11 They're not meant for fast start-ups.

12 So you're actually taking a piece of
13 technology that was really never -- it fits and it
14 works from a theoretical standpoint, but it is not
15 going to be a very efficient plant.

16 We looked at -- the concern here was
17 nine hours on the start-up. I mean, that's unheard
18 of because by the time this plant starts up, the
19 need for its power is gone. So I was concerned
20 about this long start-up time. I was concerned
21 about the forced outage rates. I was certainly
22 concerned about the capacity factor and how we were
23 going to make a go of it.

24 I was also concerned and learned very

1 The water comes through an intake
2 structure. It's sent through thousands and
3 thousands of tubes. The steam comes down over the
4 tubes. It gets condensed back into water, and then
5 the hot water goes right back out to the
6 Mississippi. But without that cooling medium,
7 there's no way to run the plant.

8 Q. Is this common in the industry?

9 A. Not at all.

10 Q. Is it easily remedied?

11 A. Not at all.

12 Q. Why not?

13 A. Well, you can put in a cooling tower,
14 which a modern combined cycle in most plants would
15 require that that have a steam turbine nowadays, but
16 that would add additional costs and most likely
17 would trigger replacement of the steam turbines as
18 well. So you have a steam turbine replacement plus
19 a cooling tower cost, and the project probably to
20 Ameren and most others would be cost prohibitive to
21 do that.

22 Q. Was it cost prohibitive to Rockland?

23 A. To put in a cooling towers? Sure.

24 Q. Did you value the other two facilities

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1 that were part of the purchase?

2 **A. I did.**

3 **Q.** How did they compare to the subject
4 property?

5 **A. Well, they're different plants. They're**
6 **simple cycle plants. Very easy to start up, shut**
7 **down, quick starting, and they were completely**
8 **different and certainly stood head and shoulders**
9 **above this plant.**

10 **Q.** Specifically, what sorts of things did
11 you evaluate when you were doing your due diligence
12 at Grand Tower?

13 **A. Well, in general, first I looked at**
14 **maintenance, operations, and regulatory aspects, and**
15 **I had concerns with all of them.**

16 **Q.** What were your concerns with
17 maintenance?

18 **A. Well, with maintenance, there was a huge**
19 **issue that we noted with historical statistics and**
20 **things of that nature with the steam turbine or**
21 **steam turbine controls. The steam turbine valves**
22 **were a concern. There were a lot of electrical**
23 **issues with the plant. You're taking -- a lot of**
24 **electrical equipment was reused as well. Say the**

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1 **steam turbines each had a generator associated with**
2 **them. That generator voltage, the output from it is**
3 **stepped up before it goes out on the grid. We found**
4 **generator -- transformer leads that had high voltage**
5 **insulation around them that had deteriorated so**
6 **badly that they were just duct taped, and that's not**
7 **something you do at all. That's a safety factor.**

8 **We found out after we bought it -- we**
9 **didn't find out during the due diligence process --**
10 **that several leads for the number 3 generator were**
11 **no longer functional and actually derated that**
12 **generator.**

13 **The duct burners, which is 50**
14 **megawatts of capacity on that plant -- let me**
15 **rephrase that -- it's 55 megawatts capacity on that**
16 **plant, were completely inoperable.**

17 **Q.** Do you know the cause?

18 **A. Lack of maintenance.**

19 **Q.** What were your other two concerns at the
20 facility besides the physical deterioration?

21 **A. Well, the cooling water system itself.**
22 **Any time that you run your river low and attempt to**
23 **continue to run the plant, you destroy intake**
24 **screens through debris that impacts them, that**

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1 **follows them. That was a real concern. That was an**
2 **outstanding issue when we bought that. That was --**
3 **that's another maintenance issue that was just**
4 **totally ignored by Ameren.**

5 **Unfortunately, they didn't care about**
6 **this plant a lot for several years. They didn't**
7 **even have a plant manager, per se, in place at the**
8 **time we bought it. They had a production**
9 **superintendent. He had been there a long, long**
10 **time. But his hands -- in my conversations with**
11 **him, his hands were completely tied in what he could**
12 **do on maintenance and what kind of money they would**
13 **give him sometimes.**

14 **He had to report to another plant**
15 **manager of a coal facility within Ameren, and if he**
16 **needed a thousand dollars, he needed to pick up the**
17 **phone and call somebody; and a lot of these things**
18 **were half a million dollars, \$600,000 projects. He**
19 **wasn't getting any support to do this.**

20 **Q.** And what is e4?

21 **A. e4 is equivalent forced outage rate. In**
22 **simple terms, it's the time -- the amount of forced**
23 **outage hours you are forced off line or unavailable**
24 **in comparison to the hours that you're dispatched.**

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1 **Q.** And what was the e4 for the subject
2 property?

3 **A. The e4 for the subject property -- I**
4 **think what's more meaningful, that I look at, is**
5 **e4D.**

6 **Q.** What is that?

7 **A. E4D is just a more complex look or a**
8 **more macroscopic look at e4. When you're**
9 **dispatched, you don't always make money. Some hours**
10 **you're actually negative. And e4D takes a look at**
11 **the hours that you're commercially in demand, in**
12 **other words, are you making money and how many of**
13 **those hours you're forced off line.**

14 **And what I found -- I mean, there**
15 **were months that e4D was 100 percent. And in 2013,**
16 **and I think Mr. Beach mentioned this, e4 was around**
17 **58 percent for the year. But January through June**
18 **of 2013, the e4D was, like, 65 percent. That's a**
19 **big number. So throw that aside. Let's take a look**
20 **at the long term. What was the long-term e4D for**
21 **this plant since it's been repowered? In 2001 and**
22 **2013, I think it was around 18 percent, which is an**
23 **abysmal number. That's a huge number. And that**
24 **number is used in determining how much capacity**

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1 payments you get. It is a metric of, you know, are
2 you available when the market needs you. And it was
3 a very high number.

4 So your capacity revenue, which is
5 one of your large sources of revenue next to energy
6 revenue, you know, as e4D goes up, that number will
7 go down. Capacity revenue will go down.

8 Q. Who determines the e4D at Grand Tower?

9 A. Every plant greater than 20 megawatts
10 across the United States has to report the GADS
11 statistics. It's driven by the organization --
12 national organization called NERC. So the plant
13 supplies the GADS statistics, the raw data, to MISO
14 where it's calculated and then reported back up to
15 NERC.

16 Q. What would be an acceptable e4D rating?

17 A. Oh, we would love to see 4 percent, but
18 we'd accept 7.

19 Q. Is 7 considered high?

20 A. 7 is considered on the high end.

21 Q. And an e4D in the 50s, what is that
22 considered?

23 A. Say again.

24 Q. An e4D in the 50s, what is that

1 continue to operate the plant?

2 A. No. We would have the same poor
3 statistics. I can't do anything from a commercial
4 standpoint. My job is to make sure that that thing
5 is ready to run from a maintenance standpoint and
6 operational standpoint.

7 Q. And during that two-year time period,
8 was it ready to run?

9 A. No. We had just scratched the surface
10 and just begun to identify the issues.

11 Q. How does e4D impact the capacity
12 payments?

13 A. Again, if it's high -- there is an
14 installed capacity rating or what we call ICAP.
15 That's the acronym for installed capacity. And
16 there's an installed capacity rating for every
17 plant, and then what they do is they said, well, the
18 capacity that you have for sale is basically that
19 ICAP times 1 minus your e4D. So if your e4D was
20 7 percent, you can sell 93 percent your installed
21 capacity. So again, when your e4D goes up, your
22 capacity will go down that's available for sale.
23 That doesn't establish a price, but it establishes
24 the number that you can sell.

1 considered?

2 A. Pretty bad. Abysmal. It's called a
3 spotlight. It's something that requires further
4 investigation to figure out what the issues are so
5 that you can attempt to pull them apart one at a
6 time and try to figure out what to do with them.

7 Q. Did you do that at the subject property?

8 A. We certainly identified several of them
9 right upfront.

10 Q. And what were they?

11 A. Well, part of it is personnel and their
12 procedures that they were using as Mr. Beach
13 testified. The maintenance program was really
14 scrutinized, and we actually went through each one
15 of their maintenance tasks and we found out what was
16 deferred and what was not. The maintenance on, you
17 know, electrical equipment was non-existent for many
18 years. The leads on the generator were new, you
19 know, but nobody touched them.

20 The duct burners, obviously, were a
21 no-brainer to go after and try to fix. The intake
22 structures, the intake screens needed replacement.
23 Things of that nature need to be done.

24 Q. Could you ignore these problem and

1 Q. How do capacity payments correlate to
2 value?

3 A. I don't -- I really don't get involved
4 in the value end of things.

5 Q. And Grand Tower doesn't run
6 continuously, correct?

7 A. It does not.

8 Q. Is it capable of running continuously?

9 A. No.

10 Q. Why not?

11 A. It's a peaking facility that -- it will
12 never run continuously because it's a peaking
13 facility that has a high heat rate. And the heat
14 rate is a measure of efficiency of the facility.
15 It's, you know, how many BTUs does it take to
16 produce a kilowatt hour? And it's just got a high
17 heat rate compared to any other combined cycle
18 facility. It's sort of in this no man's land
19 between a peaking facility and a combined cycle
20 facility. I mean, it just really doesn't fall into,
21 you know, any particular description.

22 Q. Is that common in the industry where you
23 have a facility that doesn't fall?

24 A. I've not seen an operational one of

1 **these other than this one.**
 2 **Q.** You testified that it takes roughly
 3 eight hours to start up the subject property. What
 4 is a typical start-up or what is the desired
 5 start-up for a peaking plant?
 6 **A.** **On a peaking facility, 30 minutes,**
 7 **40 minutes tops. A peaking facility, in my mind, is**
 8 **a combined -- is a simple cycle facility, which is**
 9 **just a combustion turbine. A combined cycle**
 10 **facility that this is up against, best is probably**
 11 **three hours cold nowadays.**
 12 **Q.** Did you estimate clean-up costs for
 13 environmental problems?
 14 **A.** **Yeah. We noted that there were two**
 15 **large environmental liabilities. They've been**
 16 **touched on so far in testimony. The ash pond. The**
 17 **ash pond, we estimate 8 to \$9 million for clean up.**
 18 **And then the asbestos was in the neighborhood of**
 19 **about 5 to \$6 million.**
 20 **Q.** And how are the steam turbines or how
 21 did the steam turbines become an issue at the
 22 facility?
 23 **A.** **Well, the way you start up this plant is**
 24 **you start the combustion turbine. You allow natural**

1 **gas to go into the combustion turbine. It**
 2 **compresses air. It lights off. The hot air goes**
 3 **past this pinwheel, which is the turbine itself.**
 4 **That drives the generator by itself. That alone is**
 5 **a power plant. That's a simple cycle facility by**
 6 **itself.**
 7 **But then you have -- so what I just**
 8 **described is basically a jet engine on the ground**
 9 **driving a generator. But you have all this exhaust**
 10 **heat coming out of this combustion turbine, so why**
 11 **not reuse it? So what they do is they direct it**
 12 **into a heat recovery steam generator, which is a**
 13 **fancy name for a boiler nowadays. And that recovers**
 14 **that heat and creates steam, and that steam is**
 15 **forwarded to the steam turbine.**
 16 **Well, you're an hour into the**
 17 **start-up and you're trying to get the steam turbine**
 18 **on line and its valves don't work. Doesn't start.**
 19 **You abort the entire start-up. You're forced off**
 20 **line now. You have to buy replacement power. And**
 21 **there is no way to fix it yet because you have to**
 22 **cool down for a day or two in order to tear those**
 23 **valves apart and then send them out.**
 24 **And after years of battling those**

1 **valves, we think we got a handle on them, but they**
 2 **had -- they -- a lot of those valves should have**
 3 **been replaced probably during the repowering**
 4 **project. That would have been my approach. But**
 5 **then again, it's never my money, so...**
 6 **Q.** Were the steam turbines the original
 7 ones installed in the 1950s?
 8 **A.** **They were. It was off of units 3 and 4.**
 9 **Q.** Again, is that a common configuration?
 10 **A.** **It is not a common configuration.**
 11 **Q.** Why not?
 12 **A.** **Because of the fact that those steam**
 13 **turbines don't have modern materials. They're not**
 14 **constructed such that they can start up quick and**
 15 **respond as quick as the front end of the plant,**
 16 **let's say, meaning the combustion turbine and the**
 17 **heat recovery steam generator. So, therefore, now**
 18 **it looks like to the market, in my view, that it's**
 19 **an old boiler. That's what an old boiler takes to**
 20 **start up.**
 21 MR. DOODY: I have nothing further.
 22 ALJ BOGGESS: Mr. Brenner?
 23
 24

1 CROSS-EXAMINATION
 2 BY MR. BRENNER:
 3 **Q.** What value is this plant to Rockland?
 4 **A.** **I questioned everybody on that.**
 5 **Q.** So it has no value whatsoever?
 6 **A.** **It doesn't have value in my mind.**
 7 **Q.** Why would you think Rockland would buy
 8 it?
 9 **A.** **Because it was part of the better**
 10 **package. We thought if we could resurrect it -- but**
 11 **each of the plants is a stand-alone company.**
 12 **Rockland doesn't own anything, by the way. We're**
 13 **not a bank. We don't have unlimited sources of**
 14 **income or anything like that. We have funds and**
 15 **we've dedicated and through the investment community**
 16 **vehicle, this got approved to purchase. We had**
 17 **nothing to lose to try and make it work.**
 18 **Q.** Just to clarify, I thought Mr. Beach
 19 said it operates year round?
 20 **A.** **It doesn't operate year round. We are**
 21 **manned year around.**
 22 MR. BRENNER: Maybe that's what he meant.
 23 That's all.
 24 ALJ BOGGESS: Mr. Ginsburg?

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1 CROSS-EXAMINATION
 2 BY MR. GINSBURG:
 3 **Q.** You're familiar with the MicroGADS
 4 program, right?
 5 **A. Sure.**
 6 **Q.** Are you familiar with the codes
 7 generated by MicroGADS?
 8 **A. The codes are generated by the**
 9 **information that the plant puts in. They're not**
 10 **generated by MicroGADS.**
 11 **Q.** So what does the code "reserve shut
 12 down" represent?
 13 **A. It means that the market -- it's**
 14 **available, but the market didn't need it.**
 15 **Q.** So that has nothing to do with the
 16 maintenance of plant?
 17 **A. Absolutely not. All it means is the**
 18 **plant is sitting.**
 19 **Q.** Is reserve shut down indicative of a
 20 forced outage?
 21 **A. No.**
 22 **Q.** You testified for a minute about the ash
 23 pond remediation that needs to be done?
 24 **A. Yes.**

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1 **Q.** Isn't it true that the subject is
 2 currently receiving variances from the Illinois EPA
 3 for the ash pond remediation project?
 4 **A. Totally untrue.**
 5 **Q.** What's the status of the ash pond
 6 remediation right now?
 7 **A. There is no remediation effort that is a**
 8 **physical remediation effort. We have presented them**
 9 **with a ground water management zone application.**
 10 **They required more testing, more wells in accordance**
 11 **with the federal regulations, and we have just**
 12 **completed that. We're assembling that.**
 13 **They have asked for more modeling of**
 14 **the various constituents for inground water and when**
 15 **all that is done, we'll go back and present it to**
 16 **them.**
 17 **Q.** At this moment in time, there is no
 18 deadline by which the subject must complete an ash
 19 pond remediation?
 20 MR. DOODY: Objection. The years we're
 21 talking about are 2014, 2015. At this point in time
 22 we're in 2018, which is --
 23 MR. GINSBURG: Everything that he's testified
 24 about has happened after 2014. He didn't -- his

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1 testimony is he didn't even inspect the plant until
 2 sometime in 2014.
 3 MR. DOODY: That's not his testimony.
 4 MR. GINSBURG: He testified that he didn't do
 5 an inspection for the sale. So he must have gone
 6 after the sale, which was after 2014, which means
 7 every single word he stated is based upon
 8 observations that took place after 2014.
 9 ALJ BOGGESS: What's the relevance of the
 10 status of the ash retention pond in '18 for '14 and
 11 '15 appeals, Mr. Ginsburg? How does it affect the
 12 value -- estimated value of the property.
 13 MR. GINSBURG: I guess I don't know, but he
 14 testified about it. I guess, you know, it's -- I'll
 15 withdraw the question.
 16 ALJ BOGGESS: You may continue.
 17 MR. GINSBURG: I don't think there's any
 18 relevance quite frankly, but his testimony.
 19 BY MR. GINSBURG:
 20 **Q.** What was Rockland's action plan when
 21 they purchased the plant? I suppose there was some
 22 capital expenditures and maintenance that Rockland
 23 was willing to put into the plant as soon as they
 24 bought it. What maintenance did they put into the

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1 plant?
 2 **A. When we first bought it?**
 3 **Q.** Yes. Early on.
 4 **A. I don't think there was a solid**
 5 **maintenance plan or action plan at that point. I**
 6 **think we were trying to figure out first where we**
 7 **were going to get people to operate it because**
 8 **Ameren had let many of these people go and had done**
 9 **that over the previous several years because of the**
 10 **seasonal operation.**
 11 **Number two, I had three plants to**
 12 **deal with in addition to other plants that I had.**
 13 **So it was slow developing, you know, a game plan for**
 14 **that plant, but there was no particular that I'm**
 15 **aware of. I mean, we probably put some maintenance**
 16 **money in the long-term budget that wasn't earmarked**
 17 **for anything in particular.**
 18 **Q.** It's my understanding that several of
 19 the complaints that you had about the prior owner
 20 personnel were personnel procedures, maintenance.
 21 These are -- those were the discretionary decisions
 22 of Ameren, right?
 23 **A. Sure.**
 24 **Q.** And it's your -- and are you saying that

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1 you kept those the same or that's -- you took action
2 to change those immediately?

3 **A. They have been changed over the years,**
4 **yes. I am no longer the asset manager for the**
5 **facility. I know --**

6 **Q.** But you were at the time?

7 **A. Yes.**

8 **Q.** When they took over the plant, when did
9 they change the personnel, the procedures, the
10 maintenance issues that you found to be so
11 problematic for this plant?

12 **A. I don't think we even addressed the**
13 **operating procedures while I was there. But the**
14 **maintenance procedures, we started looking at those**
15 **right away.**

16 **Q.** So am I correct to understand that you
17 basically kept the plant running the same way that
18 Ameren kept the plant running?

19 **A. You can't change things overnight. In**
20 **fact, when you do an acquisition on a facility,**
21 **probably your first six months is geared towards**
22 **trying to get your Internet connections in there,**
23 **your business networks, you know, getting your**
24 **personnel familiar with their new employer. I'm not**

1 **A. After parts and that whole debacle,**
2 **yeah.**

3 **Q.** Certainly not close to \$12 million in
4 capital expenditures, true?

5 **A. Not that I'm aware of.**

6 **Q.** You would know, right?

7 **A. Right.**

8 **Q.** If Rockland spent \$12 million to upgrade
9 this plant, that's something you would be aware?

10 **A. I would know.**

11 **Q.** Has Rockland spent \$11 million,
12 \$12 million total in capital expenditures?

13 **A. I can't tell you that.**

14 **Q.** Does the Grand Tower plant have a
15 problem shutting down once it's up and running? I
16 know it has problems getting up and running. But
17 once it's up and sailing, does it keep on going?

18 **A. Yeah. It had -- any plant will have**
19 **issues while it's running.**

20 **Q.** But while it's -- but a problem with
21 this plant is not that it's up and going at full
22 bearing load and then it just shuts down, right?
23 The issues go with the start-up and getting it
24 started up, right?

1 **their employer. Getting -- talking to NAES and**
2 **trying to establish a pattern. They did their own**
3 **audits. They provided their own audits on the**
4 **safety and environmental and maintenance and things**
5 **like that. All that stuff takes time.**

6 **Q.** What's is a hot gas path?

7 **A. Hot gas path is an inspection of the**
8 **turbine section and the combustion section of the**
9 **hot gas pack of the combustion turbine.**

10 **Q.** Did Rockland complete a major hot gas
11 path upgrade or renovation or replacement in the
12 Grand Tower facility in 2014?

13 **A. No. We did a combustion inspection.**

14 **Q.** What is a combustion?

15 **A. A combustion inspection is an inspection**
16 **of the combustion section.**

17 **Q.** What was the cost for that?

18 **A. I don't remember.**

19 **Q.** Millions or hundreds of thousands?

20 **A. I would say for the labor portion of it,**
21 **probably \$250,000.**

22 **Q.** In 2014, I have estimates of
23 expenditures of about 2 to \$3 million. Does that
24 sound about right to you?

1 **A. Majority of our issues were with**
2 **start-ups, yes.**

3 **Q.** My understanding was correct, that you
4 did not inspect this plant prior to the purchase,
5 physically inspect the site and the actual facility?

6 **A. I did not. Rockland did, though.**

7 **Q.** Your estimate of the 2001 through 2013
8 capacity factor was 8 percent. Is that what your
9 testimony was?

10 **A. Correct.**

11 **Q.** What work did the plant owners do with
12 the Army Corps of Engineers to resolve the dry
13 Mississippi River problem?

14 **A. That we did?**

15 **Q.** Yeah. What did you guys do to work with
16 the Army Corps of Engineers to get that problem
17 resolved?

18 **A. We had to call, get a permit, and then**
19 **we're allowed to dredge for a certain amount of time**
20 **with a crawler sitting on the bank as far as out as**
21 **it could reach. We weren't allowed to go out in the**
22 **river. And it's true today because we just had to**
23 **dredge a couple months ago, and that sand has to**
24 **stay right on the side of the river.**

1 **Q.** So with some extra effort, you were able
 2 to resolve the water problem, and that's something
 3 that has been permitted by the federal government?
 4 **A.** It is a short-term solution. It does
 5 not solve the problem. Ameren had been down that
 6 route with the Army Corps of Engineers prior to us
 7 coming onboard and they went through a several year
 8 effort with the Army Corps and they put -- I believe
 9 it's called -- some type of weir out in the channel
 10 so that hopefully it would redirect the sand away
 11 from Grand Tower, and it never did. And it's out of
 12 operation for 10 to 14 days when this happens every
 13 time.
 14 **Q.** I saw a note somewhere in the record
 15 that the duct burners were out of service at some
 16 point?
 17 **A.** When we fired the facility, they were
 18 out of service and non-functional and had been for
 19 many years.
 20 **Q.** Are they currently in service?
 21 **A.** I believe they are, yes.
 22 **Q.** Do you know at what point they came into
 23 service?
 24 **A.** I do not know. I could tell you it's

1 **is identified, we try and put a dollar amount on it.**
 2 **If Jon and his team asked me to do that, I may go to**
 3 **engineers for that type of information and things.**
 4 **But if it's a regulatory issue or an environmental**
 5 **issue, we pull in consultants who can advise us on**
 6 **all those issues. And we try and understand what**
 7 **the liabilities are with these -- whether it's a**
 8 **maintenance, operational, or environmental issue,**
 9 **and whether or not that -- those can be mitigated**
 10 **with just dollars or whether it's a real liability**
 11 **that may bankrupt the facility and cause us to lose**
 12 **it.**
 13 **Q.** And during your due diligence stage,
 14 during your participation in that due diligence
 15 study, what did you determine was causing the high
 16 forced outage rates?
 17 **A.** There was -- there's a multitude of
 18 things that cause forced outages, and sometimes they
 19 don't repeat themselves. Sometimes an exciter
 20 faults on a steam turbine generator. I remember one
 21 of those that year. Several times that they had
 22 them on one of the units. Whether it was a steam
 23 turbine control valve sticking shut or open as the
 24 case may be. There's hundreds of cause codes for

1 **not '14 and it wasn't '15. Let's put it that way.**
 2 MR. GINSBURG: I have no further questions.
 3 EXAMINATION
 4 BY ALJ BOGGESS:
 5 **Q.** Mr. Rapenske, I believe you testified
 6 you were part of due diligence, staging, purchasing
 7 the subject property?
 8 **A.** That's correct.
 9 **Q.** This was part of a three-plant portfolio
 10 sale; is that correct?
 11 **A.** That's correct.
 12 **Q.** Did you have the option or was there
 13 discussion about buying one, two, or all three of
 14 the properties or you had to take it as a whole
 15 package?
 16 **A.** You had to take it as a package was my
 17 understanding. I did not have those discussions
 18 with Ameren. That was relayed to me by Jon and
 19 others.
 20 **Q.** And what was your role as part of the
 21 due diligence stage?
 22 **A.** My role was to look at the maintenance
 23 records, the operational records, the environmental
 24 records and identify issues. Typically, if an issue

1 **these things. Over time, you know, you can rack up**
 2 **hundreds of different reasons, but most of them are**
 3 **maintenance related.**
 4 **When you look into them and go what**
 5 **did you do to prepare -- some of it is obsolescence**
 6 **of equipment. What are you doing to prepare for**
 7 **replacement of this equipment? What are you doing**
 8 **to repair this equipment properly so this problem**
 9 **never happens again? That type of thing.**
 10 **Q.** So who would have been responsible for
 11 inspecting the valves or determining that they
 12 should have been changed in the steam generators or
 13 the insulation on the generators?
 14 **A.** The plant staff.
 15 **Q.** Who would have been responsible for
 16 that?
 17 **A.** The plant staff would have been
 18 responsible under Ameren's reign to report it up to
 19 Ameren.
 20 **Q.** Who would have been responsible for
 21 those items in the due diligence stage?
 22 **A.** For identifying them?
 23 **Q.** Yes.
 24 **A.** That would have been me.

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1 Q. That would have required a physical
2 inspection, wouldn't it? How else are you going to
3 see if the insulation on the generator is bad?

4 A. **There's reports that are in the data
5 room. There's also other people that went to the
6 facility from Rockland to inspect it. I just
7 happened to be busy with my other facilities and
8 couldn't make that trip. We're given one day, a
9 couple hours, to go into a facility and look at it.
10 This is not a long-term effort. The effort -- the
11 long-term portion of that effort is the data room.
12 You can't uncover everything. It's -- even in a
13 visit, they're taking you and show you what they
14 want to show you.**

15 Q. Right. But you certainly had some
16 baseline to consider the subject, whether it was a
17 good purchase or bad purchase, based on the reduced
18 capacities and the number of forced outage days,
19 right?

20 A. **Correct. I don't personally make the
21 decision nor I do weigh in on the investment
22 committee's decision to purchase anything. If it
23 was my personal dollars and there was a way for me
24 to steer clear of that plant, I would have.**

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1 Q. When you were purchasing the subject
2 property, did you look at installed capacities?

3 A. **I'm sure we looked at capacities.**

4 Q. And would you be looking at what the
5 potential capacity was of the subject property?

6 A. **Jon and his team forecast that.**

7 Q. And we talked a little bit about the ash
8 pond clean up and the asbestos costs. Those were
9 not remediated in any manner in '14 or '15; is that
10 correct?

11 A. **We started to spend money on the ash
12 pond acquisition. And what happens on the asbestos
13 is, as we do work in those particular areas and
14 those systems, we are required to remediate it.**

15 ALJ BOGGESS: I believe that's all I have.
16 Mr. Doody, any redirect?

REDIRECT EXAMINATION

BY MR. DOODY:

19 Q. Although you weren't personally able to
20 inspect the subject prior to the purchase, did
21 Rockland hire an outside company to investigate it?

22 A. **We did. We hired NPR Associates and
23 went on a site visit.**

24 Q. What was -- do you know what their

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1 findings were?

2 MR. GINSBURG: Objection. Hearsay.

3 MR. DOODY: Actually, no. It's a business
4 record.

5 MR. GINSBURG: What business record? It's
6 the opinion of somebody else told to somebody else.
7 We don't even know if he's inspected it.

8 THE WITNESS: I've inspected their findings.
9 It was very easy. We didn't have them write a very
10 extensive report. They wrote key findings.

11 BY MR. DOODY:

12 Q. What were the key findings of that
13 report?

14 MR. GINSBURG: Same objection. Hearsay. We
15 haven't had a chance to review these findings. We
16 have no idea the credibility of the findings, who
17 made the findings. They could have filed these
18 findings. Sounds like it would have benefitted
19 their case to do so, but they chose not to.

20 ALJ BOGGESS: These findings haven't been
21 submitted in the record, Mr. Doody?

22 MR. DOODY: They have not. They're only
23 offered in response to the questions about that he
24 didn't personally inspect the property, but I

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1 believe he'll testify that in the normal course of
2 business they hire outside consultants to come in
3 and perform some of this work. That's part of
4 getting ready to purchase the property. It's a
5 normal course of business if you're going to buy
6 property.

7 It's no different than my hiring a
8 house inspector to come in and tell me what's wrong
9 with the house before I buy it. They don't find
10 everything, of course, because as soon as you get in
11 there, you find out they missed a leaky pipe or
12 something. But it's no different in this business.

13 MR. GINSBURG: I've never heard of somebody
14 else testifying as to what the inspector said. You
15 bring the inspector to testify. You have the
16 inspector testify about their report. This is
17 someone else's business record. This is not
18 Rockland's business record.

19 MR. DOODY: Actually, they are Rockland's
20 business records because they're the ones that hired
21 them and they're relying upon their recommendations
22 and findings.

23 MR. GINSBURG: That's not how that works.

24 ALJ BOGGESS: This witness testified he

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1 relied upon those findings and you are testifying
2 concerning the inspections prior to and after the
3 purchase of the property. I'll overrule the
4 objection.

5 BY MR. DOODY:

6 Q. Do you remember the question?

7 A. **I do. What it was, as I recall, was a**
8 **two or three-page report, key findings. Asbestos,**
9 **gas turbine coolers undersized, the ash pond, the**
10 **long start-up times, the duct burners. They hit on**
11 **the same items pretty much that I've identified.**

12 MR. DOODY: Nothing further.

13 ALJ BOGGESS: Mr. Brenner?

14 MR. BRENNER: No, sir.

15 ALJ BOGGESS: Mr. Ginsburg?

16 MR. GINSBURG: No sir.

17 ALJ BOGGESS: Next witness.

18 (Whereupon the proceedings in the
19 above-entitled cause were
20 continued until 9 a.m. on the
21 22nd day of May, 2018.)

22 * * * * *

23

24

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1 STATE OF ILLINOIS)
) ss:

2 COUNTY OF C O O K)

3

4 ELISABETH D. COLLOPY, CSR, RPR, being first
5 duly sworn, deposes and says that she is a Certified
6 Shorthand Reporter in Illinois, and reporting
7 proceedings in the Courts in said State;

8 That she reported in shorthand and thereafter
9 transcribed the foregoing proceedings;

10 That the within and foregoing transcript is
11 true, accurate and complete and contains all the
12 evidence which was received in the proceedings had
13 upon the within case.

14 IN WITNESS WHEREOF I have hereunto set my hand
15 this 17th day of June, 2018.

16

17

18 ELISABETH D. COLLOPY, CSR, RPR
19 Illinois License No. 084-004192

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