

STATE OF ILLINOIS
89TH GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES
TRANSCRIPTION DEBATE

107th Legislative Day

March 25, 1996

Speaker Daniels: "The House will come to order. Members will please be in their chairs. Those not entitled to the Floor will please retire to the Gallery. The Chaplain for the day is Pastor Ron Reynolds of the Mt. Vernon Baptist Temple in Waltonville. Pastor Reynolds is the Guest of Representative John Jones. Guests in the Gallery may wish to rise for the Invocation. Pastor Reynolds."

Pastor Ron Reynolds: "Let us pray. Our Father and great God, we thank You for another day of life. Lord, I thank You for these people that You have led to go into the area of legislation and I pray God that You grant unto each one of them, Lord, the faith of Abraham; Lord give them the wisdom of Solomon and the sacrificial spirit of the Lord Jesus Christ. Lord, bless this Assembly. May Your will be done and all that we say and do in Jesus name, Amen. Thank you."

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

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

Speaker Daniels: "Roll call for attendance. Representative Currie is recognized in the Democratic side of the aisle for any excused absences."

Currie: "Thank you, Speaker. Please let the record show that Representatives Kotlarz, Martinez, Phelps, and Santiago are excused."

Speaker Daniels: "The record will so reflect. Representative Cross is recognized on the Republican side of the aisle for any excused absences."

Cross: "Thank you, Mr. Speaker. The record will please reflect

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that Representatives Durkin and Salvi are excused today."

Speaker Daniels: "The record will so reflect. Mr. Clerk, take the record. There are 108 Members answering the roll call and a quorum is present. The House will now come to order. House Bill, Second Reading. House Bill 378. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 378, a Bill for an Act that amends the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. Committee Amendment #2 was referred to Rules. No Floor Amendment. State Mandates Note has been requested on the Bill as Amended and has not been filed."

Speaker Daniels: "Leave that Bill on Second Reading. House Bill 379. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 379. The Bill has been read a second time previously. Amendment #1 was adopted in Committee. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 885."

Clerk McLennand: "House Bill 885. The Bill has been read a second time previously. Floor Amendment #1 was referred to Rules. Committee Amendment #2 was adopted. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 2579. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2579, a Bill for an Act that amends the Civil Administrative Code of Illinois. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 2695."

Clerk McLennand: "House Bill 2695, a Bill for an Act to create the Bond Ordinance Hearing Acts. Second Reading of this House Bill. Amendment #1 was adopted in committee."

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Committee Amendment #2 was referred to Rules. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 2900. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2900, a Bill for an Act in relation to local open space in recreational land acquisition. Second Reading of this House Bill. Committee Amendments #1 and 2 were adopted. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 3091. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3091. The Bill has been read a second time previously. Committee Amendments #1, 2, and 3 were referred to Rules. No Floor Amendments. No Note Requests outstanding."

Speaker Daniels: "Third Reading. House Bill 3133. House Bill 3133, read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3133, a Bill for an Act that amends the Property Tax Code. Second Reading of this House Bill. Amendment #1 was adopted in Committee. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 3204. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3204, a Bill for an Act concerning Tax Official. Second Reading of this House Bill. Committee Amendment #1, was referred to Rules. Floor Amendment #2, has been referred to Rules. No Note Requests."

Speaker Daniels: "Hold that Bill on Second Reading. House Bill 3282."

Clerk McLennand: "House Bill 3282, a Bill for an Act that amends the Property Tax Code. Second Reading of this House Bill.

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Amendment #1 was adopted in Committee. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 3380."

Clerk McLennand: "House Bill 3380, a Bill for an Act in relation to State Government. No Committee Amendments. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 3395."

Clerk McLennand: "House Bill 3395, a Bill for an Act to provide for the establishment of Pilot Enterprise High Schools and Work Study Programs. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Note Requests."

Speaker Daniels: "Representative, you want to hold that on Second Reading? Hold that Bill on Second Reading, please. House Bill 3546."

Clerk McLennand: "House Bill 3546, a Bill for an Act that amends the Illinois Income Tax Act. Second Reading of this House Bill. Committee Amendment #1 was referred to Rules. A Fiscal Note and a State Mandates Note have been requested on the Bill and both have been filed."

Speaker Daniels: "Third Reading. House Bill 3601. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 3601, a Bill for an Act that amends the Code of Civil Procedures. Second Reading of this House Bill. No Committee Amendments. No floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 3613."

Clerk McLennand: "House Bill 3613. The Bill has been read a second time previously. Amendment #1 was adopted in Committee. No Floor Amendments. A Fiscal Note has been filed on the Bill as amended."

Speaker Daniels: "Third Reading. House Bill 3614."

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Clerk McLennand: "House Bill 3614, a Bill for an Act that amends the Illinois Public Aid Code. Second Reading of this House Bill. Amendment #1, was referred to Rules. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 3670."

Clerk McLennand: "House Bill 3670, a Bill for an Act that amends the Code of Civil Procedure. Second Reading of this House Bill. Amendment #1, was adopted in committee. Committee Amendment #2, was referred to Rules. Committee Amendment #3 was ruled nongermane. No Floor Amendments."

Speaker Daniels: "Third Reading. House Bill 3677."

Clerk McLennand: "House Bill 3677. The Bill has been read a second time previously. Committee Amendment #1 was adopted. Committee Amendment #2 was referred to Rules. A Fiscal Note has been filed on the Bill as Amended by House Amendment #1."

Speaker Daniels: "Third Reading. House Bill 3694."

Clerk McLennand: "House Bill 3694, a Bill for an Act making appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Note Requests."

Speaker Daniels: "Third Reading. House Bill 3695."

Clerk McLennand: "House Bill 3695, a Bill for an Act making Appropriations. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. No Motions."

Speaker Daniels: "Third Reading. House Bill 3696."

Clerk McLennand: "House Bill 3696, a Bill for an Act making appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions."

Speaker Daniels: "Third Reading. House Bill 3697."

Clerk McLennand: "House Bill 3697, a Bill for an Act making

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Appropriations. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Motions."

Speaker Daniels: "Third Reading. House Bill 2773. Read the Bill Mr. Clerk."

Clerk McLennand: "House Bill 2773. The Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A State Mandates Note has been requested and has been filed."

Speaker Daniels: "Third Reading. House Bills Third Reading. House Bill 1056. Representative Leitch. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 1056, a Bill for an Act that amends the Illinois Municipal Code. Third Reading of this House Bill."

Speaker Daniels: "Representative Leitch."

Leitch: "Thank you very much, Mr. Speaker and Ladies and Gentlemen of the House. House Bill 1056 addresses a problem that Representative Mautino and I and others have been working on for about the last three and a half years. And the Bill in its form now represents an agreement between the investor-owned utilities, namely Illinois Power and the municipal electric agencies in our state. What this Bill does is permit in resolving disputes over newly annexed territories. Definitions which will enable both each side to go forward as these problems may or may not occur. What the Bill does, is indicate that in newly annexed territories defines who will keep their customers. It keeps in effect everybody the same as they were previously with customers at metered locations, that each may or may not have been serving. The Bill further provides for an expansion of franchise agreements which we hope will then permit these communities to further refine

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and further define the differences that they may have between each other and resolve them. And finally, it provides and protects for the legal status of each side in those areas where they cannot agree, reserves those rights to go to court. This is a Bill I do not know that it has any opponents and I'd like to thank all those in this chamber for their patience and for their diligence in working to resolve what has been an extraordinarily difficult issue."

Speaker Daniels: "Any discussion? Gentleman from Clinton, Representative Granberg."

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

Speaker Daniels: "He indicates he will."

Granberg: "Representative Leitch, is this the language that we talked about last week with Floor Amendment #4 that incorporated the agreement between the IMEA and the Illinois Power?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes it is."

Speaker Daniels: "Representative Granberg."

Granberg: "Thank you, well Ladies and Gentlemen of the House, I rise in support of the Bill and I want to congratulate the Representative Leitch and Representative Mautino for the hard work they put in on this issue over the course of the last year. They have worked diligently and put in long hours to reach an agreement or reach an accord on this measure. Both Gentlemen have been dedicated and they've worked in a bipartisan fashion, something which has become increasingly unusual in this House. So, I want to congratulate the two Members and I certainly rise in support of the Bill."

Speaker Daniels: "Representative Mautino."

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

Speaker Daniels: "He indicates he will."

Mautino: "Representative Leitch, I have some questions I'd like to ask for Legislative intent in regards to House Bill 1056. Does the Bill apply to all Municipal Electric and Gas utilities?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes."

Speaker Daniels: "Representative Mautino."

Mautino: "When references made to investor-owned customers, are we referring only to those located at metered locations?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes."

Speaker Daniels: "Representative Mautino."

Mautino: "Does the Bill give Municipal Electric and Gas utilities the exclusive right to serve all customers at metered locations outside their Municipal limits which they are serving on the effective date of the legislation?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes, but again it does not affect the rights of electric cooperatives under the Illinois Municipal Code."

Speaker Daniels: "Representative Mautino."

Mautino: "Does the Bill authorize municipalities to grant franchises to or enter into agreements with investor-owned public utilities which divide up service territories on either exclusive or nonexclusive basis?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes."

Speaker Daniels: "Representative Mautino."

Mautino: "Will the agreements between the municipality and investor-owned public utilities be subject to approval by the Illinois Commerce Commission?"

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Speaker Daniels: "Representative Leitch."

Leitch: "Yes, if the agreement provides for exclusive service territories for the parties, the agreements must be approved by the Illinois Commerce Commission, but enforcement and interpretation of the agreement shall be by the Circuit Court and the county where the municipality is located."

Speaker Daniels: "Representative Mautino."

Mautino: "Does the Bill prevent municipal utilities from serving new customers outside their municipal limits which they are otherwise lawfully entitled to serve under existing law?"

Speaker Daniels: "Representative Leitch."

Leitch: "No."

Speaker Daniels: "Representative Mautino."

Mautino: "Thank you. To the Bill. Ladies and Gentlemen, I stand in strong support of this Bill. Representative Leitch and myself have been negotiating this issue for the past three, almost four years now, and all parties have come together. We do have agreements and would appreciate an affirmative vote from the House."

Speaker Daniels: "Representative Ryder."

Ryder: "Thank you, Mr. Speaker. Would the Sponsor yield for questions to establish Legislative intent?"

Speaker Daniels: "Indicates he will."

Ryder: "Thank you. Representative, does this Bill allow an electric public utility to continue to serve residential customers located within the corporate limits of a municipal electric supplier that the utility is already serving on the effective date of this Act?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes, however, the residential customer can switch to service from the municipality at any time the customer wishes."

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Speaker Daniels: "Representative Ryder."

Ryder: "Does this Bill also allow electric public utility to continue to serve residential customers located outside the corporate limits of a municipal electric supplier that the utility is already serving on the effective date of this Act, if the municipality later annexes that area where the customer is located."

Speaker Daniels: "Representative Leitch."

Leitch: "Yes, however, after the annexation occurs, the residential customer may switch to service from the municipality at any time the customer wishes."

Speaker Daniels: "Representative Ryder."

Ryder: "Does this Bill entitle electric public utility to continue to serve nonresidential customers located within the corporate limits of a municipal electric supplier that the utility is already serving on the effective date of this Act?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes, the nonresidential customer cannot switch to service from the municipality."

Speaker Daniels: "Representative Ryder."

Ryder: "Does this Bill entitle electric public utility to continue to serve nonresidential customers located outside the corporate limits of a municipal electric supplier that the utility is already serving on the effective date of this Act if the municipality later annexes that area where the customer is located for a period of two years after the annexation."

Speaker Daniels: "Representative Leitch."

Leitch: "Yes, the nonresidential customer cannot switch the service from the municipality during that two year period following the annexation."

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Speaker Daniels: "Representative Ryder."

Ryder: "After the two year period following annexation ends, does this Bill allow the electric public utility to continue to serve the nonresidential customer located in the annexed area?"

Speaker Daniels: "Representative Leitch."

Leitch: "Yes, however, after the two year period ends, the nonresidential customer located in the annexed area may switch to service from the municipality at any time the customer wishes."

Speaker Daniels: "Representative Ryder."

Ryder: "Where an area is annexed by a municipality after the date of this Amendment and a new customer then locates in the newly annexed area, does this Bill establish any new law with respect to the rights of a municipal electric utility and an investor owned utility to serve that new customer?"

Speaker Daniels: "Representative Leitch."

Leitch: "No, it does not."

Speaker Daniels: "Representative Ryder."

Ryder: "To the Bill, Representative Leitch. You and Representative Mautino have worked very hard on this. You've dealt with a lot of adversity and opposition and I congratulate you on producing a Bill that I look forward to voting."

Speaker Daniels: "Representative Mitchell."

Mitchell: "Thank you, Mr. Speaker. I rise in support of House Bill 1056. I, too, would like to offer my congratulations to both Representative Leitch and Representative Mautino for their hard work. This Bill definitely allows the smaller municipally-owned electric company such as mine, in Rock Falls, to be on an equal footing as we move closer and closer to electric wheeling. As the competition opens up

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for electric services, we can't afford or allow our smaller municipally-owned electric companies to be swallowed up by some of the corporate giants. This Bill offers them some protection. It offers them some relief, and allows them an equal footing of all of those. I would urge everyone of this House to vote for this Amendment so that we can move ahead to open competition for electric rates. Thank You."

Speaker Daniels: "Representative Winkel. Representative Lang. The Gentleman, Representative Leitch to close."

Leitch: "Again, I would like to thank Representative Mautino, and the others in the House for their patience and for their diligence in working with us to craft an agreement that has taken a great deal of time to put together and one I believe is fair to all the parties and I would ask for your favorable roll call support."

Speaker Daniels: "The question is, 'Shall House Bill 1056 pass?' All those in favor indicate by voting 'aye'; opposed by voting 'no'. This is final action. 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 107 'ayes', none voting 'no', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. House Bill 2697. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2697, a Bill for an Act that amends the Illinois Credit Union Act. Third Reading of this House Bill."

Speaker Daniels: "Representative Deuchler."

Deuchler: "Mr. Speaker, Ladies and Gentlemen of the House. House Bill 2697 was one of our two Omnibus Committee Bills. It includes several provisions and had unanimous support. It increases the penalty from a Class A Misdemeanor to a Class

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3 Felony for engaging in the business of transmitting money without a license. This was requested by the Department of Financial Institutions and is included in Amendment 1 to the Bill. It also gives the Department of Financial Institutions the power to issue a Cease and Desist Order without an administrative hearing to affirm which Department of Financial Institutions believes to be engaged in title insurance transactions without a license. This also was requested by the Department of Financial Institutions. It creates a new adverse claims to Deposit Accounts Act, protecting banks under certain circumstances from adverse claims levied against deposit accounts by persons who have loaned money to depositors. This was requested by the Community Bankers Association as included in Amendment 2 to the Bill. I'd be glad to respond to any questions."

Speaker Black: "You've heard the Lady's explanation of the Bill and on that is there any discussion? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "She indicates she will."

Hoffman: "Yes, Madam Chairman. Representative, over here. Could you go over once again the penalties that would be imposed as a result to this Act."

Speaker Black: "Representative Deuchler."

Deuchler: "Are you referring to the transmitter of money portion of the fines?"

Speaker Black: "Representative Hoffman."

Hoffman: "Yes, please."

Speaker Black: "Representative Deuchler."

Deuchler: "It increases the penalty for engaging in the unlicensed transition of money from a Class A Misdemeanor

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to a Class 3 Felony."

Speaker Black: "Representative Hoffman."

Hoffman: "What is the unlicensed transmission of money?"

Speaker Black: "Representative Deuchler."

Deuchler: "The Western Union, any wire transfer."

Speaker Black: "Representative Hoffman."

Hoffman: "It is my understanding that we are also allowing them to issue a Cease and Desist Order in order to ensure that there is compliance with the licensing requirements. Is there any due process provisions to ensure that individuals do not have their rights, or they do have their rights they can account when a Cease and Desist Order is sought and given?"

Speaker Black: "Representative Deuchler."

Deuchler: "Well, they can get a review under the Administrative Review Law. A review of a Cease and Desist Order."

Speaker Black: "Representative Hoffman."

Hoffman: "Is there then a provision to allow for the appeal of any order under the Administrative Review Provisions? Can you then appeal that to Circuit Court or to the Court of Appeals?"

Speaker Black: "Representative Deuchler."

Deuchler: "Yes, there is Representative."

Speaker Black: "Representative Hoffman."

Hoffman: "Yes, I believe that this passed unanimously out of Committee. I was in that Committee. I think it's a good Bill. I would like to congratulate the Chairman on working very hard on this Bill and I urge an 'aye' vote."

Speaker Black: "Representative Black in the Chair. Any further discussion? With no one seeking recognition, the Lady from Kane, Representative Deuchler to close."

Deuchler: "Just to ask for an affirmative vote."

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Speaker Black: "The question is, 'Shall House Bill 2697 pass?'

All those in favor vote '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 107 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, would you please read House Bill 2819?"

Clerk McLennand: "House Bill 2819, a Bill for an Act that amends the Illinois Insurance Code. Third Reading of this House Bill."

Speaker Black: "And on this Bill, the Gentleman from DuPage, Representative Tom Johnson, is recognized."

Johnson, Tom: "Thank you, Mr. Speaker, Members of the House. House Bill 29 (sic-2819) as charitable organizations to issue charitable gift annuities, if the annuities are backed by an insurer authorized to do business in Illinois. The reason that we proposed this was that a year ago, we modified the same section of the statute that basically would knock out the ability of many not-for-profit organizations to even get into the business of sponsoring and issuing a charitable annuities. This Amendment now is after a lot of discussions and I know of nobody in opposition to this with the insurance industry. Those not-for-profits involved as well as the Department of Insurance and I would urge an 'aye' vote on this."

Speaker Black: "You've heard the Gentleman's Motion. Is their any discussion? On that the Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

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Lang: "Representative, is Amendment #2 on the Bill that deals with increasing the minimum wage in the State of Illinois?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "No, I don't recall hearing if that was ever proposed or adopted. But, no it does not."

Speaker Black: "Representative Lang."

Lang: "Did you oppose that in Committee, Sir?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "I believe that the Committee opposed that, Representative Lang in that it was not germane to what we were doing with this particular section of law."

Speaker Black: "Representative Lang."

Lang: "Thank you. Can you tell us, those of us who are unsure about exactly what this is all about, what the charitable gift annuities are?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "Yes, the charitable gift annuities; these are instruments that are allowed and designed to allow a donor to make substantial current donation to a charity, while retaining a lifetime income-interest in the gift. And the reason these are often used as being able to get money to charities and so on before you die, is that it gives you a favorable income and gift and an state tax treatment."

Speaker Black: "Representative Lang."

Lang: "What is the rationale for changing the law from the current number of years from 20 to 10?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "That is not changed, Representative Lang. It still remains 20, that wasn't changed, as you recall."

Speaker Black: "Representative Lang."

Lang: "Representative, if I'm reading your Amendment properly, you've changed the number of years the organization has to

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exist for the exemption from 20 and reduced it to 10. Am I reading this incorrectly?

Speaker Black: "Representative Johnson."

Johnson, Tom: "In the Bill, which I had initially proposed, we had put in 10. The Amendment changes that back to 20."

Speaker Black: "Representative Lang."

Lang: "All right, and one of the ways someone can get this exemption is if the organization has an unrestricted fund balance of \$2 million. How did you reach that figure to be part of your elements of being able to get this exemption?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "That's current law. That's not changed. That's current law."

Speaker Black: "Representative Lang."

Lang: "And could you tell us what the reason is, what the rationale is for making these changes at all? Why should these be exempt?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "Yes, Representative Lang, as you recall last year we passed a change in this particular section that basically said that you had to have a minimum balance of \$2 million or be in existence for 20 years and those were the only two exemptions that were possible to have under what we did last year. Unbeknownst to many of us that basically ruled out any new organizations from ever beginning this type of a program. I happen to have a senior retirement center in my district that had initiated this program a couple years ago, that was then knocked out completely. So, basically what this does is gives the necessary controls, namely that an insurance company has to be involved now with a direct obligation back to the donor in the event of anything ever going in to default, but

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permits these younger programs to continue to exist."

Speaker Black: "Representative Lang."

Lang: "Representative, was this Bill introduced by you in response to a specific request from a retirement home in your district?"

Speaker Black: "Representative Johnson."

Johnson, Tom: "Yes, it was. The Windsor Manor Retirement Center in Carol Stream. After that I know that there are a number of other organizations that have contacted me because they were unaware of what we had done last year."

Speaker Black: "Representative Lang."

Lang: "So, this wouldn't be just for your retirement home in your district. This wouldn't be Special Interest Legislation would it?"

Johnson, Tom: "No, it isn't."

Speaker Black: "Representative Lang, your five minutes has expired, would you have one more question?"

Speaker Black: "Any further discussion? With no one seeking recognition, the Gentleman from DuPage, Representative Johnson, to close."

Johnson, Tom: "Would just urge an 'aye' vote on this. I know of no opposition. Thank you."

Speaker Black: "The question is, 'Shall House Bill 2819 pass?'

All those in favor vote '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 105 voting 'aye', none voting 'nay', none voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 10 of the Calendar, there appears House Bill 2612. Please read the Bill."

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Clerk McLennand: "House Bill 2612, a Bill for an Act that amends the Wildlife Code. Third Reading of this House Bill."

Speaker Black: "And on this Bill, the Gentleman from Williamson, Representative Woolard, what is your pleasure? Take the Bill out of the record Mr. Clerk. Page 11 of the Calendar, there appears House Bill 2836. Read the Bill, Mr. Clerk."

Clerk McLennand: "House Bill 2836, a Bill for an Act relating to Income Funds of Public Universities. Third Reading of this House Bill."

Speaker Black: "And on that Bill the Gentleman from Coles, Representative Weaver is recognized."

Weaver: "Thank you very much, Mr. Speaker. Ladies and Gentlemen of the House, this Bill is virtually identical to House Bill 258 that passed out of here this past Spring with 114 votes. It essentially provides the tuition fees and other income received by the public universities will stay at the public universities. I think part of our continuing effort to allow them their independence and their ability to manage their own cash flow. We've debated this Bill on several occasions. I'll be more than happy to answer any questions, Mr. Speaker."

Speaker Black: "And on that is there any discussion? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Yes, you had talked about this Bill having passed by a large margin, I believe during the Spring. I guess last Spring, a year ago. What was the margin again?"

Speaker Black: "Representative Weaver."

Weaver: "It passed with 114 'aye' votes."

Speaker Black: "Representative Hoffman."

Hoffman: "But, I recall there being a significant amount of

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debate if I remember correctly, regarding provisions of this Bill. Specifically, it's my understanding that what we're allowing under this Bill, is we're allowing each university to keep the amount of interest that they earn within their system, is that right?"

Speaker Black: "Representative Weaver."

Weaver: "That's correct."

Speaker Black: "Representative Hoffman."

Hoffman: "What's the position of the other universities, other than the area the area that you represent?"

Speaker Black: "Representative Weaver."

Weaver: "Almost, universally in support. When we heard this Bill in committee this time around I don't believe that there were any universities even present that did not wholeheartedly support this. Not only in terms of them not being able to keep the interest, but, more importantly, the cash flow. That has presented them with a problem in the past and we have on several occasions made some specific exemptions; In the case of Chicago State, for example, when they get a massive increase in the number of students, they're able to collect the tuition. However, they're not able to spend that tuition to provide the necessary sections for those new students because we demand as a state that their money come over here and we sit on it for awhile."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, I guess the only concern would be is that we're essentially taking these monies out of the process and out of our oversight. And I think that some Members on this side of the aisle may be a bit concerned about that. What would be the fiscal impact on the state since this will no longer go into the General Revenue Fund?"

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Speaker Black: "Representative Weaver."

Weaver: "Well, our estimates are, that it might cost the state our treasury, I guess, anywhere from 3 to \$4 million. But that pretty much makes the argument that I have made all along, that we're costing the universities that much money simply because they're not able to collect the interest on it themselves."

Speaker Black: "Representative Hoffman."

Hoffman: "Yes, is Southern Illinois University, their system specifically taken a position on this?"

Speaker Black: "Representative Weaver."

Weaver: "I believe they're very much in favor of it. I think that Garret Deacon had at least admitted a slip during a Committee hearing in favor of the Bill."

Speaker Black: "Representative Hoffman."

Hoffman: "Do you know anybody in opposition to the Bill."

Speaker Black: "Representative Weaver."

Weaver: "The only folks I know that are opposed to it are the Comptroller's office and the Treasurer's office for obvious reasons."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, the Governor, for other obvious reasons, I don't know if he's taken a position. But I personally believe that this is a good piece of legislation representing the university area. I'm going to vote in favor of this. I think there may be others on this side of the aisle that may have some problems with it, for various reasons."

Speaker Black: "Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, let me see if I understand

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this correctly. What you're saying is that the universities who deposit these funds would get to keep the interest, is that pretty much what your Bill says?"

Speaker Black: "Representative Weaver."

Weaver: "Well, as I mentioned before, they get to keep the interest, but more important to them is the cash flow availability, specifically when they have rapid increases in student enrollment. They're forced by our current practices to send that tuition money to Springfield and so it's not available to them to provide the additional sections required by that increased enrollment."

Speaker Black: "Representative Lang."

Lang: "Well, Representative, here's my problem with the Bill. We, out of GRF, send these universities millions of dollars. They spend the money. They get tuition. They set the tuition based on what we send them and what the traffic will bear and what they need to proceed. Why shouldn't the money that they get in and why shouldn't that cash flow come back to the State of Illinois, so that we could improve our bottom line, since we have to then later appropriate money to them to help them get along anyway? Why should we allow them to do that? Why should we, for instance, allow universities with a larger cash flow and a larger bank balance as of a given date to get greater interest than some of the other schools that perhaps may need the money more? Aren't those our decisions based on the appropriations process?"

Speaker Black: "Representative Weaver."

Weaver: "Well, in a larger sense, that's correct. However, our appropriations to the universities is based upon projected enrollment and they really don't have any accurate way of projecting enrollment until the student shows up and

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actually registers. And so the appropriations that we're making now for next fiscal year, which includes Fall enrollment, can only be projected. And it's only an estimate. And the problem arises in very, very recent occurrences at Chicago State where they have literally thousands of students that show up to register for classes that were not projected. So, we actually have put the university at a disadvantage because we force them to send the money over here and they don't have the money to spend on those classes for the students that they didn't anticipate were going to show up and register."

Speaker Black: "Representative Lang."

Lang: "Well, if the money doesn't come back to us and to GRF, couldn't that be construed at some point that some of the smaller state universities would end up having to raise tuition because we'd have less money here to appropriate to them?"

Speaker Black: "Representative Weaver."

Weaver: "Are you speaking in favor of the Bill now? I'm not sure where you're coming from. Because we have less GRF, you're saying? I guess I didn't understand the question."

Speaker Black: "Representative Lang."

Lang: "If we have less GRF, Representative, then we'll have less money to give back to the universities, and could that not mean that some of the smaller universities might have to raise tuition because we won't have enough money to send them?"

Speaker Black: "Representative Weaver."

Weaver: "Well, the money doesn't go into GRF anyway. It goes into the Income Fund, which hopefully eventually, between 12 and 18 months later, we do actually give back to the universities. But as I mentioned several occasions before,

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the cash flow is really what we're trying to solve here. It's nice that they get the interest, but the cash flow is really the villain in this process."

Speaker Black: "Representative Lang."

Lang: "Can't you solve the cash flow problem without keeping the money in the individual universities, the interest portion? Can't you solve the cash flow problem and get us the interest here?"

Speaker Black: "Representative Weaver."

Weaver: "Not really, because there's no way of actually predicting how many students are going to enroll on the day that classes begin."

Speaker Black: "Representative Lang."

Lang: "Are you not also making some changes in the Pension Code here? What changes are those?"

Speaker Black: "Representative Weaver."

Weaver: "Yeah, effectively what we've done is, those employees that are paid from the Income Fund have in the past had their pension benefits picked up by CMS and we've simply allowed that to continue."

Speaker Black: "Representative Lang."

Lang: "Well, Ladies and Gentlemen, to the Bill. I have concern about taking away from our budgetary dollars. These funds that would reign in the universities, I think we're taking a risk that some of the smaller universities might get hurt by this. I'd hate to see there be tuition increases because of this concern about cash flow. I think there's probably a better way to do this."

Speaker Black: "Further discussion, the Lady from Sangamon, Representative Klingler."

Klingler: "Thank you very, much Mr. Speaker. I have worked very closely with the University of Illinois at Springfield,

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both before it's new status as the University of Illinois and also before as Sangamon State University. It is one of the smaller state universities of around 4,000 students. And I can tell you one of the primary concerns of the University of Illinois at Springfield, is that if this Bill passes, that the university be allowed to manage its own fund and be able to treat tuition in a business like manner. I can also tell you that when I talk to parents who pay tuition to state universities that they are shocked that the university money, instead of going directly to the college and staying there, comes to Springfield and goes into the General Fund and then has to go back. Parents feel that this is an extremely inefficient way to run a university system. They want their college tuition money to stay at the universities. I also, in addition to the U of I at Springfield, have visited a number of other campuses and talked to college presidents as my position in the Higher Education Committee. Every where I go, this is one of the primary issues for the university campuses. I strongly urge an 'aye' vote."

Speaker Black: "Further discussion? The Gentleman from Macoupin, Representative Hannig."

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

Speaker Black: "He indicates he will."

Hannig: "Yes, Representative, can you give us any examples of any other state operations, the Secretary of State or anyone else who currently keeps their money in-house and off budget?"

Speaker Black: "Representative Weaver."

Weaver: "Yeah, there's countless examples of agencies. Registration Regulation, State Fair, Ag Premium Fund. There's all kinds of agencies that retain funds."

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Speaker Black: "Representative Hannig."

Hannig: "But when those fees are collected by the Department of Professional Regulation, they're put into a state fund and the Comptroller and the Legislature has control. That's correct, I see you shaking your head. Now, it's my understanding with this Bill, once the money would be collected at the respected universities, that they would have sole control of that money and I'm not even sure if your Bill would allow us to appropriate it. Maybe you could explain if that's a problem or not."

Speaker Black: "Representative Weaver."

Weaver: "Well, we still appropriate GRF funds to the universities, but this would allow them to use the GRF funds. That's true. Excuse me, the Income Fund."

Speaker Black: "Representative Hannig."

Hannig: "I guess I'm not certain what the Bill does exactly. Would we still be, would the Legislature still need to appropriate this money to spend it?"

Speaker Black: "Representative Weaver."

Weaver: "We would not have to appropriate these funds as long as they retain the funds, as long as it stays there."

Speaker Black: "Representative Hannig."

Hannig: "So, under the current law, the money comes to the State of Illinois and goes into a fund and we appropriate the money, is that correct? Now, under your proposal they would just stay at the respective of universities and they would keep it?"

Speaker Black: "Representative Weaver."

Weaver: "That's correct. Just like House Bill 258 that you voted for in the Spring. This is the same version."

Speaker Black: "Representative Hannig."

Hannig: "So, in situations where the universities want to, for

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example, raise tuition, the Legislature would basically have no say. Would that be correct?"

Speaker Black: "Representative Weaver."

Weaver: "You may not be aware of that, but we don't set tuition here anyway. That's done in conjunction, I guess with the advice and consent of the Board of Higher Board of Education. We do not do that in this chamber."

Speaker Black: "Representative Hannig."

Hannig: "Well, I was under the impression, Representative, that through the process of appropriating the money and sending it back and forth that, in fact, we could control the amount of tuition increase the university might levy. In other words, they're not going to levy more than we're going to give them."

Speaker Black: "Representative Weaver."

Weaver: "Well, I can say to you that we, as a chamber, and we, as a General Assembly, will have as much control over tuition after this Bill is passed, as we do now."

Speaker Black: "Representative Hannig."

Hannig: "I appreciate your honesty on that point, Representative, because I do think it's an important point that we should understand that the Legislature by this Act, in part, will be giving up a good measure that we've had in the past to, at least, have leverage on the universities when they undertake consideration for pension increases. So, just to the Bill, Ladies and Gentlemen of the House, I think that this Bill is actually going in the wrong direction, that we have an obligation to State Legislators, along with the Governor, to look at every dollar that comes into this state and to look at all the money that becomes state money, whether it's collected by the Department of Professional Regulation or the Department of Agriculture or

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Southern Illinois University or to U of I, and then to determine the best way to spend that money. And in my mind, when we allow institutions to simply keep this money, with no oversight by the State Legislature, and I might add that universities already have the least amount of oversight of any state institutions that we deal with, that we're simply making the situation worse, than if we deal with difficult budgets in years to come that we should take advantage of every opportunity to earn dollars for the entire state of Illinois, not just the respective universities around the state that might be favored by this Bill. So, I would suggest that when we take a look at this Bill, that we should vote 'no'."

Speaker Black: "And further discussion, the Gentleman from DeKalb, Representative Wirsing."

Wirsing: "Thank you, Mr. Speaker, Members of the House. I rise in support of this legislation. I think it continues to support the ongoing change that we put in place a year ago, relative to our university systems, as well as our community college systems. If we're going to give the university system the ability to function and deal with its issues financially, wherever that university is based and whatever region or area of the state it serves, with the new Board of Trustees in place now this legislation is one more step in offering that opportunity. I think that that's the mind-set that we have to have. When we're concerned about the checks and balances of these dollars, as I think it's already been indicated, those checks and balances continue to be there. But even when the tuition dollars, as this legislation calls for, would stay within that university, there still is that budgeting process that each university has to go through and each university

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submits their budgets to the IBHE. It is within the realm of IBHE to take a look at those budgets and ultimately send the Higher Education Budget on to us in the Legislature through the Governor's Budget Process. So, I think that we still do have that control and I hope that explains that a little bit for those who are concerned about that. I feel very confident that the ability for checks and balances of the financial abilities of our university continues to be there. And I believe under the new governing system now, we even have a better handle on where those dollars go and exactly how they are spent, because they have removed one layer of a process so that we as Legislators can see that financial accounting process much better. I would strongly urge an 'aye' vote on this legislation. I think it's an extremely important piece of legislation, and in fact is the right direction to go."

Speaker Black: "Further discussion on the issue? The Gentleman from Logan, Representative Turner."

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

Speaker Black: "You've heard the Gentleman's Motion. The previous question has been called. All those in favor signify by saying 'aye', opposed 'nay'. In the opinion of the Chair the 'ayes' have it. Representative Weaver to close."

Weaver: "Thank you, Mr. Speaker, Ladies and Gentlemen. This is not a new issue. This is an issue that passed this chamber last Spring with 114 votes. 114 votes. Now, some comments have been made about the smaller universities might be hurt. In conjunction with the Higher Education Committee, the Approp. Committee held hearings across the state at seven university campuses and I have to tell you very frankly that the smaller universities requested this.

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Without exception, the universities that have contacted our Committee were fully in favor of this. As a matter of fact, it was their number one priority. And in terms of leverage, of how we can control higher education, we still appropriate a vast majority of their funds. So, if you want to use leverage against a university or for a university, you can still do that under the appropriated funds that we allocate to them and our crack staff has done some research of the big ten schools, with one exception, every one of them allow the university to keep the income fund. So, we're basically out of step. We're not treating our universities well. We're not allowing them the flexibilities that they need to operate and to provide the classes and the sections that they need to for the students that are coming in. This is not state money, this is student's money. This is their tuition funds that ought to stay at the university. And I ask for your 'aye' vote on this legislation. It's so important to the schools."

Speaker Black: "The question is, 'Shall House Bill 2836 pass?' All in favor vote '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 78 'ayes'; 25 'nays' 2 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar appears House Bill 2860, please read the Bill."

Clerk McLennand: "House Bill 2860, a Bill for an Act that amends the Illinois Banking Act. Third Reading of this House Bill."

Speaker Black: "And on the Bill the Lady from Kane, Representative Deuchler is recognized."

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Deuchler: "Yes, Mr. Speaker, Ladies and Gentleman of the House.

House Bill 2860 passed out of Financial Institutions with a unanimous vote. It's our Committee Bill. There are five provisions included in this Bill, which I will briefly describe for you. One area that was covered was the Illinois Press Association's Bill that would provide a savings and loan, may at its discretion, publish an annual statement of condition in a local newspaper of record. This language reverses last year's law which inadvertently repealed this discretionary authorization. House Bill 3261 was a League of Financial Institutions Bill authorizing the Governor to appoint Representatives of savings banks, not just savings and loans, as under current law to the Savings and Loan Board, which is an advisory body within the office of the Commissioner of Savings and Residential Finance, now the Office of Banks and Real Estate. Another provision which was Representative Lindner's provision, House Bill 3536, was included in an Amendment. It makes more explicit that the Interest Rate Deregulation Clause, subsection 1 of section 4 of the Interest Act, overrides any and all other sections of that Act, including those sections that set or purport to set maximum rates of interest. Bankers bank language parallel to House Bill 2994 was also included. This is a proposal of the Community Bankers Association. They have suggested that banks throughout Illinois band together and use a bankers bank to perform certain low volume specially customer services, which the community bank can then sell directly to their customers. Amendment 2 are some provisions that are noncontroversial that the Illinois Credit Union League suggested. There were four areas that were authorized, credit unions to remain silent when a customer's financial records are disclosed pursuant

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to a subpoena or court order. Secondly, allows a Credit Union Board to expel a member. Thirdly, allows an entity holding a group membership in a credit union to designate a proxy to cast its vote at the credit union's annual meeting and allows credit union directors to participate in board meetings by conference call. These five areas were drafted into two Amendments and were noncontroversial. They were supported by the Committee Bankers Association, Illinois Bankers Association, Illinois Credit Union League, Illinois Press Association, League of Financial Institutions, and Department of Financial Institutions. I'd be willing to answer any questions."

Speaker Black: "And on that is there any discussion? The Gentleman from Kankakee, Representative Novak."

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

Speaker Black: "She indicates she will."

Novak: "Yes, Representative Deuchler, with respect to the statement of condition requirement that is being attempted to be waived for the banks, is that correct?"

Speaker Black: "Representative Deuchler. Representative Deuchler, proceed."

Deuchler: "This legislation does not waive a statement of condition for banks."

Speaker Black: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Representative, maybe I didn't hear it correctly. I overheard you say something about statement of financial conditions with respect to banks publishing in newspapers. Is the Illinois Press Association against this Bill?"

Speaker Black: "Representative Deuchler."

Deuchler: "The Press Association is in support of this Bill."

Speaker Black: "Representative Novak."

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Novak: "You say they are against this Bill, so could you...oh, they are not against the Bill? I can't hear you."

Speaker Black: "If we could have just a little bit of order in the chamber, so we could continue in an orderly fashion. Representative Deuchler, Representative Novak wants to know if the Illinois Press Association opposes your Bill. Can you respond?"

Novak: "No, that is not correct. The Illinois Press Association is in favor of this Bill."

Speaker Black: "Representative Novak."

Novak: "I'm sorry, my mistake. I thought I had heard that there was a provision in here to waive the requirement for publishing the financial condition statement for banks, that savings and loans currently enjoy. Okay, thank you. No other questions."

Speaker Black: "Further discussion? The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "She indicates she will."

Hoffman: "Are there any further appointments for the Governor in this Bill?"

Speaker Black: "Representative Deuchler."

Deuchler: "It's my understanding, that there are seven appointments now and there are seven appointments under this Bill. It's just merely more specific as to who they are."

Speaker Black: "Representative Hoffman."

Hoffman: "Yes, specifically with regards to the provisions of the credit unions. You indicated that there was no opposition. However, I remember some discussion in the committee regarding the fact that this would make it easier to throw a person...or to get rid of a person, or to evict a person

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as a member of a credit union. Is that right?"

Speaker Black: "Representative Deuchler."

Deuchler: "It is my understanding that now that a person can be eliminated for membership by a mass vote of all membership, all the membership. But, under this provision that the Credit Union League has brought forward, they are saying that that would be done by the credit union directors."

Speaker Black: "Representative Hoffman."

Hoffman: "Are all the various associations involved, are they all in favor of this Bill? Do you know of any opposition to the Bill?"

Speaker Black: "Representative Deuchler."

Deuchler: "No opposition to this Bill, and all the persons, all the groups that I read to you are in favor of the Bill."

Speaker Black: "Representative Hoffman."

Hoffman: "I have nothing further."

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

Deuchler: "This Bill has passed out of committee with a unanimous vote, and I ask for your approval."

Speaker Black: "The question is, 'Shall House Bill 2860 pass?' All those in favor vote 'aye' those opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish? Have all vote who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 104 voting 'aye', 0 voting 'nay', 2 voting 'present'. This Bill, having received Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 12 of the Calendar appears House Bill 3549. Please read the Bill."

Clerk McLennand: "A Bill for an Act that amends the Illinois Lottery Law. Third Reading of this House Bill."

Speaker Black: "On that, the Lady from Cook, Representative

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Wojcik."

Wojcik: "Thank you, Mr. Speaker and Members of the House. House Bill 3549 amends the Lottery Act. It provides for the transfer of excess cash and interest from the deferred prize winners trust fund into the lottery fund and ultimately into the common school fund. It permits bonds to be purchased from the deferred lottery prize winners trust fund. It establishes that it shall be prime facie evidence of intent to defraud to possess a lottery ticket or share issued by the State of Illinois under this Act, knowing such ticket or share shall be falsely made. There would be a one time transfer and would be in the amount of \$4.1 million upon signing and then a potential for approximately \$100 thousand annually thereafter."

Speaker Black: "On that, is there any discussion? The Gentleman from Clinton, Representative Granberg."

Granberg: "Thank you. Would the Lady yield?"

Speaker Black: "She indicates she will."

Granberg: "Representative Wojcik, is this an initiative of the lottery?"

Speaker Black: "Representative Wojcik."

Wojcik: "Yes, it is."

Speaker Black: "Representative Granberg."

Granberg: "So, what is the balance in the lottery fund at the current time?"

Speaker Black: "Representative Wojcik."

Wojcik: "Fourty-one million."

Speaker Black: "Representative Granberg."

Granberg: "So, that is deemed an excess and that is what is to be transferred under your Bill?"

Speaker Black: "Representative Wojcik."

Wojcik: "That is correct."

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Speaker Black: "Representative Granberg."

Granberg: "Representative, what has happened in the past before the Bill was introduced? At what point would these funds be transferred?"

Speaker Black: "Representative Wojcik.."

Wojcik: "Representative, for the last ten years the excess funds have not been able to be transferred, thus the reason for this Bill."

Speaker Black: "Representative Granberg."

Granberg: "So, the \$4.2 million balance is the cumulative total of all the funds that have not been able to be transferred in the past 10 years. Is that correct?"

Speaker Black: "Representative Wojcik."

Wojcik: "That is correct."

Speaker Black: "Representative Granberg."

Granberg: "Representative, couldn't the lottery actually do an appropriation line item to transfer that money out and put it in the common school fund?"

Speaker Black: "Representative Wojcik."

Wojcik: "The Comptroller stated they did not have the authority to do that."

Speaker Black: "Representative Granberg."

Granberg: "Is that your controller or our controller?"

Speaker Black: "Representative Wojcik."

Wojcik: "The past controller."

Speaker Black: "Representative Granberg."

Granberg: "So okay, I just want to make sure I understand. This would allow any monies now or in the future to be transferred? Would there be any limitation on the amount or would there be a foundation level or would it be in the discretion of the department to transfer those monies whenever they deemed appropriate?"

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Speaker Black: "Representative Wojcik."

Wojcik: "It's anticipated there'd be approximately \$100,000 a year after the first initial transfer."

Speaker Black: "Representative Granberg."

Granberg: "So these funds, the \$4.2 million would be transferred directly to the common school fund under your legislation or would there be an intermediate fund that they would pass through?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, it first goes to the lottery fund, then the common school fund."

Speaker Black: "Representative Granberg."

Granberg: "Okay, thank you, Representative. In the future from this point on, after the unclaimed funds reach \$100 thousand, they would be automatically transferred to the lottery fund, and then they would be appropriated or would that be an automatic transfer to the common school fund as well?"

Speaker Black: "Representative Wojcik."

Wojcik: "It will be an automatic transfer."

Speaker Black: "Representative Granberg."

Granberg: "So, in accordance with past performance, Representative, I assume when we transfer this 10.2 million that we will lower the funding for education by 10.2 million in General Revenue so there will be no increase in education?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, first the figure is 4.1 million."

Speaker Black: "Representative Granberg."

Granberg: "So then the General Revenue Fund will be lessened by 4.1 million, so we can make that the total net gain for education being zero as we always have done?"

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Speaker Black: "Representative Wojcik."

Wojcik: "Representative, this is in the lottery's area, and I would assume that they will handle it in their very just way."

Speaker Black: "Representative Granberg."

Granberg: "Okay, thank you, Representative. I assume the Constitutional Amendment you're going to fill the Republican Tax Increase Amendment where we will resolve that issue. So, we look forward to dealing with you on that. Representative, I believe there is another provision in the Bill and that dealt with an increase in penalty for fraudulent sales or alteration of lottery tickets. Is that correct?"

Speaker Black: "Representative Wojcik."

Wojcik: "That is correct, Representative."

Speaker Black: "Representative Granberg."

Granberg: "Representative, I did not hear you explain that. What is the current penalty and how will this increase the penalty?"

Speaker Black: "Representative Wojcik."

Wojcik: "This will expand the penalty."

Speaker Black: "Representative Granberg."

Granberg: "What is it currently, and how will it expand the penalty?"

Speaker Black: "Representative Wojcik."

Wojcik: "Currently it's been for people who have been counterfeiting. Now it will go to people who know they have a counterfeit ticket in their possession."

Speaker Black: "Representative Granberg."

Granberg: "Thank you, one last question. Thank you, Mr. Speaker. So, would you please explain what the current penalty is for that and if there is a willful and intentional

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alteration, they would fall under the same provisions of that penalty? So, when you describe the penalty, Kay, could you also cite what that is, what the parameters are. Is it a..."

Speaker Black: "Representative, bring your question to a close."

Granberg: "Thank you. What the penalties could be, is that a Class A misdemeanor would be a \$500 fine or up to a year in jail and would that be up to the local state's attorney then in which to prosecute or would that allow the attorney general of the state to prosecute as well?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, it's a Class 4 Felony. It's a biggie, biggie."

Speaker Black: "Representative Granberg, your time has expired. Representative Lang, are you seeking recognition on the issue, or do you a..."

Lang: "Will the Sponsor yield?"

Speaker Black: "She indicates she will."

Lang: "So, let me understand this fraud part. If you're an individual and you deface one lottery ticket, a \$2.00 lottery ticket? It's a Class 4 Felony?"

Speaker Black: "Representative Wojcik."

Wojcik: "That's correct, Representative."

Speaker Black: "Representative Lang."

Lang: "Don't you think that's a little harsh?"

Speaker Black: "Representative Wojcik."

Wojcik: "Not when you know what you're doing. The word is 'knowingly'."

Speaker Black: "Representative Lang."

Lang: "So, I'm going to get off of this because we could go on on that for awhile. The thing that concerns me about the transfer of these monies is that in your Amendment, you've

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changed the language from 'shall request' to a term I've never heard before, at least in law. It says 'from time to time'. What does that mean, from time to time?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, there's not always going to be excess money in that fund every month. So, it's leaving it to the discretion of the lottery department."

Speaker Black: "Representative Lang."

Lang: "We would be agreed though that under this language that if a director chose not to do it, even if there were excess funds. He or she would not have to because it says from time to time which could be this year, next year, ten years, any time to time."

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, the purpose of the lottery is to get the net proceeds for the support of the state's common school fund."

Speaker Black: "Representative Lang."

Lang: "Well, I'm not sure that really answers the question, but let me ask you this. Once this gets signed, there's 4.1 or 4.2 million in this fund now that you indicate that the director would immediately transfer. Does this Bill require the immediate transfer of what's in there or is that also under the category of from time to time?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, it will be immediate."

Speaker Black: "Representative Lang."

Lang: "Does it say that in the Bill?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, it's the purpose of the Bill. That's the reason the Bill is being put in."

Speaker Black: "Representative Lang."

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Lang: "But, it doesn't say that in the Bill, does it, Representative? So you're going to pass a Bill that's going to allow the lottery director to do this and you say the lottery director plans to do this, but you're really passing a Bill here that doesn't require the lottery director to do this, aren't you?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, The money will be transferred immediately upon the signing of the Bill, and that's the intent of this Bill."

Speaker Black: "Representative Lang."

Lang: "When we received the Governor's budget a couple weeks ago. Was he counting on this \$4.1 million for education?"

Speaker Black: "Representative Wojcik."

Wojcik: "We're not privy to that, Representative."

Speaker Black: "Representative Lang."

Lang: "So, you don't know whether this \$4.1 million is an additional \$4.1 million for education or if it's part of the Governor's original budget, so that if we don't pass this Bill, we'll be \$4 million short? You don't know which the answer is do you?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, this Bill has nothing to do with the budget that's been presented by the Governor. This happens to be a Bill that the Lottery Department would like to have passed so that they could transfer the funds, so that they could take care of it accordingly within the jurisdiction of the Lottery Department."

Speaker Black: "Representative Lang."

Lang: "Well, unless I misunderstand the Bill, which is possible. It wouldn't be the first Bill I misunderstood. You may be adding \$4.1 million to the common school fund. If that's

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the case, we'd all be happy to know you'd be adding \$4 million and I'd want to know from you where that \$4 million was going, categorical, school aid formula, capitalization cost, fixing up decrepit school buildings. Where is this \$4 million going to go?"

Speaker Black: "Representative Wojcik."

Wojcik: "Representative, I'm advised by the Lottery Department that they do not have any administrative jurisdiction, so they would not be able to answer that."

Speaker Black: "Representative Lang."

Lang: "Just want to throw this by you, Representative, before we vote on the Bill. Defacing a lottery ticket would become a Class 4 Felony, the same way that 'mob action' is a Class 4 Felony, an unlawful sale of metal piercing bullets. If you think defacing a \$2.00 lottery ticket is the same as this, that's fine. Thank you, Mr. Speaker."

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

Wojcik: "I just think that it's a very good Bill and I would ask for its favorable passage."

Speaker Black: "The question, is 'Shall House Bill 3549 pass?' All in favor vote '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', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 10 of the Calendar appears House Bill 2571. Please read the Bill."

Clerk McLennand: "House Bill 2571, a Bill for an Act that amends the Public Utilities Act. Third Reading of this House Bill."

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Speaker Black: "And on that, the Gentleman from DuPage, Representative Persico is recognized."

Persico: "Thank you, Mr. Speaker and Members of the House. House Bill 2571 authorizes the Commerce Commission to approve discount rates for large volume electric utility users. The contract which would be proprietary will contain rates and charges. The tariff, which will be a public document, will contain the parameters of the contract. Consumer protections are included in the requirement to impute rates in future rate cases. The ICC, CUB, and attorney general have contract review authority. Any person can file an objection with the ICC, which will trigger a review. This Act will sunset in five years. Gas companies are exempt and existing contracts are grandfathered in. This came about because of a recent Appellate Court decision, which reversed an order of the Commerce Commission approving discount rate tariffs filed by Commonwealth Edison, finding that the tariffs did not specify a schedule of rates and charges under the order, as required by the Public Utility Act, and that tariffs filed would be proprietary information was in conflict with the Public Utility Act, which requires them to be public documents. Passage of this Bill will retain the status quo and it's designed not to advantage or disadvantage anyone but just to put it back to what was previously existed."

Speaker Black: "And on that is there any discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Black: "He indicates he will."

Schakowsky: "Let me ask you this. Why is it that we're doing this right now? My understanding is that there is a joint committee that's looking into the issue of accommodating

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competition and it's due to make its report in November.

Why is it that we need to move at this time on this issue?"

Speaker Black: "Representative Persico."

Persico: "Representative, you are correct that we are studying the issue of deregulating utility companies with a piece of legislation that's due out in November. We don't know exactly what's going to be in this legislation. We don't know when it will kick in, what year it's going to kick in. All this Bill is designed is to put Commonwealth Edison and other groups back into the position they were before this court order."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well, in fact that's not really true. There have been some changes here. What we're saying in this legislation is that they're allowed to make...well, you're saying that they want to make the secret deals that they weren't allowed to do. Isn't it true that the 11 contracts that were negotiated, were subsequently made public, ratified by the commission, are now standing and that to no disadvantage to Commonwealth Edison."

Speaker Black: "Representative Persico."

Persico: "Representative, this Bill, if passed, is going to help Illinois you know, retain businesses in the State of Illinois. There is no condition. This is conditional ongoing in front of the ICC, Commonwealth Edison, or whomever, with these tariffs, with these discount rates in getting their approval to go ahead and enter into these contract agreements. It's conditional on ICC's approval. If there is a complaint, then you have either by the ICC, the Citizen Utility Board, or the attorney general, they have contract review authority."

Speaker Black: "Representative Schakowsky."

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Schakowsky: "Well, I think you've misread the Bill. The utility company may simply file these proprietary rates with the commission. The commission does not necessarily have to call for any kind of a review. Let me ask you this. Who is likely to be able to take advantage of these lower rate deals, these lower rate secret deals, with Commonwealth Edison? Who is likely to be able to take advantage of these?"

Speaker Black: "Representative Persico."

Persico: "Representative, this Bill is designed to have large volume electricity users take advantage of this. But in no way will any residential customers be impacted on this because they are not allowed to pass these costs on, whether or not the utility companies make a profit or lose money on this particular contract."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well, saying that under the current rate structures that we have right now; regulated rates, cost base rates, that may be true but it may have slipped your memory that we have, in this Body, ratified the notion of alternative rate-making, which takes away the notion of costs altogether and therefore there is no way under alternative rate making to know, that we residential customers and small business customers, are not in fact being penalized by these low cost, secret deals being made with the large volume users."

Speaker Black: "Representative Persico."

Persico: "Representative, it's this particular piece of legislation that guarantees that the Citizen Utility Board, other residential customers have the ability to go in and look at these contracts to make sure that this does not happen. It's going to be if these contracts prove to be a

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loss to these companies, it's the shareholders of the company that are going to have to eat the cost of that and not the residential customers. This is why the Citizen Utility Board is neutral on this particular piece of legislation, because there are a lot of guarantees and safeguards in this piece of legislation."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Representative, you clearly don't understand alternative rate-making if you think that we can guarantee that consumers will not be charged for this. There will be not the same formula for figuring that out. But, I want to get back to residential customers. Isn't it true that we pay the highest rates of any utility customers in the Midwest for our power from Commonwealth Edison?"

Speaker Black: "Representative Persico."

Persico: "Representative, it depends on which utility company you're talking about. Commonwealth Edison is one of the highest in the Midwest, yes it is."

Speaker Black: "Representative Schakowsky, your time is about to expire. Do you have another question? Proceed."

Schakowsky: "I do and I know that there are others who will yield me time. In fact we..."

Speaker Black: "Representative, your time is expired. We'll see if we can get back to you. Further discussion? The Gentleman from Kankakee, Representative Novak."

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

Speaker Black: "He indicates he will."

Novak: "Representative Persico, I think you and I had worked on this Bill to a certain degree and I know there was some discussion on the Floor concerning...well, maybe it was implied as anti-consumer. Well, speaking as a Democrat, I can tell you this Bill is not an anti-consumer Bill. The

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Citizens Utility Board in my discussion with them are they are, although they are neutral on the Bill, they will still be allowed to inquire with respect to the status and negotiations and with respect to the contents of the contracts that are negotiated pursuant to the discussion. So, according to our analysis there are no opponents. There are a lot of groups that have no position and for whatever reason it is and regardless of the current commission on electric utility regulation reform, this Bill is not and I underscore that word, not, inimical to the interest of consumers in Illinois. I would urge all my colleagues to support this Bill."

Speaker Black: "Further discussion. The Lady from St. Clair, Representative Youngue is recognized."

Youngue: "Thank you, Mr. Speaker, I yield my time to Representative Schakowsky."

Speaker Black: "Yes, Representative Schakowsky, you have been given Representative Youngue's five minutes. Proceed."

Schakowsky: "Thank you, Mr. Speaker. Thank you, Representative Youngue. I've heard about the Citizens Utility Board and being neutral on this, but having dealt with this issue for and with Commonwealth Edison for 25 years, I'm concerned about the status of residential customers here. Wouldn't residential customers in an ideal world benefit from competitive rates. In other words, if we wanted to at my house in Evanston, if I wanted to buy lower cost electricity from Wisconsin, for instance, wouldn't I be better off if I could do that?"

Speaker Black: "Representative Persico."

Persico: "Representative, as you are well aware, this is something that the joint commission is studying and we have been for the last nine months. And hopefully we are going

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to get in that position where everybody is going to benefit by lower electricity rates."

Speaker Black: "Representative Schakowsky."

Schakowsky: "The truth is that right now only the very largest utility consumers are in a position to go to Commonwealth Edison behind closed doors and negotiate lower deals. And, in fact, Commonwealth Edison is on record as saying that they're not really interested in a serious discussion about competition beginning until oh, the year 2003, is what they've said. And so, what I'm asking isn't it their hope, Commonwealth Edison's hope, that by then, by the year 2003, that we, the residential customers, and all of the small business customers, and anyone who doesn't really qualify to compete for the lower rates will have already paid off their nuclear power plants that are the cause of our high rates and that many consumer groups warned them years ago weren't needed and were going to result in higher rates? What I'm saying is, that delaying competition until the year 2003 is going to force us, the captive consumers of Commonwealth Edison, to pay off the nuclear power plants that they don't need."

Speaker Black: "Representative Persico."

Persico: "Representative, this issue that you're talking about in terms of competition in utility is something that we are studying. It is my fervent hope and it has been my hope since the beginning that residential customers are not going to be impacted, but also eventually benefit from deregulating utility companies. That's what we've been stressing and striving for for the past nine months. What this does is just brings back to the status quo, what was previously okay to do in Illinois and allows Com. Ed. to compete for these businesses rather than losing these

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businesses, either through them having their own generation plant, which would take them off the grid forever or having Wisconsin Power and Light possibly take them. It's keeping the businesses in Illinois, keeping the tax revenue in Illinois. This is an important piece of legislation to move towards deregulation of the utilities."

Speaker Black: "Representative Schakowsky."

Schakowsky: "To the Bill, Mr. Speaker. This Bill, Mr. Sponsor and Members of the House, is nothing more than asking the State Legislature to be a complicit...to be a...to work with Commonwealth Edison in its strategy to delay competition for consumers. What it does, is it decreases the pressure on Commonwealth Edison by letting in a little bit of competition for just the very biggest users, while maintaining its monopoly status for those of us who don't have a chance. We play into the hands of Commonwealth Edison by supporting this Bill. We do nothing more than help this company and a few of the very largest companies in this state, while we continue to burden residential consumers and smaller businesses with the highest rates in the Midwest, nearly the highest rates in the country. So, it seems to me that despite the so-called consumer protections, if you look at the big picture, Commonwealth Edison is 'getting its cake and eating it too', with this kind of legislation. It's maintaining its monopoly status for its captive customers and sneaking in just enough competition to take the pressure off of them. So, I think at the very least we should be waiting for the report of the joint task force, not moving ahead and not continuing to 'saddle' residential and small business consumers with the highest rates in the country."

Speaker Black: "For further discussion, the Gentleman from Rock

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Island, Representative Boland."

Boland: "Thank you, Mr. Speaker. Would the Sponsor yield?"

Speaker Black: "He indicates he will."

Boland: "Representative Persico, I just have one major or two questions, I guess. I see that the municipal electricians are against this, the Municipal League. Could you convey to us, is there, what's their concerns or why they would be opposed when it looks like everybody else is either on board or neutral?"

Speaker Black: "Representative Persico."

Persico: "Representative, one of the concerns in the beginning, and this is why Representative Leitch had that Bill earlier today, was to address their concerns. With their concerns being addressed, that giving no one a competitive advantage or disadvantage, one way or the other, I believe that they are no longer in opposition."

Speaker Black: "Representative Boland."

Boland: "And secondly, the Association of Rural Electric Co-ops. What is their status then? And what have they, what's their objection?"

Speaker Black: "Representative Persico."

Persico: "Representative, I believe their concerns were also addressed in Representative Leitch's Bill, House Bill 1056."

Speaker Black: "Representative Boland."

Boland: "So, in other words, they no longer would be listed as opponents?"

Speaker Black: "Representative Persico."

Persico: "I believe that they, at the very least, would be neutral since their concerns would have been addressed."

Speaker Black: "Representative Boland."

Boland: "Thank you."

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Speaker Black: "Further discussion? The Gentleman from Cook, Representative Pugh. Are you seeking recognition, Representative? He's not seeking recognition. The Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in strong support of House Bill 2571. This Bill was actually negotiated by Representative Scott and myself with all the interested parties. We sat with all of the parties. We listened to all their concerns, and we came up with a Bill that we thought was a good compromise. And all the parties except one or two signed off on it. And those that did not sign off on it were taken care of earlier today by Mr. Leitch's Bill. So they're okay. And I think you'll see the people who represent the municipals here will be voting for this Bill. This Bill is not about 'secret' contracts. But on the contrary, this Bill is about keeping the biggest users on the grid. This Bill will ensure that Commonwealth Edison will be able to go it's biggest consumers and say to them, 'Look, don't go to these private companies, stay here with us. We'll figure out a way to keep you on the grid'. And when they keep them on the grid, it will keep electric rates lower for everybody. But if these biggest users leave the grid, if they go to private companies, if they give those millions of dollars in electric utility rates bills to the private user, those will be millions of dollars that will not be kept in the pot, so that they can do a better job of keeping local utility rates down, local electric rates down for the homeowners that live in your district. Without this Bill, without the correction of what used to be called Rate CS, that was mangled by the courts in this State, these people will leave the grid. And when they leave, the utility rates that you and I and

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our constituents pay will go up. This will enable ComEd to go to these folks. It will enable them to negotiate deals that will keep them paying money into the pot that we all use. So this isn't about secret deals. If it was, the Citizen Utilities Board would be opposed to this legislation. They were originally opposed to this legislation, but through the negotiation process, changes were made to enable CUB to be neutral on this legislation. Since CUB is neutral, since all the players seem to be for this now, and since it will protect local utility rates, local electric rates for your constituents, I strongly suggest an 'aye' vote on this legislation."

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

Persico: "Thank you, Mr. Speaker and Members of the House. House Bill 2571 is a good Bill. There are many safeguards built into this Bill to protect residential customers. It's a very much needed Bill to help retain and keep businesses in Illinois. It is a good Bill. It's a Bill that we have a wide variety of support, no opposition that I know of anymore and I urge your 'aye' vote on House Bill 2571."

Speaker Black: "The question is, 'Shall House Bill 2571 pass?' All those in favor vote '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 85 voting 'aye', 21 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Yes, the Gentleman from Winnebago, Representative Scott, are you seeking recognition?"

Scott: "Thank you, Mr. Speaker. I was slow to the switch on House Bill 2819 and I'd like the record to reflect that I

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would have voted 'aye' if I'd had the opportunity."

Speaker Black: "Thank you. Mr. Clerk, on page 11 of the Calendar appears House Bill 3128. Please read the Bill."

Clerk Rossi: "House Bill 3128, a Bill for an Act concerning the protection of collateral pledge to ensure payment or performance under a credit agreement. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from McLean, Representative Brady."

Brady: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 3128 creates the Collateral Protection Act. The purpose of this legislation is to provide the authorization for lenders to be able to provide insurance when they have loan money on using collateral to back up that loan when the owner of the property has not provided the insurance. The Act is, I think, fairly conclusive. The purpose of this legislation deals with the fact that Class Action lawsuits have cropped up throughout the United States which prevent lenders to do this. And we're just trying to clarify a situation for them to do so and we believe this legislation with this Act does that."

Speaker Black: "And on that, is there any discussion? The Gentleman from Winnebago, Representative Scott."

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

Speaker Black: "He indicates he'd be more than happy to."

Scott: "Thank you. Representative Brady, are you saying that it's not possible under existing Illinois law to do this right now?"

Speaker Black: "Representative Brady."

Brady: "Representative, the practice is to do it. What has happened is, I believe Florida, there was a Class Action lawsuit brought about under the RICO statutes which we

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believe is a fairly liberal interpretation. And we are just trying to clarify the means under which consumers can be protected when lenders or loaners do provide this and under where lenders can so that we don't disrupt commerce."

Speaker Black: "Representative Scott."

Scott: "I know you mentioned the class action suit. Two part question. One is there has not been one in Illinois? And two, could you explain a little bit about how they tried to use RICO to make this a class action suit?"

Speaker Black: "Representative Brady."

Brady: "No, I couldn't, Representative. The whole point in this legislation is to provide an avenue where they can't use that. And I believe the interpretation that they've used in other parts of the country is pretty liberal. And I certainly wouldn't justify their interpretation. But because of that liberal interpretation, I believe we're trying to clarify and create a situation where commerce and industry can continue to exist where borrowers continue to borrow money and where lenders can continue to securely loan money."

Speaker Black: "Representative Scott."

Scott: "Who is pushing for this legislation, Representative? How did this come to your attention?"

Speaker Black: "Representative Brady."

Brady: "Representative, the Illinois Bankers Association came to me first. But, I don't believe there's any opposition to this legislation."

Speaker Black: "Representative Scott."

Scott: "Under the legislation, who pays the cost of the collateral protection insurance?"

Speaker Black: "Representative Brady."

Brady: "Representative, we establish a whole, we define a

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complete way in which lenders can provide this insurance. The lender would go out and secure the insurance. They would pay the premium. And there are mechanisms for which, under which they could be refunded the moneys which they have allocated to insure that the property is insured."

Speaker Black: "Representative Scott."

Scott: "Does this Bill make any provision for mitigation of cost by the consumer?"

Speaker Black: "Representative Brady."

Brady: "I'm not sure what you mean by that question."

Speaker Black: "Representative Scott, perhaps you could illuminate your question."

Scott: "I'd be happy to try. Thank you. Does it allow the creditor to purchase the insurance with any licensed carrier? Does he have to buy from the cheapest carrier? Is there any type mitigation provision in the Bill?"

Speaker Black: "Representative Brady."

Brady: "No, Representative. There's not a fiduciary relationship created. In fact, the Act precludes that. It simply says that they can go out and secure that if the creditor wished not to allow this, they would have been responsible, would have provided it. We're trying to make sure that it doesn't lapse, the insurance doesn't lapse to protect both the borrower and the lender. And they can come in and provide alternative insurance at competitive rates at any time. And they can then cancel the policy which the lender has taken out, and the premium reimbursement will go toward the satisfaction of the claim."

Speaker Black: "Representative Scott."

Scott: "So, just to clarify one more time, if the carrier follows the letter of the law, this would limit the liability for that. They wouldn't have any liability under this Bill,

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and that's what you're in essence, trying to stop."

Speaker Black: "Representative Brady."

Brady: "If what carrier? How are you defining carrier?"

Speaker Black: "Representative Scott."

Scott: "I'm sorry. I should have said the creditor."

Speaker Black: "Representative Brady."

Brady: "The creditor would, we are not creating liability for the creditor. We're just allowing a way in which they can protect or lend."

Speaker Black: "Representative Scott, your time has expired. You have another question?"

Scott: "No, thank you, Mr. Speaker. I appreciate the answers to the questions."

Speaker Black: "And further discussion? The Gentleman from Madison, Representative Stephens."

Stephens: "Well thank you, Mr. Speaker. Will the Gentleman yield?"

Speaker Black: "He indicates he will."

Stephens: "Representative Brady, does House Bill 3128 in any way affect or expand the existing prohibitions in the Illinois law regarding banks' sale of insurance?"

Speaker Black: "Representative Brady."

Brady: "No."

Speaker Black: "Representative Stephens."

Stephens: "Well, let's try again. Representative Brady, does this legislation in situations where banks and other entities purchase CPI require them to purchase the coverage through insurance producers and insurance companies licensed in Illinois?"

Speaker Black: "Representative Brady."

Stephens: "A full answer."

Brady: "Yes. Of course, to the extent that Illinois law requires

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comparable insurance coverage to be purchased from an insurance producer or a company licensed in this State. Such a requirement will also apply to the purchase of CPI insurance under this Bill."

Speaker Black: "Representative Stephens."

Stephens: "Fine job, Representative."

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

Brady: "Thank you, Mr. Speaker. I ask for your support."

Speaker Black: "The question is, 'Shall House Bill 3128 pass?'

All those in favor vote '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 102 voting 'aye', 1 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar appears House Bill 3300. Please read the Bill."

Clerk Rossi: "House Bill 3300, a Bill for an Act amending the School Code. Third Reading of this House Bill."

Speaker Black: "And on that question, the Lady from Kane, Representative Lindner, is recognized."

Lindner: "Yes. Thank you, Mr. Speaker. This Bill only changes the ballot in school board elections that deal with minority representation. It does not change minority representation. But, my voters were confused by the ballot in the last election, and I have consulted..."

Speaker Black: "Proceed."

Lindner: "This is off."

Speaker Black: "Are you through with your explanation, Representative?"

Lindner: "I'm sorry. No."

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Speaker Black: "Proceed."

Lindner: "I have consulted with both the Attorney General and the State Board of Elections, our regional superintendent, and the local superintendent about this, and everyone is in favor of it."

Black: "And on that, is there any discussion? The Gentleman from Cook, Representative Dart."

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

Black: "She indicates she will."

Dart: "Representative, is there a particular case that this is responding to?"

Speaker Black: "Representative Lindner."

Lindner: "This, yes, this did. My voters were confused in the last election because the way the ballot appeared, someone who had a higher number of votes was not seated because her township was already filled. But the ballot specified a four year election and a two year election, and the voters thought that they were two separate elections. But this will not affect that election. This is not retroactive."

Speaker Black: "Representative Dart."

Dart: "This will affect all districts, though? Is that correct?"

Speaker Black: "Representative Lindner."

Lindner: "No, it will only affect districts that have minority representation. And I have two in my area, and there are others in the State, and I was informed by the Attorney General's Office that this problem had happened in other areas of the state also."

Speaker Black: "Representative Dart."

Dart: "Do you know how many districts this will affect?"

Speaker Black: "Representative Lindner."

Lindner: "No, I don't know how many districts in the State have minority representation. But, it is defined in the statute

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that minority representation is when the territory of any such district exceeds two congressional townships or 72 square miles, and at least 75% but less than 90% of the district's population resides in one of those congressional townships."

Speaker Black: "Representative Dart."

Dart: "Will there be any cost associated with this change?"

Speaker Black: "Representative Lindner."

Lindner: "No, there will be no cost."

Speaker Black: "Representative Dart."

Dart: "And I have down that the Attorney General's Office has no position on it. Is that because they disagree with part of it, or was it just they weren't sure about this Bill?"

Speaker Black: "Representative Lindner."

Lindner: "No. I did work out the entire ballot with the Attorney General's Office, and someone from the Attorney General's Office did come to testify at the committee level although she did not have a chance to testify because it was passed by the committee unanimously."

Speaker Black: "Representative Dart."

Dart: "Yeah. If I can just ask you briefly, there's a section here also talking about filling the vacancies in districts. What does that pertain to? Is that the same problem?"

Speaker Black: "Representative Lindner."

Lindner: "Yes it is. Actually, a vacancy can be filled now by three ways. Depending on how far away we are from an election, it is either filled by the school board by the superintendent, or as defined in the statute, if it's a certain number of days away from an election, then there has to be an election. And in three places in the statute now, it says that the person who fills that vacancy has to have the same qualifications as the successor. I am

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clarifying that language because it is the opinion of the Attorney General and the Board of Elections. The people have not been following that and it really means that that person who fills that vacancy has to be from the same township from which the successor was elected."

Speaker Black: "Representative Dart."

Dart: "Okay, I think I follow that then. Then presently, in three parts of the statute it already specifies that but in another it doesn't? And there has been actual problems with that?"

Speaker Black: "Representative Lindner."

Lindner: "I'm not sure I heard the last part of your question. But, yes, now in three parts of the statute, the language that I just quoted, and we are changing the language to say, 'whether elected or appointed by the remaining members or regional superintendent, the successor shall be an inhabitant of the particular area from which his or her predecessor was elected if the residential requirements apply'."

Speaker Black: "Representative Dart."

Dart: "I guess the final part of my question is then, has this portion also been a problem? You mentioned something about individuals who are not following this. Have there been situations where they have not been taking it from the district, and if so, where?"

Speaker Black: "Representative Lindner."

Lindner: "Yes. I have been told by the Attorney General's Office that this has not been followed in other areas of the State. And in fact, on the last ballot in our area, the two people were from two different townships who were running for the two-year term. And they should have both been from the same township from which the person who was

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originally elected to that term had been."

Speaker Black: "Representative Dart."

Dart: "Do you have an estimate then on how many positions this is going to affect?"

Speaker Black: "Representative Lindner."

Lindner: "Well, it's not going to affect anybody now. It will only change the ballot for elections that come up in the future to make the ballot clearer."

Speaker Black: "Representative Dart."

Dart: "No further questions."

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

Lindner: "I would just ask for a favorable vote."

Speaker Black: "The question is, 'Shall House Bill 3300 pass?' All in favor vote '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 107 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar appears House Bill 3349. Please read the Bill."

Clerk Rossi: "House Bill 3349, a Bill for an Act concerning motor vehicle leasing. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Cook, Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3349 is an initiative of the Attorney General's Office which addresses some of the problems that we've been experiencing in the automobile leasing industry. Over the years, we've noticed there's been an increase in individuals who have opted to lease cars instead of

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purchasing them. And we wanted to address as many of the problems that we could which are a recurring problem as reported to the Attorney General's Office. It's a very in-depth Bill. It provides a lot of built-in consumer protections. Last week, in the Chicago's Sunday Sun Times, they did a full page article on it, kind of letting people know the generalities of the Bill. It's a good Bill. I think there was a lot of work that went into it. There are no opponents. The new car dealers are on-board, the American Automobile Manufacturers Association is on-board, and I would ask for a favorable vote."

Speaker Black: "And on that, is anyone seeking recognition? Any discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Black: "He indicates he will."

Schakowsky: "I'm looking at some of the provisions of Amendment 1 which changed the Bill in some ways that are significant vis-a-vis the consumer or the lessee. I specifically wanted to ask you about the deletion of language that prohibited a lessor from using rebates or discounts to induce a consumer, a customer to provide information or assistance to the lessor for a subsequent lease agreement. Why was this eliminated from the Bill, from the original Bill?"

Speaker Black: "Representative Saviano."

Saviano: "Representative, I believe that was a result of some of the negotiations we had with the new car dealers. You have to understand that when we approached this subject, we wanted, we needed a starting point, and we felt that, you know, this Bill doesn't represent everything that we would want in it. But it's a good beginning. That provision was

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removed so we would have the initial support of all the automobile industries and allow them to participate in a pro active manner with us to accomplish a start point."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well, Representative, I understand that all of these points were changed because of negotiation with somebody. But, the point I'm trying to get at is, how does this impact on the consumer since we're trying to deal with a consumer protection Bill. So, let me ask you this. The language was deleted that required the lessor to have blank samples of its current lease form readily available. That seems to me a fairly minimal requirement. And I understand that the Automobile Dealers Association wanted that out. Why would that be in the interest of consumers?"

Speaker Black: "Representative Saviano."

Saviano: "I believe that the main concern with that was if they were made readily available, it would be somewhat, if a consumer went in and was able to obtain a blank form in that manner, there would be a problem as far as competitors. If you're taking that blank form, and then having other competitors have access to those forms, I think that it was somewhat of a trade secret or whatever the case may be. The fact of the matter is, once the thing is typed up, the consumer still has the opportunity to read it over once it's filled in."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well, I understand that. And maybe that's a problem for all of us when we deal with automobiles. It's not exactly like buying any other product. Automobiles they don't put a real price on, and maybe at some point at least consumer pressure will want to force that, if not legislation. There's a provision in this Bill that deals

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with realized value, and I'm afraid I don't understand what realized value is. What is it?"

Speaker Black: "Representative Saviano."

Saviano: "Realized value is defined as 'the greater of the price received by the lessor for disposition of the vehicle after subtracting all actual reasonable expenses of sale'."

Speaker Black: "Yes. Representative Schakowsky."

Schakowsky: "So, it says that there's a provision that authorized, there was in the original Bill a provision that authorized the lessee to obtain a mutually acceptable appraiser to determine the wholesale value of the vehicle. This provides that the realized value agreed upon by the lessee and the holder shall be final and binding on the date of the early lease termination or the end of the scheduled lease term. It says that the lessor and lessee may agree upon the method of determining the realized vehicle. They may. But, what if they don't agree? Then who gets to decide what the realized value is?"

Speaker Black: "Representative Saviano."

Saviano: "Well, if they don't agree, then it's not in the Bill. I mean, you know, if that's something that, that would probably be something that should be determined by the lessee. And it's sort of a 'buyer beware situation' where at the beginning, the lessee should ask for that to be in. That was definitely left out for a purpose that the car dealers didn't want to face up to."

Speaker Black: "Representative Schakowsky, before you proceed, I forgot to turn on the timer. Can we compromise and give you one minute? I think that would be about right. Is that all right? I don't have a two minute switch. I'll give you two one minutes. Proceed."

Schakowsky: "Thank you very much, Mr. Speaker. Well, my concern

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is that without the explicit that it says that it really defaults to the lessor in making that decision. And I would be concerned about that."

Speaker Black: "Representative Saviano."

Saviano: "We did insert the language in here. It says, 'nothing in this section shall be deemed to prohibit the lessee and the lessor from agreeing upon the vehicle's realized value or the method of determining the vehicle's realized value in which case the value agreed upon shall be final and binding upon the parties'."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well, I am just a little concerned about the silence, though if an agreement is not reached that it then is solely in the hands of the lessor. I wanted to ask you one more. This Amendment eliminated the penalty provisions of the Bill for illegal actions perpetrated by the lessor. And that certainly doesn't seem to me to be in the consumer interest. Could you explain that?"

Speaker Black: "Representative Saviano."

Saviano: "Yes. What we did with that instead of specifying specific authorities under this, the Attorney General still has the power under civil authority or civil jurisdiction to go ahead and prosecute under his current authority. We didn't want to explicitly put it in there, being afraid that it would contradict what he's already, he still could prosecute civil penalties."

Speaker Black: "Representative Schakowsky."

Schakowsky: "So, in terms of legislative intent, you're saying that the penalties available to the Attorney General will be applicable in these instances?"

Speaker Black: "Representative Saviano."

Saviano: "That's absolutely correct."

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Speaker Black: "Representative Schakowsky."

Schakowsky: "Quick question that I'll leave with. In the event that I lease a car that drops its transmission three months after the termination of the lease, would I be liable for those costs to repair that vehicle?"

Speaker Black: "Representative Saviano."

Saviano: "Representative, under any lease, once the car is taken in by the dealer, inspected, and you're furnished with a normal wear and tear or whatever the case might be, and you're assessed whatever charges off your security deposit, once that's completed, there's no recourse by the dealer."

Speaker Black: "Is there any further discussion? The Gentleman from Cook, Representative Lang. Are you seeking recognition?"

Lang: "Yes, thank you. Will the Sponsor yield?"

Speaker Black: "He indicates he will."

Lang: "Representative, I might have had a couple of the same concerns Representative Schakowsky did. However, would it be fair to say that the areas she was questioning are not changed in a detrimental way to consumers under your Bill? In fact, there are no laws covering those areas at all today. Is that correct?"

Speaker Black: "Representative Saviano."

Saviano: "That is correct."

Speaker Black: "Representative Lang."

Lang: "So, even though some of us might like to see that section a little stronger with arbitration proceedings or something like that, the fact is that today all consumers are at the mercy of the lessor relative to those issues. Correct?"

Speaker Black: "Representative Saviano."

Saviano: "That is correct, Representative. As I explained before, sure we'd like to have a lot of other things in

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this Bill. But this is a starting point. I think that as we go along and experience more exposure to the leasing scenario. You know, today in the car market, because of the high cost of cars today, you're getting more involvement in the secondary car market which are used cars and more into the leasing end of the car market where people could afford a larger car payment but they don't have a large downstroke. And we wanted to get something on the books right away to start addressing some of the primary concerns. I'm sure we could revisit this somewhere down the line."

Speaker Black: "Representative Lang."

Lang: "Thank the Sponsor. To the Bill. I rise in support of House Bill 3349. It's not a perfect Bill. However, as the Sponsor says, it is a start. More and more people are leasing cars today, and they need the protections provided by this legislation. So, I think this is a step in the right direction and we ought to pass this and continue to look at this issue as this area in the law develops."

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

Saviano: "I would ask for a favorable vote on this fine piece of legislation. Thank you."

Speaker Black: "The question is, 'Shall House Bill 3349 pass?' All in favor vote '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 106 voting 'aye', 0 voting 'nay', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar appears House Bill 3367. Please read the Bill."

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Clerk Rossi: "House Bill 3367, a Bill for an Act amending the Vehicle Code. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Livingston, Representative Rutherford, is recognized."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This piece of legislation that's being brought to us by Secretary Ryan. We have in the State of Illinois special event plates which allow various groups and organizations to sell for a limited period of time a number of plates to commemorate that event. Today in the statute we have a limitation of 200 pairs. What this legislation would do is eliminate that so it can be an unlimited number to be sold. A second thing the legislation does also is create the universal charitable organization license plate. As you may know, there are a number of special issue license plates that have taken place through action of the General Assembly. And because of the manufacturing limitations we have in our State, we're only limited to have two per year. And what we are going to do here in cooperation with the Secretary's Office is create the Universal or Charitable Organization Plate such that any charitable, benevolent, philanthropic, or patriotic purpose can participate in the program through guidelines set by the Secretary of State and I'd answer any questions."

Speaker Black: "You've heard the Gentleman's explanation. Is there any discussion? And on that, the Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, how many sets of plates are you talking about issuing here?"

Speaker Black: "Representative Rutherford."

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Rutherford: "There's, breaking it into two categories, Representative. One of them is in the special event category, so there's no actual number that we're creating here. What we're saying is, we're removing the cap where today under special event plates, the state is limited by statute to only issue 200. This would eliminate that so that an organization could actually sell or participate in more than just 200 pairs of it. The other side of it is the Universal Or Charitable Organization Plate and as you know, Representative, you've seen debate a number of times in this chamber, the idea of a Vietnam War Memorial plate, a Korean plate, a DARE plate, and so forth and so on. Rather than the General Assembly acting every year to have to decipher and narrow it down to just two per year, what this would allow to happen is a special design plate that the Secretary of State would work with these philanthropical, benevolent, and so forth, to have it so that they could have their own special plate decal so we can issue a number of them to try to meet the needs that are out there."

Speaker Black: "Representative Dart."

Dart: "So, how would the decal actually work today? Would they affix that on a license plate, then?"

Speaker Black: "Representative Rutherford."

Rutherford: "There will be a specially designed plate, uniform in color, standard and so forth, to meet all the necessities of law enforcement and the like. The rules would be developed through the Secretary of State's Office. Then each of these special organizations can come in and say, 'we are interested in having a special decal so that we can have our own specialty Universal Charitable Organization Plate'. There will be guidelines set, similar I would

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assume to the check off that we have on the income tax, that they have to have sold so many in a year, they have to raise so much money, and so forth."

Speaker Black: "Representative Dart."

Dart: "So then it would be, you're saying one generic type of plate maybe similar to the one with the environmental one now, except that area would be blank and then, depending on what group, they'd put whatever decal on they want?"

Speaker Black: "Representative Rutherford."

Rutherford: "Generally that's what it would be. It would be a good looking, standard plate meeting all necessities again of law enforcement. And yet, as opposed to having printed or plated metallized this special plate, they would be able to affix some type of a decal or logo or something like that on it."

Speaker Black: "Representative Dart."

Dart: "And there is no limit to the number of universal or charitable organizations if you get this in one year? Is that correct?"

Speaker Black: "Representative Rutherford."

Rutherford: "That is correct."

Speaker Black: "Representative Dart."

Dart: "And you alluded to some requirements. Are any of those requirements in statute or is basically the Secretary of State going to determine whether or not this organization fulfills the requirements of a charitable organization?"

Speaker Black: "Representative Rutherford."

Rutherford: "There's, it set forth in the statute what they have to be. But, for example, a charitable organization, we do have set in statute how that is defined, and that's elsewhere in the statute. We also have certain requirements for license plates such as you know, certain

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illumination, two of them, front of the car, back of the car. So those types of basic standards are set. As far as how many, what color and so forth in the design work, that'll come from the efforts of the Secretary of State's."

Speaker Black: "Representative Dart."

Dart: "So, I mean, just so I can get it straight, 'cause I remember one of the arguments that we've had here constantly when these issues have come up is that there's too many designations out there already, that there's too many different kinds. And basically, are we not opening the door to literally unlimited number right now?"

Speaker Black: "Representative Rutherford."

Rutherford: "No, actually this is just quite the contrary. This will actually help streamline it. This is actually the answer to all of this debate that we've had out there. We're going to have one standard plate, and the difference will be the actual logo identity to it. So we will start to add the consistency throughout that. You know, I've served in the Constitutional Officers Committee. Now, this will be my fourth year. And every year we have an extremely good, qualified, recognizable and needed reasons for people to come forward to have these special plates created. And what it does, it gets into a debate between the Members of the Illinois General Assembly as to whether children first, greenhouse effect first, or the penguins come first. And really what we're trying to say is, let's take it out of the political arena. Let's go out and create one universal standard plate, allow each charitable group to come in, meet the process and guidelines as set by the Secretary of State, and we can eliminate some of this mass numbers of plates that we have out there."

Speaker Black: "Representative Dart."

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Dart: "Well, I mean, I would tend to disagree with you there. Because it seems to me that under the very words of this Bill, we're going to have massive numbers of plates with these special decals that are all going to be different. And what you're saying, it's going to be out of the political realm of this Body here. It is now going to be put into the political realm of the Secretary of State's Office where he or she, whatever the case may be, would be making the determination of whether or not this group qualifies or not. So you'd have to come to the Secretary to get the okay. Is this not more political?"

Speaker Black: "Yes, your time is expired, Representative Dart. Representative Rutherford to answer the question."

Rutherford: "No."

Speaker Black: "Further discussion? The Gentleman from Will, Representative Meyer."

Meyer: "Thank you, Mr. Speaker. Would the Representative yield for a question?"

Speaker Black: "He indicates he will."

Meyer: "Representative, just to start off the discussion. In general, I agree with what you're attempting to do. I am concerned about the definition of the word 'charitable' and whether it will really do everything that you are indicating. Well, and certainly some of the things that I have heard from some of my constituents back home in wanting to develop their own plate for different organizations. How closely defined, controlled is this word, the definition of the word 'charitable'? Is it something that's going to be hard for a number of organizations to identify with or to meet?"

Speaker Black: "Representative Rutherford."

Rutherford: "Representative, actually I think, you know, we do

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have 'charitable' defined in our statutes. But, go beyond that though, if we could. The next word after that is 'benevolent'. So, I mean, we're not just saying they have to be strictly a charitable organization. They could be a benevolent one. They could be a philanthropic one as is set forth here in the statute, or a patriotic group. So, please don't let us look so defined as strictly charitable because there are other terms and definitions that the process can allow to have these special plates available for."

Speaker Black: "Representative Meyer."

Meyer: "Thank you, Representative. I would be in support of your Bill. I think it's a good way of allowing organizations to identify themselves and to show their support for whatever their independent cause is. It also gives uniformity instead of coming up with a different plate and having 50, 60 different plates, we can have one single plate and just be able to identify it by a decal. It seems like it would make a lot of sense and would satisfy the concerns of a number of organizations. Thank you."

Speaker Black: "And further discussion? The Gentleman from St. Clair, Representative Holbrook."

Holbrook: "Thank you, Mr. Chairman. Mr. Chairman, this Bill will do a whole myriad of very positive items for many good causes. It's going to both raise awareness of events and raise awareness for causes. It costs the taxpayers absolutely nothing. And this is the thing state government should be doing more of, and I support this Bill. Thank you."

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

Rutherford: "A number of Members of this General Assembly have

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had interest in special plates, and I think this would be a resolution to all of the desires to have these go out to help raise money for the various organizations. I want to personally thank Secretary of State George Ryan for his efforts to try to bring these types of programs to us here in the public and stand ready to help have this Bill become law for the Secretary. Thank you very much."

Speaker Black: "The question is, 'Shall House Bill 3367 pass?' All those in favor vote '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 101 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen of the House, we'll return in a moment or two to the Order of Third Reading. Right now, we'll return to the Order, or go back to the Order of Second Reading. Mr. Clerk, would you please read House Bill 378?"

Clerk Rossi: "House Bill 378, a Bill for an Act amending the Vehicle Code. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. The State Mandates Note and the Fiscal Note that have been requested on the Bill have been filed."

Speaker Black: "Third Reading. Mr. Clerk, would you please read on the Order of Second Reading, House Bill 427?"

Clerk Rossi: "House Bill 427, a Bill for an Act amending the Illinois Income Tax Act. Second Reading of this House Bill. Amendment #2 was adopted in committee. No Motions have been filed. A Fiscal Note and a Fiscal Note as amended have been filed on the Bill."

Speaker Black: "Third Reading. On the Order of Second Reading

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appears House Bill 431. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 431, a Bill for an Act amending the Service Occupation Tax Act. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Motions have been filed. The Fiscal Note and the Fiscal Note as amended that have been requested on the Bill have been filed."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 1285. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 1285, a Bill for an Act amending the Board of Higher Education Act. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions have been filed. The Fiscal Note that was requested on the Bill has been filed."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 2670. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2670, this Bill has been read a second time previously. No Amendments have been adopted in committee. No Floor Amendments approved for consideration. A Fiscal Note and a Corrections Budget and Impact Note have been requested on the Bill and have not been filed."

Speaker Black: "The Bill will remain on Second Reading. Mr. Clerk, on the Order of Second Reading appears House Bill 2691. Please read the Bill."

Clerk Rossi: "House Bill 2691, this Bill has been read a second time previously. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The Fiscal Note that was requested on the Bill has been filed."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 2693. Please read the Bill."

Clerk Rossi: "House Bill 2693, a Bill for an Act amending the

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School Code. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. The Fiscal Note and the State Mandates Note that were requested on the Bill have been filed."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 2799. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 2799, a Bill for an Act amending the Illinois Vehicle Code. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. A Fiscal Note and a State Mandates Note as amended have been requested on the Bill and have been filed."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 3052. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3052, this Bill has been read a second time previously. Amendment #1, was adopted in Committee. No Motions have been filed. No Floor Amendments approved for consideration. A State Mandates Note and a Fiscal Note that were requested on the Bill have been filed."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 3283. Please read the Bill."

Clerk Rossi: "House Bill 3283, a Bill for an Act amending the Illinois Public Aid Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 3533. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3533, a Bill for an Act concerning pilot program of vouchers for educational expenses. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments approved for consideration. A Fiscal Note

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and a State Mandates have been requested and have not been filed."

Speaker Black: "Have not been filed, the Bill will remain on Second Reading. On the Order of Second Reading appears House Bill 3547. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3547, a Bill for an Act amending the Illinois Act on Aging. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. A Fiscal Note has been filed on the Bill."

Speaker Black: "Third Reading. On the Order of Second Reading appears House Bill 3662. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3662, a Bill for an Act concerning business technology and other development. Second Reading of this House Bill. Amendment #1, was adopted in committee. No Motions have been filed. No Floor Amendments approved for consideration. A Fiscal Note and a State Mandates Note have been requested on the Bill and have been filed."

Speaker Black: "Third Reading. Mr. Clerk, what is the status of House Bill 3533?"

Clerk Rossi: "House Bill 3533 has been read a second time previously and was held on the Order of Second Reading pending the filing of a Fiscal Note and a State Mandates Note. Those notes have now been filed."

Speaker Black: "Third Reading. Returning now to the Order of House Bills - Third Reading, there appears House Bill 3050. Mr. Clerk, please read the Bill."

Clerk Rossi: "House Bill 3050, a Bill for an Act amending the Code of Civil Procedure. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Bureau,

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Representative Mautino, is recognized."

Mautino: "Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I bring you House Bill 3050 and this has a provision which will allow the City of Streator to use the power of quick take. And this is necessary for a project, for their sewer development project. They had a problem where the first flush basin of their sewer, of the first building of the sewer program was built over a mine. And then there was a problem with subsidence. In finding it and deciding how they were going to correct this problem, they found that they did not have clear title to the property. The reason this has become necessary is there is an IEPA consent to create which the City must follow. The City, the IEPA, and the party of the Small Business Administration which is involved in this, are all in agreement. And this is necessary. It will save the City about \$90,000 a year so they can get forward and get their problems corrected to protect the health and safety of the people of Streator. And I'd be happy to answer any questions."

Speaker Black: "You've heard the Gentleman's Motion. And on that, anyone seeking recognition? Yes, the Gentleman from Will, Representative Wennlund."

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

Speaker Black: "He indicates he will."

Wennlund: "Representative Mautino, I apparently missed the first part of that. I couldn't hear. The noise level was so high over here. This is for a specific building or a specific piece of property that the City of Streator wishes to acquire?"

Speaker Black: "Representative Mautino."

Mautino: "Yes it is. It's a piece of property. It's

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approximately the same size as this chamber. Part of it is down in a ravine. When they went to correct their problem where the first flush basin collapsed into an abandoned mine, they found the City did not have the actual title to the property when they originally built."

Speaker Black: "Representative Wennlund."

Wennlund: "Who owns the property at the current time?"

Speaker Black: "Representative Mautino."

Mautino: "Currently, it is, the property itself is tied up with liens with the SBA. The previous owners are deceased, and so there's a trust in which this is being held in right now. The people who are holding the trust are in agreement to the price that the City has offered. But they don't want to separate this one section from the rest of the property that has liens on. So, they would be just as happy if the General Assembly would allow this City to do the quick take."

Speaker Black: "Representative Wennlund."

Wennlund: "And is there a time limit on how long the City can use this power of quick take?"

Speaker Black: "Representative Mautino."

Mautino: "If you'll hold one second, I'll get that for you. Six months."

Speaker Black: "Representative Wennlund."

Wennlund: "That answers the questions. Thank you very much, Representative Mautino."

Speaker Black: "Further discussion? The Gentleman from Rock Island, Representative Brunsvold."

Brunsvold: "Thank you, Mr. Speaker. I simply stand in support of the Gentleman. This Bill had a lengthy hearing in Cities and Villages Committee. Going through all the details that Representative Wennlund has gone through plus a lot more,

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we answered all the questions dealing with quick take provisions and who owned the property. And everyone is in agreement. And I would suggest an 'aye' vote for everyone, solve their problems."

Speaker Black: "And further discussion? The Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. My district abuts Representative Mautino's and we worked very closely on a number of projects. I had the pleasure of representing part of the City of Streator and have met with the Mayor and the Economic Development Group. And Representative Mautino and I have worked very closely to shepherd this through the General Assembly, and I would encourage an 'aye' vote on my side of the aisle as well."

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

Mautino: "Thank you. I ask for an 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 3050 pass?' All those in favor vote '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 104 'ayes', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar appears House Bill 3436. Please read the Bill."

Clerk Rossi: "House Bill 3436, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

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

Hughes: "Thank you, Mr. Speaker. House Bill 3436 has two provisions. The first increases the fine for motor

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vehicles stopping on a rail crossing from the current \$75 traffic offense fine to a mandatory \$500 fine or 50 hours of community service. This fine provision is similar to Senate Bill 1078, now Public Act 89-186 which increased the fine for a motorist who drives around an activated rail gate arm. That Public Act took effect January 1 and is already increasing safety awareness around rail crossings. And the intention of this Bill is to reinforce that safety effort. The second provision of the Bill directs that all school buses must stop at all railroad grade crossings within 50 feet but not less than 15 feet from the nearest rail. And while stopped shall listen and look for the approach of a train rather than only having to stop, look and listen when children are on board. This measure will reinforce to bus drivers the need to always stop before rail tracks. This is especially important in suburban areas where commuter trains arrive and depart frequently. This Bill passed Committee unanimously. It is supported by the School Transportation Association, the Illinois Railroad Association and Norfolk Southern Railroad. I urge your positive consideration. I'll take questions. Thank you."

Speaker Black: "And on that, is there any discussion? The Gentleman from Winnebago, Representative Scott."

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

Speaker Black: "She indicates she will."

Scott: "So, basically you're making two small changes if I understand it correctly. One is to make a mandatory fine. What's the fine right now? Is it an up to \$500 fine?"

Speaker Black: "Representative Hughes."

Hughes: "Right now, it's treated as a typical traffic offense, \$75 fine."

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Speaker Black: "Representative Scott."

Scott: "So it's not a traffic offense that they couldn't allow for a higher fine in any municipality or anything right now? Because I know most traffic offenses can be up to \$500 right now either under State Law or under Municipal Code."

Speaker Black: "Representative Hughes."

Hughes: "It's not my understanding that that's the case although it could be. But what this does is mandate the \$500 fine."

Speaker Black: "Representative Scott."

Scott: "And the 50 hours of community service work, does that hour total match up to where community service work is provided in other cases? Are we making this a higher or lower amount of community service than would be in other cases?"

Speaker Black: "Representative Hughes."

Hughes: "I believe that it's consistent with other legislation, the 50 hours."

Speaker Black: "Representative Scott."

Scott: "So, the other provision would be then to make sure that buses stop even when children aren't on board, I believe is what you said."

Speaker Black: "Representative Hughes."

Hughes: "Currently, buses or drivers are required to stop only if there are children or is a child on board. The idea here is to make the practice consistent at all times and reinforce good safety practice."

Speaker Black: "Representative Scott."

Scott: "I can't imagine any, but was there any opposition to the Bill in committee? Or was there any thought of including other provisions maybe that were considered by committee but weren't included in the Bill, other safety provisions

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for buses?"

Speaker Black: "Representative Hughes."

Hughes: "There was no opposition to the Bill. Even the school bus drivers support this. I expect that we will be considering other measures as we move along through the year. The committee and staff are continuing to evaluate reports relative to the whole issue of grade crossings and school bus safety."

Speaker Black: "Representative Scott."

Scott: "Is any of the fine money designated to go to any particular subject, any education, anything to do with, you know, victims of these particular types of accidents? Is there any provision like that in there or was that discussed anywhere?"

Speaker Black: "Representative Hughes."

Hughes: "No."

Speaker Black: "Representative Scott."

Scott: "Thank you. I very much appreciate the answers to your questions and I can't foresee any kind of opposition to this at all. Thank you, Representative."

Speaker Black: "Representative Hughes."

Hughes: "To close, Mr. Speaker?"

Speaker Black: "Oh, with no one seeking recognition, oh I'm sorry. How careless of me. Yes, there does seem to be a light or two on. Excuse me. Representative Lang, are you seeking recognition? Or is your light just stuck on?"

Lang: "I've been very docile today, Mr. Speaker."

Speaker Black: "Yes you have. Yes."

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

Speaker Black: "She would be delighted."

Lang: "Thank you. Representative, does this come out of the subcommittee that you chaired after the bus accident in Fox

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River Grove?"

Speaker Black: "Representative Hughes."

Hughes: "We didn't have a subcommittee. That was the House Committee on Counties and Townships and this did come out of the House Committee on Counties and Townships."

Speaker Black: "Representative Lang."

Lang: "Is this the sum total of the recommendations made by your committee subsequent to those hearings that you conducted?"

Speaker Black: "Representative Hughes."

Hughes: "This is the first recommendation. The committee will be continuing to review staff reports and analyzing other aspects of this issue."

Speaker Black: "Representative Dart."

Lang: "I know. I'm...Mr. Speaker."

Speaker Black: "I'm sorry. Representative Lang. I'm sorry."

Lang: "One of us is insulted. I'm not sure which. Representative, was there any consideration given here to seat belts on school buses?"

Speaker Black: "Representative Hughes."

Hughes: "There was testimony at that hearing as I'm sure you are aware, Representative Lang. A Bill was not presented to committee for consideration. That issue is part of what will be a comprehensive report that we expect to be bringing forward from committee later on this Session."

Speaker Black: "Representative Lang."

Lang: "Well, just for the record, the Bill wasn't presented before your committee because the Speaker left it in the Rules Committee and would not allow it to be presented. Is that correct?"

Speaker Black: "Representative Hughes."

Hughes: "I believe so."

Speaker Black: "Representative Lang."

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Lang: "Thank you for that. It's the first thing I've won today. Now, let me ask you this. Is there any estimate by any reliable source that would give us some information as to what affect on the numbers of accidents there would be of this additional fine and this additional hours of community service that's in your Bill?"

Speaker Black: "Representative Hughes."

Hughes: "I think this is one technique. We dealt with one earlier this Session on the 'cop in a box' legislation to try to address what is probably the most common cause of these accidents. And that is human action to heighten the awareness of the public of the seriousness of failing to take all precautions and to heed all warnings at rail crossings."

Speaker Black: "Representative Lang."

Lang: "And so, was there a specific interest group that proposed this specific change?"

Speaker Black: "Representative Hughes."

Hughes: "These suggestions that resulted in this Bill came from the School Transportation Association and the Illinois Railroad Association."

Speaker Black: "Representative Lang."

Lang: "Were these suggestions part of the testimony that the committee heard when it met in Chicago?"

Speaker Black: "Representative Hughes."

Hughes: "I don't believe they were alluded to directly in verbal testimony, but I believe they were contained in some written communications that were submitted to the committee."

Speaker Black: "Representative Lang."

Lang: "Did I hear you indicate that you are going to propose a comprehensive package of Bills, or a comprehensive program

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to deal with the kinds of problems that developed in Fox River Grove before the end of this Session?"

Speaker Black: "Representative Hughes."

Hughes: "Staff has been working with a lot of input that was received in the hearings and subsequent to the hearings from various sources, working to develop a comprehensive report with some recommendations that will be developed by the committee. Not necessarily all of them would be legislative resolutions, or solutions, or proposals."

Speaker Black: "Representative Lang."

Lang: "Well, thank you. May I just simply ask because of my interest in this area of which I am sure you are aware, if you would share those proposals with me before they come to the Floor so that we can discuss them together?"

Speaker Black: "Representative Hughes."

Hughes: "I would be happy to do so."

Speaker Black: "Representative Lang."

Lang: "That's all. Thank you."

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

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

Speaker Black: "She indicates she will."

Granberg: "Representative, you indicated that you are still considering other options. And a lot of those might be addressed without the implementation of legislation. Is that correct?"

Speaker Black: "Representative Hughes."

Hughes: "Yes."

Speaker Black: "Representative Granberg."

Granberg: "It was also my understanding, though that in committee, Representative Hughes, the administration, the Governor had proposed doubling the tax on railroads to pay

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for 800 numbers pursuant, that was to be incorporated in this Bill. Isn't that correct?"

Speaker Black: "Representative Hughes."

Hughes: "That is not correct. This Bill was presented to committee as a 'stand alone' Bill."

Speaker Black: "Representative Granberg."

Granberg: "But isn't it correct that the Governor or the administration had proposed doubling the tax on railroads to be considered last week in this committee?"

Speaker Black: "Representative Hughes."

Hughes: "The whole issue of the 800 number, of a mechanism for setting that up, of a funding mechanism for that program is still being negotiated."

Speaker Black: "Representative Granberg."

Granberg: "So it's still be negotiated? Had the Governor recommended, had language drafted to double the tax on railroads to do that?"

Speaker Black: "Representative Hughes."

Hughes: "I'm sorry. I didn't..."

Speaker Black: "Representative Granberg, repeat your question."

Granberg: "Didn't the administration have language drafted to double the tax on railroads to implement that 800 number provision?"

Speaker Black: "Representative Hughes."

Hughes: "I have not seen any language on paper."

Speaker Black: "Representative Granberg."

Granberg: "You have not seen any language that would double the tax on railroads or shift funds to the Illinois Commerce Commission from the great Safety Protection Fund?"

Speaker Black: "Representative Hughes."

Hughes: "I have not seen that in an Amendment to any Bill."

Speaker Black: "Representative Granberg."

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Granberg: "Have you seen that language in written form?"

Speaker Black: "Representative Hughes."

Hughes: "No I have not."

Speaker Black: "Representative Granberg."

Granberg: "Well, Representative, I have seen that language. And I am not on that committee. I've seen the language and I thought, I understood that the administration had proposed doubling that tax. I thought it was to be incorporated as part of House Bill 3436 and I had also thought that decision had been made not to do that at this point. So, you're not familiar with any discussion about increasing the tax on railroads to implement and 800 number provision?"

Speaker Black: "Representative Hughes."

Hughes: "You just asked me a different question. I am aware that there is discussion in that regard. I am also, as I stated before, aware that negotiations are still taking place amongst the Governor's Office, the ICC, IDOT, the Rails."

Speaker Black: "Representative Granberg."

Granberg: "Well, I just wanted to make sure, Representative, because all of the sudden we've had this tax increase furor. And I have seen the language where the administration proposed doubling the tax on railroads too, not only education, now we're going to do it for this, for an 800 number program. So, I just wanted to make sure the administration gets all these tax increases together. But I appreciate your frankness. Thank you."

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

Hughes: "Thank you. House Bill 3436 is a good Bill. It has no opposition. It is supported by both rails and School Bus Transportation Association. It is to promote, enhance

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safety around school buses and rail crossings and deserves your vote of support. Thank you."

Speaker Black: "The question is, 'Shall House Bill 3436 pass?' All those in favor vote 'aye'; opposed vote 'nay'. 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 107 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitution Majority, is hereby declared passed. Mr. Clerk, on page 12 of the Calendar appears House Bill 3520. Please read the Bill."

Clerk Rossi: "House Bill 3520, a Bill for an Act amending the Comprehensive Health Insurance Plan Act. Third Reading of this House Bill."

Speaker Black: "And on that question, the Lady from Lake, Representative Clayton."

Clayton: "Thank you, Mr. Speaker. This Bill amends the Comprehensive Health Insurance Plan Act. It establishes conditions and procedures under which CHIP may, if funds permit, discount or subsidize premium rates that are paid directly by senior citizens and other plan participants who meet a 'means test' and are otherwise qualified. CHIP is an insurance pool for Illinois residents who are unable to obtain health care coverage or who can only obtain coverage that is more expensive than the pool's coverage. The premiums are statutorily set at a rate equal to 135% of the average rate charged for comparable individual coverage by the five or more largest private insurers in Illinois. State appropriations, which are more than 17,000,000 annually cover the remainder of the coverage cost. The state share represents approximately 50% of the cost. CHIP's currently has 5000 enrollees and no waiting list.

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We're requesting this Bill because the CHIP premiums average over 4,000 per year and current budget projections assume an annual increase of 12.4% each year for the next three years. It may be cheaper and more equitable to develop some type of income-based subsidy rather than to lower or moderate premiums for everyone, including those who can afford higher premiums. CHIP officials also note that many individuals who drop CHIP coverage due to cost eventually become Public Aid recipients. A CHIP survey indicated that this has happened to at 45 individuals this last year. I'd be happy to answer any questions."

Speaker Black: "And on that, is there any discussion? The Gentleman from Washington, Representative Deering."

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

Speaker Black: "She indicates she will."

Deering: "Representative, can you spell out to the Members in the Body what the nature of the 'means test' is in this legislation?"

Speaker Black: "Representative Clayton."

Clayton: "That would be determined by the CHIP's Board. It's not in the legislation, and of course you recognize that the CHIP's Board does include bipartisan representation from the General Assembly."

Speaker Black: "Ladies and Gentlemen, the noise level is picking back up again. If you'd please give the Representatives your attention on Third Reading? Proceed, Representative Deering."

Deering: "Thank you, Mr. Speaker. If the CHIP's Board has to come up with a 'means test', will they have to run that through JCAR so we'll have an opportunity or Members on JCAR will have an opportunity to look at those regulations?"

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Speaker Black: "Representative Clayton."

Clayton: "The CHIP's Board is not subject to JCAR regulations."

Speaker Black: "Representative Deering."

Deering: "So, if they come up with a test that we deem inappropriate, then we'll have to take legislative action to make any changes or corrections to it? Is that correct?"

Speaker Black: "Representative Clayton."

Clayton: "Of course recognize that the General Assembly still has oversight through the appropriation process."

Speaker Black: "Representative Deering."

Deering: "Now I understand that we're going to look at subsidizing the cost of insurance for senior citizens and persons who meet this means test. Now, it's my understanding there's a waiting list for the CHIP's program today. If there is a waiting list and we start subsidizing other policies, will we be taking away possible advantage of someone who can't get insurance to get in on the CHIP's program?"

Speaker Black: "Representative Clayton."

Clayton: "There is no waiting list today nor has there been for the last year. And recognize that the Bill says 'funds available'."

Speaker Black: "Representative Deering."

Deering: "Are there funds available today?"

Speaker Black: "Representative Clayton."

Clayton: "Currently, there is a \$31.3 million balance in the reserve at the end of the current Fiscal Year."

Speaker Black: "Representative Deering."

Deering: "It's hard for me to understand then, Representative, because just recently, I'm sure you're aware that I had a factory close down that had 800 jobs in it. We've had some

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people there that couldn't get health insurance, had tried to get in on the CHIP's Program and my office was told several times that there is a waiting list, there is no funding left for these individuals to get on the CHIP's Program. So if the individual standing next to you is with CHIP's, maybe when we're done with this line of questioning and done with this Bill, maybe he can come by and talk to me, please?"

Speaker Black: "Representative Clayton, do you wish to respond?"

Clayton: "It's suggested that you contact them. He's not aware of that. He'd be happy to help you."

Speaker Black: "Further discussion on the issue? The Gentleman from Effingham, Representative Hartke."

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

Speaker Black: "She indicates she will."

Hartke: "Representative Clayton, did I hear you say that the JCAR Committee has no oversight in this CHIP's legislation at all?"

Speaker Black: "Representative Clayton."

Clayton: "That's the way the statute is presently written."

Speaker Black: "Representative Hartke."

Hartke: "So CHIP's can set the premium at whatever level they want in relation to the number of applicants that they have?"

Speaker Black: "Representative Clayton."

Clayton: "No, according to statute, the fee is 135% of the average of the five... just a minute. It's a 135% of the average rate charged for comparable individual coverage by the five or more largest private insurers in Illinois."

Speaker Black: "Representative Hartke."

Hartke: "Yes. I understand that. Now, this legislation seeks to change that. Is that correct? What you're saying though,

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you're trying to base that on the individual's net worth, taking into consideration their age as senior citizens, et cetera?"

Speaker Black: "Representative Clayton."

Clayton: "It would be purely discretionary of the CHIP's Board."

Speaker Black: "Representative Hartke."

Hartke: "So, what you're saying is if an individual senior is, say quite wealthy, they've been denied insurance every place else. But, yet the average insurance company says for a senior that's 65 years old in average health would only be charged X amount of dollars. The CHIP's Board right now says they should receive this insurance for 135%. Is that correct?"

Speaker Black: "Representative Clayton."

Clayton: "Okay, at 65 you're on Medicare. And you're ineligible for CHIP's at that point."

Speaker Black: "Representative Hartke."

Hartke: "But you're saying here you want to adjust that. Why are you even bothering with senior citizens?"

Speaker Black: "Representative Clayton."

Clayton: "There is no definition in the Bill as to age of senior citizen."

Speaker Black: "Representative Hartke."

Hartke: "So you're trying to put what then with this Bill? You're trying to determine an age in here?"

Speaker Black: "Representative Clayton."

Clayton: "Age and other 'means testing'."

Speaker Black: "Representative Hartke."

Hartke: "Excuse me, I didn't hear your answer."

Speaker Black: "Representative Clayton."

Clayton: "Age and other 'means testing' as determined by the CHIP's Board."

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Speaker Black: "Representative Hartke."

Hartke: "Which would allow the CHIP's Board to lower the premium for those individuals between the ages of 55 and 65 and charge more for those under the age of 55?"

Speaker Black: "Representative Clayton."

Clayton: "It would be a discount for those who meet the 'means test'."

Speaker Black: "Representative Hartke."

Hartke: "And what consideration are you going to use in this 'means test'?"

Speaker Black: "Representative Clayton."

Clayton: "That is to be determined by the CHIP's Board."

Speaker Black: "Representative Hartke."

Hartke: "You're saying if they can't afford the premium we're going give it to them?"

Speaker Black: "Representative Clayton."

Clayton: "No, it says it would be subsidized."

Speaker Black: "Representative Hartke."

Hartke: "They would be subsidized more or less than the 135%?"

Speaker Black: "Representative Clayton."

Clayton: "It would be those who cannot meet the 135%. In other words, what we're trying to do is make it possible for people to stay with the CHIP's premium rather than having to go on Public Aid."

Speaker Black: "Yes, Representative Hartke, your time is expired. Can you bring your questioning to a close?"

Hartke: "Well, I guess what you're trying to do is say that if you can't afford the 135%, we'll take a look at your income, maybe we'll only charge you 110% or 100% of the premium. You would still keep them in rather than drop them off completely, so that they go completely on Public Aid. Right now, if they can't afford the premium, they're

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on Public Aid. Medicaid or this program then, the CHIP's Program will be for those that can afford some insurance but not the full swing to take them onto CHIP's"

Speaker Black: "Representative Clayton, you wish to respond?"

Clayton: "There are so many people who cannot, who are medically uninsured, who would not be able to meet the 135% premium, that this approach seems to be more equitable rather than giving it across the board to those people who can afford the 135%, that it be limited to those who meet the 'means test'."

Speaker Black: "Further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of House Bill 3520. This legislation you've seen before. It was sponsored last year by Representative Leitch and myself who serve on the CHIP Board. The CHIP Program serves as insurance for those in the State of Illinois who, by any other standards are uninsurable. And it allows them to receive insurance benefits up to \$500 million lifetime benefit. What we found in serving those participants is that many people are spending 20 and up to 30% of their entire incomes to afford the CHIP premiums which are in the \$4000 per enrollee range. So what we're trying to do is offer the program to those who have nowhere else to go. And without that, they will end up back on the public rolls if we didn't have CHIP available. The reason it's structured as a 'means test' if funds are available, is so that we are not creating an entitlement program. There was a large concern about that when we first addressed this legislation. This gives the board who has done an excellent job in managing those funds the opportunity to keep people in the program who otherwise

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have nowhere else to go. And I do support the Lady's legislation. I think this Bill definitely has a place here in the State of Illinois. And I hope that we can move it out of this chamber and over to the Senate, and get this change in the statute."

Speaker Black: "And further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "She indicates she will."

Lang: "Representative, I'm going to support your legislation but I do have a question or two if you have a moment for me. On page three of the Bill, line three, when you talk about establishing conditions and procedures, it says that 'if the funds permit'. Who makes that determination as to whether the funds permit?"

Speaker Black: "Representative Clayton."

Clayton: "The CHIP's Board would make that determination."

Speaker Black: "Representative Lang."

Lang: "Are there other boards or commissions in the State of Illinois today that are allowed to make these kinds of decisions without going through State Rule-Making?"

Speaker Black: "Representative Clayton."

Clayton: "Was noted that when half of the funds are private because half of it is paid with the premiums, that it is possible."

Speaker Black: "Representative Lang."

Lang: "Well, I'm not entirely sure that answers my question. This won't have to go to JCAR at all?"

Speaker Black: "Representative Clayton."

Clayton: "No."

Speaker Black: "Representative Lang."

Lang: "So the CHIP Board on its own will determine what this

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testing procedure is, this 'means test'? And the CHIP Board on its own will determine what discounts to give? And the CHIP Board on its own will determine who will get these discounts?"

Speaker Black: "Representative Clayton."

Clayton: "Okay, you must, I'm sure you remember that the CHIP's Board has Members of the General Assembly on the board and it is bipartisan."

Speaker Black: "Representative Lang."

Lang: "Well, I wasn't questioning that and again, let's start. Let me remind you again I'm going to vote for your Bill. I'm just trying to help you make your Bill better. So if the CHIP board on its own will determine what this test will be, and then determine who will get these discounts and then determine what the discount is, you're giving an awful lot of power to this board to make these determinations without any oversight at all by any elective body. Do you not think you should at least consider, as this Bill goes over to the Senate, giving JCAR some oversight as to these decisions, this rule-making?"

Speaker Black: "Representative Clayton."

Clayton: "Again, I would just remind you that half of the financing is private, not public funds."

Speaker Black: "Representative Lang."

Lang: "With all due respect, I fail to see the relevance of that. This is a public program. CHIP's is a public insurance program regardless of where the funding is coming from. The citizens of our State would expect that we would pass rules and regulations to run this program and not allow the board itself, although I have great respect for the CHIP Board, to make decisions in what could perhaps be an arbitrary manner. There are public tax dollars in this

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program. And it seems to me that we should have some oversight over these decisions. So I'll try not to belabor this. I would just urge the Sponsor of this legislation to look into this issue as the Bill passes into the Senate. I think we should all vote for it. But I think we should take a look at oversight of this decision-making as to who will get these discounts, what the 'means testing' procedure will be, and how the decision is made. I'm prepared to vote for your Bill, Representative."

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

Clayton: "This is a very good Bill and it will keep people, the medically uninsured able to meet the needs of their health care. The enabling legislation creating the CHIP's Board did provide that they'd be the oversight for this. And of course we also have the appropriation process which enables the General Assembly the oversight that has been expressed as a concern. I would ask for a 'yes' vote. Thank you."

Speaker Black: "The question is, 'Shall House Bill 3520 pass?' All those in favor vote '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, 109 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar, Order of House Bills - Third Reading, appears House Bill 3618. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3618, a Bill for an Act relating to Civil Immunity. Third Reading of this House Bill."

Speaker Black: "And on that the gentleman from Winnebago, Representative Winters."

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Winters: "Thank you, Mr. Speaker. House Bill 3618 creates the Good Samaritan Act. It recodifies the existing statutory civil liability immunity provisions into one Act for easy access. It creates no new immunity provisions and it is intended to place all current civil immunity statutes into one central location for ease of access. I'd be willing to answer any questions."

Speaker Black: "And on that, is there any discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Representative, can I refer you to page four, line 20, of the Bill? Is there not a typographical error on that line?"

Speaker Black: "Representative Winters."

Winters: "Could you elucidate that? I don't see it immediately. Do you see one?"

Speaker Black: "Representative Lang."

Lang: "Well, the words of that line say, 'Shall be liable', but should it not read, 'Shall not be liable'?"

Speaker Black: "Representative Winters."

Winters: "The sentence starts with, 'No person', and then continues on, 'shall be liable'. So I believe it does read correctly."

Speaker Black: "Representative Lang."

Lang: "I think you're correct. Representative, was there any opposition to this Bill in Committee?"

Speaker Black: "Representative Winters."

Winters: "No, there was none."

Speaker Black: "Representative Lang."

Lang: "Perhaps you could give us a practical example of what this Bill will do if it passes."

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Speaker Black: "Representative Winters."

Winters: "The practical example is that in certain cases, attorneys defending people who acted in a good samaritan manner were not able to find the correct part of the state code. What this does, is create a new good samaritan portion of the code and then in each place where the possible professionals would have been covered in their own code, it then refers them to that Good Samaritan Act so that hopefully, anybody who is in a court case, would find it in one place or the other. If they looked it up under the Veterinary Medicine Act, that would then be referred to the Good Samaritan Act. Or they can simply look under the Good Samaritan Act for the detail."

Speaker Black: "Representative Lang."

Lang: "And so, it is your position that the passage of this would encourage good samaritans to do the right thing on the streets of Illinois, I suppose, without fear of repercussions in a court of law."

Speaker Black: "Representative Winters."

Winters: "That is exactly the point of the Bill. To make it patently obvious to anyone that this state does encourage voluntary action that professionals who do that kind of action, will not have repercussions against them for their voluntary action. So, yes, it is encouraging this type of activity."

Speaker Black: "Representative Lang."

Lang: "Just to clarify this. It only covers services that are rendered without compensation. Is that correct?"

Speaker Black: "Representative Winters."

Winters: "That is correct. If a person is serving under...you know, for pay in his line of duty, this Good Samaritan Bill would not affect that. He would still be liable for

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lawsuits. It's only where there is no compensation."

Speaker Black: "Representative Lang."

Lang: "Thank you, I think you've got a good Bill here, Representative. We'll support it."

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

Winters: "Thank you, I would appreciate a positive vote on this Good Samaritan Bill. Thank you."

Speaker Black: "The question is, 'Shall House Bill 3618 pass?' All those in favor, vote '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 109 voting 'aye'; 0 voting 'nay'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 12 of the Calendar, Order of House Bills Third Reading, appears House Bill 3625. Mr. Clerk, read the Bill."

Clerk Rossi: "House Bill 3625, a Bill for an Act amending the Environmental Protection Act. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from DuPage, Representative Persico."

Persico: "Thank you, Mr. Speaker and Members of the House. House Bill 3625 amends the Environmental Protection Act. It clarifies the procedure whereby the Illinois Environmental Protection Agency and potential violators of the Environmental Protection Act work together in efforts to resolve potential violations of the Act. House Bill 3625 represents agreed language between the business community and Illinois Environmental Protection Agency. It also clarifies the procedure where the IEPA and potential

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violators of the Environmental Protection Act work together in an effort to resolve potential violations of the Act. It encourages dispute resolution. It establishes reasonable time limits for the exchange of communication and there is no known opposition to this Bill and I urge an 'aye' vote and would be happy to answer any questions you might have."

Speaker Black: "And on that, is there any discussion? The Gentleman from Kankakee, Representative Novak."

Novak: "Yes, Mr. Speaker, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Novak: "Representative Persico, what process do we have now, currently in law?"

Speaker Black: "Representative Persico."

Persico: "Representative, right now under current law, there is usually...it is usually held in the presence of a representative from the Illinois Attorney General's office. This meeting is now considered a routine step in order to resolve some of these disputes. This will help...by passing this legislation will help to facilitate and expedite these matters before going into any kind of enforcement."

Speaker Black: "Representative Novak."

Novak: "Yes, thank you. Are there any provisions in this Bill that would lessen any type of punitive measures or lessen any responsibilities that once a complaint has been registered, as far as coming into compliance? As far as...would make it weaker than it currently is now?"

Speaker Black: "Representative Persico."

Persico: "Representative, as I mentioned in my opening, this encourages dispute resolutions but there is nothing in this Bill that would preclude the Attorney General from acting

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on his own or hinders the IEPA from acting in cases of imminent danger or criminal activities so the answer to your question is, 'no'."

Speaker Black: "Representative Novak."

Novak: "Well, what was the reason this was put into effect? Obviously, was the business community complaining that the length of the mitigation process, I guess, if you could characterize it in that manner, was taking too long? Or too many bureaucratic hoops to jump through? Can you be a little bit more specific?"

Speaker Black: "Representative Persico."

Persico: "Representative, the business community and the IEPA didn't feel that it was necessary to always have a member of the Attorney General's office there. This helps to set up an agreeable resolution to a dispute without resorting to any costly litigation. You know if they can come to some sort of agreement, we can do this in a different matter rather than just going to litigate all the time."

Speaker Black: "Representative Novak."

Novak: "So this is supposed to help resolve potential violations of Illinois law, Illinois Environmental Law. But if there was a charge against a corporation for violating a law of the Illinois Environmental Protection Agency, let's say excess dumping or dumping toxic pollutants into a river or a stream, this Bill would not in any means weaken the current laws we have as far as punishing violators that perpetrate such a crime. Is that correct?"

Speaker Black: "Representative Persico."

Persico: "You are absolutely correct there, Representative."

Speaker Black: "Representative Novak."

Novak: "Okay, you mentioned the Attorney General. Will they still be allowed to be in meetings or will they be barred

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from meetings with the IEPA?"

Speaker Black: "Representative Persico."

Persico: "Representative, the whole idea behind this Bill is to preclude them from the pre-enforcement hearing in order to reach some sort of a dispute resolution. If there is no resolution that is reached, then it will go to the Attorney General's Office."

Speaker Black: "Representative Novak."

Novak: "So I see it as sort of a step before you get to the other step, let me draw an example, I guess, if the agency and the company in this particular instance, got together and talked about this potential violation. So in order to keep the AG's office or the States Attorney's office out of the meeting that would take away sort of an accusatory environment or a prosecutory environment. So to keep those parties out and to have the EPA and the businesses talk about this potential conflict, would hopefully in the future help them ameliorate the situation. Is that correct?"

Speaker Black: "Representative Persico."

Persico: "Yes, Representative, that's the whole idea behind this piece of legislation. In order to reach these kind of resolutions, to put anything that might not be in the compliance and to come up with a system of doing that before going into litigation. And hopefully, most of the cases will be done without litigation."

Speaker Black: "Representative Novak."

Novak: "Thank you, Mr. Speaker. Are there any other areas in the department or the Illinois IEPA that more or less conforms to this proposed Bill right now? Is this the first of its kind that we're proposing here for the agency?"

Speaker Black: "Representative Persico."

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Persico: "As far as I'm aware of, Representative, it is."

Speaker Black: "Representative, your time has expired. Any more questions? A further discussion, the Gentleman from Scott, excuse me, the Gentleman from Winnebago, Representative Scott."

Scott: "There is a Scott County so that would be all right. Will the Sponsor yield, Mr. Speaker?"

Speaker Black: "He indicates he will."

Scott: "Representative DuPage, is this legislative offshoot from the Clean Break Program that the EPA was running as a pilot project, earlier this year?"

Speaker Black: "Representative Persico from DuPage."

Persico: "No, Representative, they are two different programs."

Speaker Black: "And Representative Scott from Winnebago."

Scott: "What are the differences between the two programs because it looks, at least on its face, it looks to be very similar to that program."

Speaker Black: "Representative Persico."

Persico: "Representative, it's my understanding that the Clean Break Program was set up to help small businesses come into compliance. Now this doesn't preclude that from happening here, but what this is basically doing is just allowing a procedure where the EPA and the business community can sit down and you know and to resolve any differences they might have before going to the Attorney General's Office."

Speaker Black: "Representative Scott."

Scott: "And are there examples that you've got of businesses now who are looking for this type of alternative or is this just something that came from the department? Where exactly did this come from?"

Speaker Black: "Representative Persico."

Persico: "Representative, this legislation came from businesses

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as well as the Illinois EPA in order to try to come up with a method to solve some of these differences without going to litigation."

Speaker Black: "Representative Scott."

Scott: "I thank the Sponsor. To the Bill, Mr. Speaker. I support this type of legislation because like with the Clean Break Program, what it does is it puts the businesses and the agency...it takes them away from being in an adversary role and allows them to try to work out some of their differences. The Lord knows we have enough litigation in this state in an environmental way and anything that we can do to stop that and allow most of these businesses who really do want to comply, allow them to come into compliance, I support, so I thank the Gentleman for the legislation and the answers to my questions."

Speaker Black: "Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, I just have really two quick questions for you. The first is, you indicated that all these groups got together and negotiated this and you listed the groups but I didn't hear any advocacy groups in there for consumers or for the general public. I heard industry people. Now were there anybody besides industry people involved in the negotiations of this Bill?"

Speaker Black: "Representative Persico."

Persico: "Representative, I can't speak in terms of the negotiation process, but there has been no advocacy groups that have come out in opposition to this Bill. I think the Environmental Council is neutral on it. It's just a Bill

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that the EPA as well as the business community felt was a good and necessary step before they go into any sort of enforcement hearing."

Speaker Black: "Representative Lang."

Lang: "So there was no opposition in Committee to the Amendment."

Speaker Black: "Representative Persico."

Persico: "No, there was no opposition whatever."

Speaker Black: "Representative Lang."

Lang: "The other area is relative to just the drafting of the Bill. In the original Bill, there seemed to be a problem in the way you identified the term small business. You identified it as a not-for-profit business, even though you intended it to be for for-profit businesses. If I'm reading the Amendment correctly, that is no longer a concern. That's been corrected or it's not even in there, is that correct?"

Speaker Black: "Representative Persico."

Persico: "You're correct. That's no longer in there, Representative."

Speaker Black: "Representative Lang."

Lang: "Thank you, I'll support your Bill."

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

Persico: "Thank you, Mr. Speaker and Members of the House. This is a good Bill. It's a Bill that was agreed to by both the business community as well as the Illinois Environmental Protection Agency. It's designed to cut down on litigation and still protect the environment and I urge an 'aye' vote."

Speaker Black: "The question is, 'Shall House Bill 3625 pass?' All those in favor vote 'aye'; opposed vote 'nay'. Voting is open. This is final action. Have all voted who wish?"

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Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question, there are 109 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page twelve of the Calendar, Order of House Bills Third Reading, appears House Bill 3629. Please read the Bill."

Clerk Rossi: "House Bill 3629, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Livingston, Representative Rutherford."

Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. House Bill 3629 is amended is initiative by Secretary of State Ryan, in regards to help bringing greater traffic safety to us. Today, when an individual has a medical condition which could cause unconsciousness, they need to report that when they go in to apply for their license. If a medical condition arises after they have their license, there is no provision in the law for them to report that. This Bill would require that they do. Once they come to realize they have a medical condition that could cause unconsciousness, they have to report it to the Secretary of State's office within ten days. Also in this, to become effective July 1st, is if a law enforcement officer has reason to suspect that a traffic accident occurs due to a loss of consciousness, they need to report that to the Secretary of State's office. Also within this provision, are the rules and guidelines to be established in cooperation with the state police, local law enforcement and county officials. Also in this legislation, it's going to require that the law enforcement officers who report such provisions do have the same immunities granted the

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members of the Drivers License Medical Advisory Board. And it also provides that all information provided to the Secretary of State's office is confidential information. This legislation has come about due to incidents that have occurred in the northern part of the State of Illinois and as well as right here in the City of Springfield. I would be glad to answer any questions."

Speaker Black: "You've heard the Gentleman's explanation and on that. The Lady from Lake, Representative Clayton. Are you seeking recognition?"

Clayton: "Yes, I rise in support of this Bill. Recently, a gentleman crashed his car into the lobby of the Paletine Post Office, injuring seventeen people. He had had five prior accidents due to loss of consciousness. That is why it is necessary to pass this legislation so that the onus will be upon the driver to notify the Secretary of State's office or for the police department when they suspect that there was a loss of consciousness to report that to the Secretary of State's office so that they can take the proper action with regard to this particular driver. I urge your 'yes' vote on this Bill."

Speaker Black: "And on that further discussion, the Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield, please?"

Speaker Black: "He indicates he will."

Dart: "Representative, the Bill has a provision in there requiring the driver to report himself or herself. What's the penalty if they don't?"

Speaker Black: "Representative Rutherford."

Rutherford: "Right now, Representative, when an individual has a medical condition that could cause loss of consciousness, the statute provides that when they go in to get their

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license, they are required to report that to the Secretary of State. After that, there is no provision in the law until we hopefully put this in. So that if, for some reason, someone determines or it's learned later that they have a condition that would cause loss of consciousness, this law would provide that they are required to let the Secretary of State's office know within ten days of having come to that conclusion. If they do not, and there is some reason to violate the law or some accident happens, this would give us some teeth in order to be able to suspend or pull their drivers license if they go through and have gone through and looked at all the provisions under the Medical Review Board's Law."

Speaker Black: "Representative Dart."

Dart: "I guess that's my question. Is there provisions in here which state that if you fail to report, you then have your license suspended?"

Speaker Black: "Representative Rutherford."

Rutherford: "Yes there is, Representative, it's on page four of the Bill. The top, I think it's number eight, 'fail to submit a report as required by section'. And then it goes through and delineates the number and the code."

Speaker Black: "Representative Dart."

Dart: "What is the penalty for failing to report?"

Speaker Black: "Representative Rutherford."

Rutherford: "They could lose their license."

Speaker Black: "Representative Dart."

Dart: "They can lose their license or they will lose their license? Is that a discretionary call?"

Speaker Black: "Representative Rutherford."

Rutherford: "No, if they violated this law, they would lose their license."

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Speaker Black: "Representative Dart."

Dart: "There is a 10 day window as far as when they must report this. I guess my question comes from my background. How would you prove this? How would you prove when the day occurred when they knew about this? Obviously, all the defendants coming in front of you are going to sit there and say, 'Well, I just found out about this yesterday'."

Speaker Black: "Representative Rutherford."

Rutherford: "We're just trying to get a window of time in there so that in case they were able to get a physician's report or we learn that they'd had an examination and a physician's report, had other situations like that."

Speaker Black: "Representative Dart."

Dart: "So, I understand the problems in these cases so I guess the long and short of it would be, if this person has had blackouts and the like, has not sought medical attention, it would be very difficult if next to impossible, to prove up that they have had this problem for ten days, but for those cases where someone has gone to a doctor and they have been given orders that you have problems with this, then you will have some evidence?"

Speaker Black: "Representative Rutherford."

Rutherford: "Right, what we are trying to do is put some teeth in the law, Representative. And as you of course have read Amendment #3, which has become the law. The first part there, very specifically says, 'Of the driver becoming aware of that condition.' So if they'd had this condition and they were not aware of it then obviously this law would not come into effect. But what we're trying to do is, if somebody knows they have a medical condition that does cause loss of consciousness come about after they have received their drivers license. We are trying to put teeth

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in the law that is going to require them to report it. Now, obviously, if they don't do that and there is a violation, they do drive into a post office in Paletine, they do injure someone. It gives us the ability to try to crack down on these types of problems."

Speaker Black: "Representative Dart."

Dart: "Yeah, I guess my question was more from a practical standpoint, namely, that I could probably count on one hand the number of defendants I had come into a court and basically 'fess up'. Once they are caught, once the problem occurs, they do have a way of trying to stretch the truth a 'tad' and trying to hide a little bit from it. So I guess mine went more to a practical concern that this would namely affect those people who have sought some type of medical attention, otherwise it would be very difficult to prove these cases?"

Speaker Black: "Representative Rutherford."

Rutherford: "Well, one time is just one time too many, if somebody is injured in this situation."

Speaker Black: "Representative Dart."

Dart: "Yeah, I agree with what you're doing here. I just don't know how often it's going to work. I hope it works very often in virtually every case. It's a shame it took so long for us to get even this on the books because I know we had an incident two or three years ago where a gentleman went unconscious and went into a ball field and killed some kid. Some children were injured in addition to that. So I agree with what you're doing here and I just wish, I guess, there was a better way, legally, and I don't know the answer, to put some real teeth into this. Thanks."

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

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Rutherford: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd appreciate a favorable vote for an initiative that Secretary Ryan's bringing to us here in the chambers."

Speaker Black: "The question is, 'Shall House Bill 3629 pass?' All those in favor vote 'aye', all those opposed vote 'nay'. The voting is open. This is final action. Have all voted who wish? Have all voted who wish? Have all voted who wish? Mr. Clerk, take the record. On this question there are 106 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 10 of the Calendar Order of House Bills, Third Reading appears House Bill 2618. Please read the Bill."

Clerk Rossi: "House Bill 2618, a Bill for an Act concerning taxes. Third Reading of this House Bill."

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

Winters: "Thank you, Mr. Speaker. House Bill 2618 allows taxpayers to file joinder tax objection complaints and permits the fee for filing tax objection complaints to be assessed regardless of the number of taxpayers or parcels included in the complaint. I'd be happy to answer questions."

Speaker Black: "You've heard the Gentleman's motion on that. The Gentleman from Madison, Representative Stephens."

Stephens: "Point of personal privilege. Does this indicate that we are finished with the order of Rutherford?"

Speaker Black: "I give you no guarantees."

Stephens: "Thank you."

Speaker Black: "And on the Gentleman's Motion, anyone seeking recognition? Yes. the Gentleman from Rock Island,

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Representative Boland."

Boland: "Yes, would the Sponsor yield?"

Speaker Black: "He indicates he will."

Boland: "Just a couple of questions here, Representative Winters.

According to our analysis, the County Clerks and Recorders Association is against this. Has this been clarified?"

Speaker Black: "Representative Winters."

Winters: "They have not filed an opposition as amended. That was on the original Bill."

Speaker Black: "Representative Boland."

Boland: "How about EDRED?"

Speaker Black: "Representative Winters."

Winters: "The opponents, as amended, include EDRED, SCOPE, and the Statewide School Management Alliance. Those are the only ones after it was amended that are in opposition. Thank you."

Speaker Black: "Representative Boland."

Boland: "So the Bar Association has reconciled with you?"

Speaker Black: "Representative Winters."

Winters: "As far as I know they are not in opposition."

Speaker Black: "Representative Boland."

Boland: "Thank you very much."

Speaker Black: "Further discussion. The Gentleman from Madison, Representative Hoffman."

Hoffman: "Yes, will the Sponsor yield?"

Speaker Black: "He indicates he will."

Hoffman: "Now it's my understanding, I just want to figure out how the Bill is now. Amendment #1, my understanding, was adopted and the original Bill indicated that taxpayers could bring a class action lawsuit. How does that stand now?"

Speaker Black: "Representative Winters."

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Winters: "The language allowing class action lawsuits, and property tax objection in cases was removed. All this does is allow joinder in those objection cases."

Speaker Black: "Representative Hoffman."

Hoffman: "I would assume that there are some taxpayers in this state who wanted the right to have class action lawsuits. Why did you remove it?"

Speaker Black: "Representative Winters."

Winters: "That would have been a considerable expansion of the current status and there was significant opposition by many interest groups to the class action language."

Speaker Black: "Representative Hoffman."

Hoffman: "Well it's my understanding, that that's the way life used to be until the Budget Implementation Act of last year. That we allowed taxpayers to bring class action suits. So I don't think that it was a 'leap of faith' for you to want to do it again. I'm asking you, why are so callously throwing this by the wayside in order to get a Bill passed. What happened to taxpayers, rights?"

Speaker Black: "Representative Winters."

Winters: "As I understand it, case law from the early 1980's had prohibited class action lawsuits in these cases. There was no statutes but the case law did."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, do you agree with me that the Budget Implementation Act of last year removed the ability of taxpayers to file these class action suits?"

Speaker Black: "Representative Winters."

Winters: "As far as I know it didn't change the statutory ability but according to common law or case law, it was not allowed before that Bill."

Speaker Black: "Representative Hoffman."

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Hoffman: "It is also my understanding that you and all Members on that side of the aisle voted to remove the statutory provision which allowed for class action lawsuits. Hence, you introduced this this year, I would assume, to reinstate the ability of taxpayers to file class action lawsuits in these instances."

Speaker Black: "Representative Winters."

Winters: "There are many reasons why legislation is introduced. Sometimes you want somebody to get to the table and discuss further the entire area."

Speaker Black: "Representative Hoffman."

Hoffman: "So does this Bill do anything anymore?"

Speaker Black: "Representative Winters."

Winters: "It certainly does. We have had court action which would basically, if it had been carried through the circuit court, would have stopped joinder. This codifies common law. It does not expand the common law but it does put it in statutes so that the circuit courts would have legislative intent allowing joinder in these court actions."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, tell me about these fees. What are you doing with respect to fees in this Bill?"

Speaker Black: "Representative Winters."

Winters: "We are not changing the fee structure. We are simply codifying the way that the circuit courts have traditionally interpreted the law. But it is codified now that regardless of the number of parcels, the number of objectors, only one fee would have to be filed. The argument had been made in court that for every single objector, they would all have to file separate cases. They would all have to file the same fee. So in large tax

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protest cases, you would have very substantial sums of money coming from the taxpayers when actually all of the court cases are identical."

Speaker Black: "Representative Hoffman."

Hoffman: "The opponents that you previously indicated, were still opposed to this Bill. Are there any proponents other than you on the Bill?"

Speaker Black: "Representative Winters."

Winters: "The proponents include the Taxpayers Federation, the Metro Counties Council, the Illinois Association of Realtors, and the Winnebago County Treasurer."

Speaker Black: "Representative Hoffman."

Hoffman: "Now did they become proponents of the Bill after you removed the class action provisions? Is that what happened? Because we don't have them initially proponents of the Bill."

Speaker Black: "Representative Winters."

Winters: "Yes, they became proponents once the Bill was amended."

Speaker Black: "Representative Hoffman."

Hoffman: "Well, just in closing, I guess there really appears to be no reason why not to vote for the Bill. The problem is, is that we can vote for it because the Bill essentially does nothing. Here we go again. It seems to me that if we're going to do something, let's do something to help taxpayers let's not just have a charade on the Floor of the House."

Speaker Black: "Further discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Representative, did I understand you to say that case law indicates that you cannot have class action lawsuits in

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this area?"

Speaker Black: "Representative Winters."

Winters: "It is my understanding that for tax objections that is the case."

Speaker Black: "Representative Lang."

Lang: "Can you state the line of cases that we can research here that would indicate where that view of yours comes from, Sir?"

Speaker Black: "Representative Winters."

Winters: "Unfortunately, in this case, I'm not an attorney and I can't give you that language."

Speaker Black: "Representative Lang."

Lang: "Well, frankly, I don't understand, Representative. You come before us and you make a statement on the record of the Illinois House which says that there is a case that says you can't do this and yet you don't know the name of the case? I'll wait while staff comes running."

Speaker Black: "Representative Winters."

Winters: "I don't have the citation at this point."

Speaker Black: "Representative Lang."

Lang: "Well, how about just the name of the case? The name of the lawyer? The name of the court? Tell me something about this, we'll research it for you, Sir."

Speaker Black: "Representative Winters."

Winters: "The citation that I have, and excuse me, I may not be able to read the name, is Hundert versus Biezak U.S. District Courts N.D., Illinois 526F Supplemental 1051, 1981. Prohibits class action objection lawsuits."

Speaker Black: "Representative Lang."

Lang: "Well, that is not an appellate court decision, is that correct? That's U.S. District Court. Did they hold some law unconstitutional? What did they do in that case?"

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Speaker Black: "Representative Winters."

Winters: "My summary simply says that it prohibits class action lawsuits in tax objections."

Speaker Black: "Representative Lang."

Lang: "Well, that may be what your summary says, Sir, but let me remind you that it is your Bill and you're supposed to know more about it than what's written in the staff summary that's been given to you. Let me suggest to you, Sir, that it was the Budget Implementation Bill where you changed all the rules regarding the appeals process in Cook County, where you declared these improper, where you said you can't have class actions. Let me also remind you that you voted for that. Did you make an error at that time that you're trying to correct today?"

Speaker Black: "Excuse me just a minute. We'll get back to you. Young Lady, is Representative Goslin bothering you in the Gallery? Representative Goslin. Representative, why are you in the Gallery? Representative, we're on Third Reading. We'd like you to stay on the Floor when we're in Third Reading, alright? Please, please return to your seat. I apologize, Representative Lang, the freshmen just are not as sharp as they were when you came in. I believe you had a question. Do you want Representative Winters to respond? Yes, Representative Winters, do you recall the question?"

Winters: "I believe you asked if I was in error. I was not in error voting for that Bill. This Bill is coming from an entirely different direction. It's coming from a motion made in court by our school district. I am simply trying to shut the door to not allow them to open a new area of law."

Speaker Black: "Representative Lang."

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Lang: "Well, Representative, wasn't there...thank you, everyone will take my time for just about any reason. Representative..."

Speaker Black: "Proceed, Representative Lang."

Lang: "Wasn't there a specific situation in Winnebago County that some taxpayers filed a class action lawsuit and now through this Bill you're trying to do away with their ability to do that?"

Speaker Black: "Representative Winters."

Winters: "Unfortunately, with the congratulations for Mr. Goslin, Representative Goslin, I didn't catch the entire question."

Speaker Black: "Repeat your question, Representative Lang."

Lang: "Well, let's try again. Isn't it true that there was a specific fact situation in Winnebago County where you live where some taxpayers wanted to file a class action lawsuit in this area. And apparently they did file one. And isn't your Bill here an effort to do away with the possibility that those people might succeed?"

Speaker Black: "Representative Winters."

Winters: "That is exactly opposite of the case. The problem is that they had filed a lawsuit, sought to join together with only one filing fee, one attorney, one court case, and instead, the school district is saying they needed to have 15 thousand separate court cases, each with its own attorney, clogging our courts. I'm simply trying to ensure that we do not clog our local courts. That we deal with it in an expeditious manner, looking at one court case that would affect all of those who chose to join together in one case."

Speaker Black: "Representative Lang, due to the distractions, we'll put an additional minute on your time. Proceed."

Lang: "Thank you very much, Sir. Representative, it seems to me

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that you're trying to solve a court case through this legislation. I don't think that is the right way to go about it. Let me tell you that I have been given a copy of the case, Hundert versus Biezak, that you've cited. And in the head notes to the case, it might surprise you to know that there is not one darn word about class action lawsuits. Are you sure that you've read this case properly, Sir?"

Speaker Black: "Representative Winters."

Winters: "That is the case that I have. You can research it. That's all I can tell you is the case that was given to me."

Speaker Black: "Representative Lang."

Lang: "Well, I have researched it, Sir. Here's the case. I don't see anything in here about class action lawsuits. Now, if you're going to cite a case to us, on the Floor of the Illinois House of Representatives, on the record, it seems to me that you ought to know what is in it. So I'm asking you to tell me where in this case it says class action lawsuits are prohibited.?"

Speaker Black: "Representative Winters, do you care to respond?"

Winters: "Back to the Bill. This Bill is designed to protect the taxpayers in our county against a specific motion in court which would not allow them to join together in a common lawsuit. That is all the Bill is intended to do. It's a protection for the taxpayers in my county."

Speaker Black: "Representative Lang, your time has expired. I might get back to you in just a second. Further discussion, the Gentleman from Cook, Representative Dart."

Dart: "Thank you, Mr. Speaker. I'll yield my time to Representative Lang."

Speaker Black: "All right, Representative Lang, Representative

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Dart has yielded his time to you. Proceed."

Lang: "Thank you. Back to me, Representative, sorry. Representative, I'm not clear on your answer. You've indicated that this is designed to do something with filing fees. To make sure that everybody files and spends their filing fee money. Is that, is that how you protect the taxpayers of your county?"

Speaker Black: "Representative Winters."

Winters: "The Bill simply requires the court, it codifies what we have always worked under, under common law, is that if a number of people come together in a tax objection, have the same exact court case, that they be allowed to deal together as one joined unit. They can deal with one court case, one court date, one filing fee. It allows them to file petitions instead of each one having to go through myriad forms. Last year we had 15 thousand people. The line stretched around the court house as they tried to file these separate papers in the court case. All this does is protect their rights which in the court case there was a petition made to deny them these rights to deal as a single joined class. Simply protecting their rights and allowing them to do what they've been allowed to do before."

Speaker Black: "Representative Lang."

Lang: "Can you tell us why you took the class action parts of this Bill out in your Amendment?"

Speaker Black: "Representative Winters."

Winters: "The Bill is simply to work on this one specific case, in joinder. Class action is a different animal. I am simply seeking to retain the rights that our taxpayers have at this current point and to stop the opening of an escape hatch, a door which should not be open. I'm simply trying to retain what they currently have."

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Speaker Black: "Representative Lang."

Lang: "The fact remains, Representative, that you had that in your Bill and now you've taken it out at the eleventh hour. The question is why the change? Why the change of heart? Did you get a call from someone in DuPage County? None of us really understand why you've made this change."

Speaker Black: "Representative Winters."

Winters: "Again, this Bill, as it's presently written, excuse me, excuse me...I am simply telling you that what we are dealing with is a specific case where a motion was made in court which would have destroyed the rights of the taxpayers of my county. I'm trying to protect those taxpayers so that they still enjoy the rights that they have in that case rights now. That's all I'm trying to do. I'm not seeking to expand it to any other areas but to deal with that specific case and protect those taxpayers."

Speaker Black: "Representative Lang."

Lang: "The fact is, Representative, you're not protecting taxpayers. You're making it more difficult for taxpayers to access the courts. Taxpayers can sue a municipality over water rates that they think are inappropriate in a class action, over all sorts of fees and charges, why should they not have the same opportunity in a property tax case?"

Speaker Black: "Representative Winters."

Winters: "I'm dealing with one small specific area where I'm trying to protect the rights of these taxpayers from erosion from a taxing district which is going too far. I'm not seeking to expand the rights. I'm not seeking to retract their rights. I'm trying to protect their rights as they currently are. That's all I'm trying to do."

Speaker Black: "Representative Lang."

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Lang: "Well, what about the taxpayers that want to challenge the tax? You seem to want to focus on the other taxpayers but what about the taxpayers that want to challenge the tax? Are you telling us that you want to prohibit the right of these taxpayers to use the court rooms, to use the procedures, to use the boards and commissions of the State of Illinois to avail the rights they currently have? Why should they have less rights than the other taxpayers?"

Speaker Black: "Representative Winters."

Winters: "Once again, I think we got into this last year where you were trying to expand what I was saying and I will not allow that. All I'm trying to do is to protect the rights that they currently have. If you wish to expand their rights, then I suggest that you do that."

Speaker Black: "Representative Lang."

Lang: "Well, it sounds to us over here, Representative, that you're doing a real good flip flop. You start one way in your Bill and now it's another way. Last year you voted for something and now you've changed it twice just in one Bill this year. Whatever happened to some consistency here? Your Bill started to go in one way and now you've changed it. You voted last year to do one thing and now you want to do another thing. What gives?"

Speaker Black: "Representative Winters."

Winters: "I think you could..."

Speaker Black: "I'm sorry, Representative Lang, your time has expired. Representative Winters do you care to answer the question?"

Winters: "Yes, I have been consistent throughout in trying to protect the taxpayers of Winnebago County. Thank you."

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

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Winters: "I would ask for an 'affirmative' vote. This a Bill that does protect the taxpayers, not only in Winnebago County but throughout the state, from the erosion of their rights that they now have. I'd appreciate an 'affirmative' vote. Thank you."

Speaker Black: "The question is, 'Shall House Bill 2618 pass?' All those in favor vote '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 104 voting 'aye', 0 voting 'nay', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page two of the Calendar, Order of House Bills. Second Reading appears House Bill 379. I believe that Bill has been read a second time and is on Third Reading. Is that correct?"

Clerk Rossi: "The Bill is on the Order of Third Reading."

Speaker Black: "All right. Please read the Bill, Mr. Clerk."

Clerk Rossi: "House Bill 379, a Bill for an Act amending the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Black: "And on that Bill, the Gentleman from Boone, Representative Wait."

Wait: "Yes, thank you, Mr. Speaker. House Bill 379 is a Transportation Committee Bill and encompasses a number of the Bills that came to the transportation. They are basically House Bill 2552, which would allow condominiums to contract with municipalities and counties similar to what apartments are already able to do. Also House Bill 3580 is included in that and that would allow headsets to be worn by emergency vehicles, basically ambulances talking to hospitals and dispatchers. Also House Bill 3606 is included in this Bill, and basically, does away with the

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language dealing with movement of farm equipment of eight feet or wider, because remember, we changed the law last year permitting the movement of agriculture and other construction equipment. So this language is no longer necessary. Likewise, we had the problem when we changed the speed limits for pickup trucks to 65 miles an hour and this is to cure that problem. So it's 8,000 and less pounds would be allowed to go 65 miles per hour and 8,000, 1 pounds or more vehicle would only be able to go up to 55 miles an hour. And then, finally, it allows language that allows self-contained motor home vehicles, mini-homes, campers, recreational trailers to be sold as a package deal. Under the current law, there's some question whether they can be sold as a package deal. Be happy to answer any questions."

Speaker Black: "Is there any discussion? The Gentleman from Cook, Representative Dart."

Dart: "Will the Sponsor yield, Please?"

Speaker Black: "He indicates he will."

Dart: "Representative, there are two points in particular I wanted to go on right now. You were mentioning the two goof ups, the two mistakes you made last year. Can you explain to me those two mistakes and what...how this cures those two mistakes?"

Speaker Black: "Representative Wait."

Wait: "I believe you're talking about the 65 mile an hour speed limit and that is to make it 8,000 pounds or less that would be allowed to go 65 miles per hour similar to what cars and if the vehicle was 8001 pounds or more, then it would have to abide by the 55 mile an hour speed limit. So we were only arguing over that one pound difference."

Speaker Black: "Representative Dart."

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Dart: "And why is that? What was the problem with that from the Bill that was passed out of here? What was wrong with that?"

Speaker Black: "Representative Wait."

Wait: "I believe the language as we passed it out, it said 8000 pounds or more was one way and then they said 8000 pounds or less was the other way. Well you can't have it both ways, if it all says 8000 pounds. So one has to 8000 and less and the other has to be 8001 and more."

Speaker Black: "Representative Dart."

Dart: "You alluded to another Bill that we passed last year that also had a problem with it. Which one's that now?"

Speaker Black: "Representative Wait."

Wait: "Well, this was not really a problem. But last year we passed a Bill that allowed for a new permitting process to move construction and agricultural equipment. Actually, I think it was a Bill that was passed when I was not down here. There was some question over it. So we cured that last year. So this language is no longer necessary about moving agriculture equipment."

Speaker Black: "Representative Dart."

Dart: "So those are the only two matters in this Bill that we're fixing things that we goofed up last Session that we passed out of here. I wanted to ask you about the provisions dealing with headsets. Has that been something that has caused problems of some nature? If they are, can you tell me what they were?"

Speaker Black: "Representative Wait."

Wait: "Excuse me. There seems to be a little noise over here. I couldn't quite hear the question. Would you repeat it, please?"

Speaker Black: "Yes, Representative Wait, take off your headsets."

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All right, Representative Dart, proceed."

Dart: "Thank you, yeah, we could use a couple headsets here. With the provisions dealing with the headsets, what is that in response to? What has been the problem in regards to that? Do you have any specific ones?"

Speaker Black: "Representative Wait."

Wait: "Just under current law, you are not allowed to wear any headsets when you're driving a vehicle. But I guess, especially like with an ambulance, you know with the sirens and everything blasting, they have been using them and now they find out according to the statute they really are not supposed to be using them, even though they have been using them. This is just to clarify and make common practice what they have actually been doing and make it legal."

Speaker Black: "Representative Dart."

Dart: "Are headsets outlawed on all vehicles right now or...?"

Speaker Black: "Representative Wait."

Wait: "Yes, I believe it is. For example, you can't wear a headset radio if your radio doesn't work in your car. You can't wear it. They'll give you a ticket for it, for example."

Speaker Black: "Representative Dart."

Dart: "Does the ABATE group know about this, because if I'm not mistaken, I think motorcyclists, can't they wear headsets now and if so, does this abolish that right at all?"

Speaker Black: "Representative Wait."

Wait: "No, you are correct. We already carved out an exception for motorcyclists, for example, when they're traveling down if they have the headsets in their helmets."

Speaker Black: "Representative Dart."

Dart: "Okay, and finally I wanted to ask you about the provision dealing with condominiums. How is it that the condominiums

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presently deal with their parking lots?"

Speaker Black: "Representative Wait."

Wait: "Why I believe under the current statute, it's silent towards condominiums. So technically, they have not been granted permission but apartments and other ones have been included. So we're just adding the word 'condominium' because as we know that is kind of a new term."

Speaker Black: "Representative Dart."

Dart: "Who was the proponent of the condominium provision? Was this Representative Levin, one of his provisions from past years?"

Speaker Black: "Representative Wait."

Wait: "Yes, this has been proposed by my good friend here, Representative Lachner, who is going to the Senate. And a number of constituents, I believe in his area, had some concerns about it."

Speaker Black: "Representative Dart."

Dart: "No further questions. Thank you."

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

Wait: "Thank you very much, Mr. Speaker. This is, like I say, a committee Bill and I'd simply ask the House here to support this Bill and pass it unanimously. Thank you very much for your support."

Speaker Black: "The question is, 'Shall House Bill 379 pass?' All those in favor vote 'aye', all those 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 106 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page

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three of the Calendar, on the Order of House Bills now, it should be Third Reading. Appears House Bill 885. Would you please read the Bill?"

Clerk McLennand: "House Bill 885, a Bill for an Act to relation to municipalities. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Cook, Representative Balthis."

Balthis: "Thank you, Mr. Speaker, Ladies and Gentlemen. House Bill 885 as amended in committee, amends the Inter-governmental Cooperation Act and the Illinois Municipal Code, authorizes inter-governmental risk management entities to adopt investment policies and specifies the requirements of those policies. It specifies the types of investments that may be made by inter-governmental risk management entities that adopt an investment policy, authorizes municipal treasurers and other custodians of municipal funds to combine funds of the municipality or to combine municipal funds with those of other entities for investment purposes. Amends the Code of Civil Procedure, authorizes the village of River Forest to use quick-take proceedings to acquire land for the purposes of River Forest Tax Increment Financing Plan or the Tax Increment Allocation Redevelopment Act. I'd be happy to try to answer any questions."

Speaker Black: "You heard the Gentleman and on that is there any discussion? The Gentleman from Cook, Representative Lang."

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Can you tell me what Amendments are on the Bill?"

Speaker Black: "Representative Balthis."

Balthis: "Amendment #2 became the Bill."

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Speaker Black: "Representative Lang."

Lang: "As I understand it, this Amendment is supported by the Government Finance Officers Association. Who else was for or against the Bill in committee, Representative?"

Speaker Black: "Representative Balthis."

Balthis: "I don't believe there was any opposition in committee."

Speaker Black: "Representative Lang."

Lang: "This Amendment would permit inter-governmental risk management entities with assets over \$5 million to invest in certain stocks, et cetera, et cetera. How did you pick that figure of \$5 million?"

Speaker Black: "Representative Balthis."

Balthis: "That figure was picked by the Inter-governmental Cooperation Act."

Speaker Black: "Representative Lang."

Lang: "The Amendment also provides authority for municipal treasurers and finance directors to pool funds with other governmental entities. What rules and regulations will exist relative to this pooling? Who will be in charge of it? Who will be in charge of the investments? How will disputes, if any, be resolved?"

Speaker Black: "Representative Balthis."

Balthis: "Representative Lang, the legislation requires a investment plan prior to entering into this agreement, to outline how this will handled and it all has to comply with the statute as to what they invest in. But there has to be a plan in place approved by all entities before they can begin to invest this money."

Speaker Black: "Representative Lang."

Lang: "Your Amendment also provides for quick-take powers for the village of River Forest. Can you give us some details on what that's all about?"

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Speaker Black: "Representative Balthis."

Balthis: "Representative, I would like to defer to Representative Saviano on that if the Chair so...would rule."

Speaker Black: "With your permission, Representative Lang. Representative Saviano."

Saviano: "Thank you, Mr. Speaker. Representative the village of River Forest, which is in my district, has had a two-phase redevelopment project in the Lake and Harlem Avenue area. They've completed phase one. Phase two is just west of that area. There's approximately six commercial buildings of which two remaining buildings need to be acquired. This quick-take language is specific to commercial property only. It does not include any residential area. This was a request made by the Mayor of River Forest and the Village Board."

Speaker Black: "Representative Lang."

Lang: "So we have a tradition here of allowing certain quick-take only under certain circumstances and I want to make sure it complies with our general understanding. Is it for a very specific limited section of land and is it for a very specific limited period of time?"

Speaker Black: "Representative Saviano."

Saviano: "It's for a specific area of land which is in the town center redevelopment project area. Usually, we have approximately like a three year specific time. We didn't put the time in there but we could probably take care of that in the Senate."

Speaker Black: "Representative Lang."

Lang: "If Mr. Saviano would commit to me that there would be some time specific Amendment put on this in the Senate of three years or less, I will commit to vote for it."

Speaker Black: "Representative Saviano."

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Saviano: "You have my commitment. I will speak to Senator Cronin and Senator Walsh who will be picking up this Bill and make sure that is inserted. Thank you."

Speaker Black: "Representative Lang."

Lang: "That's all, thank you."

Speaker Black: "Further discussion? The Gentleman from DuPage, Representative Persico. Is Representative Persico seeking recognition? His little light is blinking. With no one seeking recognition, I'm sorry, the Gentleman from Madison, Representative Stephens, are you seeking recognition? Well I thought since Representative Persico is over here maybe he...I'm just trying to accommodate, you know I'm looking for votes. Well, in this case, with no one seeking recognition, Representative Balthis to close."

Balthis: "Thank you, Mr. Speaker. In response to a question earlier, the proponents in committee were the Illinois Municipal League, Illinois Metropolitan Investment Fund, the village of Morton Grove, the village of River Forest, the Illinois Retail Merchants Association, South Suburban Mayors and Managers, and the Illinois Government Finance Officers Association. And I just ask for an 'aye' vote."

Speaker Black: "Was that your close, Representative? The question is, 'Shall House Bill 885 pass? All those in favor vote '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 106 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page ten of the Calendar, Order of House Bills Third Reading, appears House Bill 2347. Mr. Clerk, please read the Bill."

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Clerk McLennand: "House Bill 2347, a Bill for an Act in relation to professional practices. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Logan, Representative Turner."

Turner J.: "Thank you, Mr. Speaker. House Bill 2347 amends various professional licensings Acts. It allows the Department of Professional Regulation to impose a civil penalty, not to exceed \$5,000.00 for each offense of practicing, attempting to practice, or holding oneself out to practice without being licensed. I would be glad to answer any serious questions."

Speaker Black: "And on that, is there any discussion? And the Gentleman from Cook, Representative Lang. Yes, Representative Lang, proceed."

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

Speaker Black: "He indicates he will."

Lang: "Thank you. Representative, your Bill indicates that the Department of Professional Regulation would access a civil penalty not to exceed \$5 thousand for each offense for this very long list. But is it not a fact, that the Real estate License Act was taken out of DPR last year?"

Speaker Black: "Representative Turner."

Turner J.: "It is a fact."

Speaker Black: "Representative Lang."

Lang: "So would you like to suggest that you'll remove that from the Bill in the Senate so you can correct it?"

Speaker Black: "Representative Turner."

Turner J.: "I'm sorry, Representative, would you repeat the question?"

Speaker Black: "Representative Lang."

Lang: "Sure, just give us your commitment that you'll remove that

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in the Senate because it makes no sense in the Bill the way it's drafted."

Speaker Black: "Representative Turner."

Turner J.: "You have my commitment, Representative."

Speaker Black: "Representative Lang."

Lang: "Do we have any listing any place, maybe DPR keeps it or someone keeps it, of this long list of license acts, how many alleged violations where people have held themselves out to be licensed where they haven't been licensed. Do we have a number?"

Speaker Black: "Representative Turner."

Turner J.: "I know of no such number, Representative."

Speaker Black: "Representative Lang."

Lang: "Well, so Representative, are we aware that this is a problem or are we just trying to create a problem where none exists?"

Speaker Black: "Representative Turner."

Turner J.: "Representative, the department feels that it is a problem and I have been contacted since the Bill was...as you know many months ago, introduced by several professionals from different areas covered under the Act. So it appears to be a problem and I think it's a fine piece of legislation to address it."

Speaker Black: "Representative Lang."

Lang: "It appears to be a problem. The department thinks it's a problem. The department doesn't have any figures to back up their view that it is a problem. Is that correct?"

Speaker Black: "Representative Lang. Oh, I'm sorry, Representative Turner."

Turner J.: "Representative, I don't believe that is what I said. I indicated I was not aware of a list. It maybe in existence, I simply have no knowledge of it."

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Speaker Black: "Representative Lang."

Lang: "Well, let's just pick just one license act out of your Bill and discuss that for a moment if we might. The Professional Boxing and Wrestling Act is in your Bill. Do you have any figure that would indicate that there have been some unlicensed promoters or boxers holding themselves out to be licensed? Has Don King come to our state without a license in Illinois and suggested that he be able to practice his trade here?"

Speaker Black: "Representative Turner."

Turner J.: "I believe Don King did pass through Chicago just a few months ago, Representative."

Speaker Black: "Representative Lang."

Lang: "What about the Dietetic and Nutrition Services Practice Act? I know Don King is not involved with that. Do we have anything that would indicate any abuses of the license procedures under that Act?"

Speaker Black: "Representative Turner."

Turner J.: "Well, Representative, what we did was try to include all of the different Acts because we believe it is significant legislation so that we didn't try to exclude them. But to answer your question, specifically, I don't have any numbers."

Speaker Black: "Representative Lang."

Lang: "Have I missed it? Are the nail technicians included under this Act?"

Speaker Black: "Representative Turner."

Turner J.: "You've missed it. It's in there."

Speaker Black: "Representative Lang."

Lang: "You know I recall when we passed that Nail Technician Licensing Act how important it was to those people that were here as you may recall, if you were here at that time."

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They filled the Galleries and I just want to make sure that you have included it here because that particular Act was so important to them that we want to make sure that there is a \$5,000.00 fine for anyone who says they're a nail technician who really are not a nail technician. So you'll assure us that that's covered under this."

Speaker Black: "Representative Turner."

Turner J.: "It covers that Act. It's a maximum of \$5,000.00 fine. It could be possible they would impose a fine of something less than that."

Speaker Black: "Representative Lang."

Lang: "Can I just have an extra second, Sir? Thank you. Is there anything in this Bill that requires a \$5000.00 fine for anyone who impersonates a Legislator? We have many on the Floor today, as you know."

Speaker Black: "Representative Turner."

Turner J.: "Well, Representative, I'm surprised you didn't sponsor a Floor Amendment in Second Reading addressing that question. But it is not covered in this Act."

Speaker Black: "Representative Lang."

Lang: "Well, that was my real concern. As you know, Mr. Speaker, there are quite a few on this Floor today who impersonate Legislators and I wanted to make sure they are covered under this, apparently they aren't. I will scold the Sponsor for missing that but I'm prepared to vote for his Bill."

Speaker Black: "I noticed the Sponsor of the Nail Registration Act just left the chamber, so I can't ask him to comment. With no one else seeking recognition, Representative Turner to close."

Turner J.: "I ask for an 'aye' vote. Thank you."

Speaker Black: "The question is, 'Shall House Bill 2347 pass?'"

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All those in favor, vote '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 108 voting 'aye'; 0 voting 'nay'; 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. On page 5 of the Calendar appears House Bill 2773. Mr. Clerk, I believe that Bill was moved to Third Reading, earlier. Please read the Bill."

Clerk McLennand: "House Bill 2773, a Bill for an Act that amends the Illinois Vehicle Code. Third Reading of this House Bill."

Speaker Black: "And on that Bill, the Lady from DuPage, Representative Biggert."

Biggert: "Thank you, Mr. Speaker. House Bill 2773 is amending the Vehicle Code and clarifying the definition of 'school', regarding the speed limit that motorists may travel in a school zone. It defines a school in regards to the speed limit in a school zone as 1. Public or private primary or secondary school or 2. A primary or secondary school operated by a religious institution or 3. A public, private, or religious nursery school. Currently there is no definition for a school in the Illinois Vehicle Code. A motorist in a school zone on a day when school children are present, driving on a road so close as to present a potential hazard may not exceed twenty miles per hour. And the school zone must be designated and signs posted to indicate such zone by the Illinois Department of Transportation. Townships, counties, park districts, villages or incorporated towns where this zone is located. The reason for this Bill is a high school student who was hit and killed trying to cross a four-lane highway in my

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district that was not designated as a school zone. This language clarifies what entities are considered schools so that a school zone may be designated in areas where school children cross the road to go to school. I would be happy to answer any questions."

Speaker Black: "And on the Bill, are there any discussion? The Gentleman from Cook, Representative Dart."

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

Speaker Black: "She indicates she will."

Dart: "Representative, you have a definition in here of what a school means. Prior to this Bill, what was the reference that they used for the definition of school?"

Speaker Black: "Representative Biggert."

Biggert: "As far as the Vehicle Code, there was no reference as to what a school was and this is what's caused the problem in my area that the authorizing of the school zone was put into the IDOT manual and it said, 'That school zone speed limit signs may be used at locations where elementary, middle, or junior high school buildings or grounds are next to a highway'. So that was the reason why this did not have a school speed zone. And really, high schools were left out of that."

Speaker Black: "Representative Dart."

Dart: "In the provisions you just read to me it also said they 'may' put it there. Would this change this to a directive as opposed to a discretionary?"

Speaker Black: "Representative Biggert."

Biggert: "It would just make posting a high school zone the same as is currently done for elementary, middle school, or junior high schools. So it still would have to have the determination by the county or the entity to put up the zone but they would do that just as they would do for an

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elementary or middle school."

Speaker Black: "Representative Dart."

Dart: "So then this isn't mandating that they do this. This is saying that it's an option that is available to them. That they can do that, it's not mandating they do it though."

Speaker Black: "Representative Biggert."

Biggert: "That's correct, it is not a mandate."

Speaker Black: "Representative Dart."

Dart: "What, under the existing law, prohibited the Department of Transportation from putting signs in front of schools that you're now attempting to alleviate?"

Speaker Black: "Representative Biggert."

Biggert: "Theoretically, nothing did. However, because of the manual, and the statement that 'The school speed limit sign would be used for elementary, middle or junior high school buildings' which was in the IDOT manual and which my county took very literally and would not post for a high school."

Speaker Black: "Representative Dart."

Dart: "Representative, I guess my concern, maybe you could alleviate this concern, is that you have a real life problem that you are bringing before us and the language, however, does not mandate that they do it. Which we're always around here afraid of mandates. But in this situation and the situation you described, I believe that's something we should be mandating that they do. Unless I'm misreading this, the language still, basically, let them off the hook if they don't want to do it they don't have to do it, which could mean that we might be back here again next year saying that now we're going to mandate you doing it. Is there something in here that's going to require that they do this so we don't have to hear another story like this?"

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Speaker Black: "Representative Biggert."

Biggert: "Well, I've already had numerous phone calls after the committee hearing and I think they're ready, willing and able to do this. I think with the pressure of this is enough. I hate to see making it a mandate and making them do more than what they have to do now for elementary and middle schools. And really the safety of children is the biggest concern and this puts high school students on the same footing as the elementary and the junior high. I think the emphasis should be on the fact that all children needed to be treated equally in this and we have the signs in those other schools. And if it didn't happen, I would be back. I hate to put a mandate on it when it's really not necessary. Because there are situations where you might not want to have a sign. And the law says that if you mandate it for every high school and let's say you do have a very rural area where there is no traffic at all, to have to put up the signs might not be the same consideration as this."

Speaker Black: "Representative Dart."

Dart: "I guess, Representative, I can't think of a parent who would not want these signs out in front of their school. I mean I can't see an area that wouldn't want them. It just seems to me that to avoid having to come back here and do this all over again and having to hear another nasty headline, this might be something, more frankly, we should be mandating them to do something and not be operating under they're 'going to do it'."

Speaker Black: "I'm sorry, Representative Dart, your time has expired. Bring your remarks to a close."

Dart: "Thank you, Mr. Speaker. To the Bill. I agree with what Representative is doing. But I guess my problem with it is

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this is one of those instances where I believe we probably should be and ought to be mandating that they do this. Because although the Department of Transportation may by way of phone calls be agreeing that we've got to do this. I can't think of any school district in the state that would not want these signs posted in big large letters. And I just don't think that we should be leaving this to the whims of a director or whoever it is who is that's going to determine these."

Speaker Black: "And further discussion? The Lady from Cook, Representative Erwin."

Erwin: "Thank you, Mr. Speaker. I rise in strong support of this legislation and I would certainly urge all of my colleagues on this side of the aisle to cast an 'aye' vote for increased public safety around high schools. I think that if you represent a district, most particularly, in a suburban area, that where the density is increasing and where volume of traffic is increasing, what we have discovered because of a very tragic accident in Hinsdale, is that the rules of our road as they deal with the definition of a school, no longer meet the expanding metropolitan area. And, in fact, because high schools are not included in the definition of a school, municipalities and counties are hiding behind this definition problem, if you will. So, I think that making sure that we understand that a school is a school. A thirteen year old that is walking out of a building whether he or she is in eighth grade or in high school, they are just as vulnerable to speeding traffic. And I think that the cost issues are inconsequential and the truth is we have kids around this state that have been killed because of this problem. And so I certainly applaud the long hours that I know

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Representative Biggert has spent with a community that has suffered through some tragic accidents and I urge a unanimous 'aye' vote."

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

Biggert: "Thank you, Mr. Speaker. I think that House Bill 2773 really clarifies the situation and it clarifies IDOT's department's policy that high schools are within the designation of school speed zones. In fact, there have been other high schools who have posted this. But I think that more areas will realize that they can do this and should do it for safety of our children. Thank you."

Speaker Black: "The question is, 'Shall House Bill 2773 pass?' All those in favor vote '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 108 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 6 of the Calendar, appears House Bill 3052. I believe that Bill is now on Third Reading, read the Bill."

Clark McLennand: "House Bill 3052, a Bill for an Act that amends the School Code. Third Reading of those House Bill."

Speaker Black: "And on that, the Lady from DuPage, Representative Cowlshaw."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentleman of the House. This is, in some respects, something of a Committee Bill. It is a combination of various other proposals that have been put together into one Bill of which I am proud to say that I'm joined by Representative Mautino in this Sponsorship. And part of

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that is because the last of these provisions was originally a Bill of Representative Mautino's. Let me briefly explain what this Bill now contains. It begins with what was originally House Bill 2646 which provides that unless residency in a school district is made an express condition of a person's employment or continued employment as a principal in a school district at the time of his or her initial employment in that capacity, then residency within the district may not thereafter be made a condition of that person's employment as a principal. Secondly, a provision suggested by the Illinois Principal's Association, it provides that if a pupil is suspended or expelled by a school district for anyone of the following three very serious offenses: Possession of a gun, distributing drugs in school or on school grounds, assaulting a staff member of the school, and if that pupil subsequently transfers to another school district, the district to which the pupil transfers shall not permit the pupil to attend the classes until such time as the pupil has served the entire suspension or expulsion imposed by the sending school district. Third, this Bill provides that schools in the Chicago School District shall not have the date of the general election as a holiday. Next, House Bill 3067 which provides for the direct expenditures of certain federal funds to school districts and joint agreements for the provision of Special Education Services to handicap children, thereby assuring that all of that money goes directly to schools and does not somehow does not get depleted as it makes its way through the State Board of Education Offices. And finally, the provisions of Representative Mautino's, due to a tragic situation in his own district. This provides that a local school district

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through a joint governmental agreement may accept an out-of-district student without charging tuition if the health or safety of that student is in jeopardy. The receiving school district is not responsible, however, for the transportation costs. This is the result of a student who was raped by fellow students and then was unable to transfer to the next district due to the mandated tuition charge. I think it is a reasonable solution to a very painful and tragic situation in Representative Mautino's district. That is all this Bill does. It is a good Bill. I urge your support and I would be glad to answer any questions."

Speaker Black: "And on that, is there any discussion? The Lady from Cook, Representative Monique Davis."

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

Speaker Black: "She indicates she will."

Davis, M.: "Representative Cowlshaw, does this Bill have a section in it that mandates that Chicago Public Schools cannot be closed on a particular election day?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes, it does."

Speaker Black: "Representative Davis."

Davis, M.: "Representative, when you discussed the Bill you didn't mention that. Is there any other school district that the State of Illinois mandates when they should or should not have a holiday?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I included this provision in my opening remarks and explained that this Bill, as I said then, prohibits the Chicago School District from having the date of the general election as a holiday. No other school district in all of Illinois takes that date as a holiday and I think because

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it is such a wonderful lesson in democracy for children to see their parents coming into their school to cast a ballot, I think that in the interest of democracy, it would be a very good thing for those children in Chicago, like they are in all of Illinois, to be in school on election day."

Speaker Black: "Representative Davis."

Davis, M.: "Well, one of the reasons that some elections have our schools closed is because a number of our schools serve as polling places. Sometimes the buildings are not situated so that children can enter and exit safely as well as voter and voter equipment be set up in those buildings. Now that's serious enough. Now that's very serious. The State of Illinois is not mandating for any of the other 960 something school districts in the state when they can take a holiday or when they can decide to have their school closed. So what we have here is a mandate for Chicago only. And what we're saying is that they cannot close schools during a particular election in order to have a safe building for children and a safe place to hold voting. That's where voting occurs, in the Chicago Public Schools in most of the precincts. You may not know that, Representative, but those here from Chicago, we do know that. We know that children have to enter and exit sometimes the same entrance that voters are entering and exiting. So we're thinking of the safety of children and we're thinking of the safety of that entire environment of the voting process. So by mandating that Chicago must remain open that day, I think you're creating a vast problem for not only the school district but for the voters in the city of Chicago. Now we placed an Amendment in that went in the Rules Committee asking that this particular

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section of your Bill be removed. Would you be amenable to bringing this Bill back to Second and amending this particular section out?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Representative Davis."

Davis M.: "Well, Ladies and Gentleman, I think this is a very, very important issue on this Floor today. This significant piece of legislation is removing from one school district the ability to have school open or close when they so choose. Now we recently passed legislation allowing school districts to pass waivers to waive any state law they want. But for this one school district, this one particular one, we're now mandating for only this district when and where their school should be opened or closed. It's really very unfair. In Chicago the schools are used for voting places. There are not many offices, there are not many locations for you to hold a voting operation. So they are usually in churches and schools, more so in schools. Are children safe when voters are entering and exiting, When you have some people who don't have enough room to place all the voting apparatus and children will still have to enter and exit that building. It creates an unsafe environment. But even more so, this Bill is very, very bad because it says to a family whose child had recently or sometime been in trouble that once that child has been deemed a 'bad seed' no matter where he or she goes he's always a bad seed. You or I, as adults, can go to a new job and not have that record of the old job follow us. But this Bill is saying that if a student commits any offense, one school could suspend this kid for chewing gum. But when he goes to a school that really cares about gum, he still has to be

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under the suspension of that previous school. This piece of legislation is truly unfair to children. It's unfair to families, families who decide they want to give their child another chance and they move to a new district. This Bill says regardless to what you want to do to your child as a family, we're going to keep his..."

Speaker Black: "Yes, Representative, your time is expired. Bring your remarks to a close please."

Davis, M.: "I merely urge a 'no' vote on this Bill, from this side of the aisle and from the other. If you really care about families and the safety of children, vote 'no'."

Speaker Black: "Further discussion, the Gentleman from Cook, Representative Bugielski."

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

Speaker Black: "She indicates she will."

Bugielski: "Yes, Representative, I was bringing up the same point that the previous speaker brought up. I don't know if you're aware of the situation we have in the City of Chicago. We don't have major campuses like your suburban school districts do, and 90% of our schools are used as polling places. Also, it is an ordinance in the city, that there is no parking allowed on the streets around the school. So what you are doing by having this item in the Bill, is you are actually telling the people, 'Don't come to vote' because there's no place to park. Because if they're going to come and vote, they're going to get a parking ticket. So I think what you're doing is you're looking at it one way, but you're really not looking at it in the full scope of the problems we have in the City of Chicago because there's no place to park around the grammar schools. And since most of our polling places are in the public schools, what you are doing now, people will drive

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to vote, they're going to go in to vote. In the meantime, they're going to come out and have a \$50 parking ticket on their windshield. So I wish you would reconsider this one portion of your Bill. The rest of the Bill, there's no problem with the other items but some reason why you are making this mandate just on the City of Chicago, I think is unfair."

Speaker Black: "Further discussion on the Bill? The Lady from Cook, Representative Currie."

Currie: "Thank you, Speaker. I too have some concerns about the provision that would say that the Chicago Board of Education must hold classes on general election days. I have two questions of the Sponsor. First, would anything in your Bill prohibit the Chicago Board from declaring a school holiday on a primary election day?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "No."

Speaker Black: "Representative Currie."

Currie: "Secondly, you were the Sponsor of the Bill that permits school districts to come to the State Board or come to us to ask for waivers from various and sundry state mandates. Would I be right in assuming that if we go to the trouble of passing this prohibition, Chicago could come to the State Board or to us and ask that this prohibition be waived? Would that be accurate?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Yes."

Speaker Black: "Representative Currie."

Currie: "Thank you, Speaker. To the Bill. I think that most of us in this chamber, and certainly I would have thought the Sponsor of this Bill, has a great deal of respect for local control, for local decisions about how we operate our

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schools, about how we treat the safety of our children. I think it is a slap in the face to the Chicago Board of Education to suggest that we should tell them that they must hold school in November general elections, never mind that they needn't on primary election days, never mind that they can go then and waive the provision. Representative Bugielski pointed out the difficulties of holding elections in school buildings when the school children are present. I'm a little concerned that passage of this Bill may only increase the number of polling places that are held in taverns and other less savory institutions. I'm not sure that's good for the voters, and I'm sure it's not good for the school children. I'm for local control. I believe that my Board of Education can make the right decisions about school holidays. I don't think it needs this help from us, and I urge my colleagues to join me in voting 'no'."

Speaker Black: "Further discussion? The Gentleman from Bureau, Representative Mautino."

Mautino: "Thank you. The provisions of this Bill regarding the tuition-free status for victims is something that did occur and we tried to address in the Alternative School Bill. What had happened was, and we found out about this because there was a situation in my district where a five year old was raped by a 7 and a 10 year old. Under our current statutes we were not able to choose how they were to be educated, and the School Board's decision was basically to do nothing in that, and allow the students to stay where they were at. What this provision does, is it allows another school district who is willing to accept them, to take them in and waive the tuition requirement. It's a situation that not only affects this district, but there

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are similar situations throughout the State when there's a child who is in danger or is in a threatened environment. On this Bill as it came out of committee, it was my understanding at that time that there were no controversial provisions, and the only opposition was from the State Board of Education. I hope that those measures can be addressed and would be considered to be addressed in the Senate should this receive passage. I believe that a committee Bill, when we don't have Members actually pulling their own Bills anymore, that if we're going to put them together we ought to take a look at what's in them and make sure we get consensus."

Speaker Black: "Further discussion on the Bill? The Lady from Cook, Representative Flowers."

Flowers: "Representative Cowlshaw, what is the purpose of this Bill?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Good government."

Speaker Black: "Representative Flowers."

Flowers: "Representative Cowlshaw, could you please explain to me how this Bill is good government by endangering my child. My child attends a Chicago public school, and you are saying you want the schools to be open on election day to have strangers wandering around the building, in the same building where my child is going to school. Can you please explain to me how this is good government? Now, the previous speaker, Representative Mautino, just gave you a scenario of a case of a 7 year-old being molested by a 5 year old. Why would you want to put children in this type of danger?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "I don't believe either the 5 or 7 year-olds who were

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guilty of rape were there to vote. Secondly, every single school in my area is a polling place. In some cases, there is more than one precinct voting in the same school, one in one hallway, one in another. So, there are large numbers of adults coming and going from those schools. I guess the difference is this, where I live those people who are coming to vote are setting an example for the future voters of this State. And also, you know, we sort of recognize those people who are coming to vote are those students' parents. They are not unsavory characters wandering around the grounds of the school. They live in that area. They are parents of those children."

Speaker Black: "Representative Flowers."

Flowers: "Representative Cowlshaw, you were just referring to your area. Now, let me tell you what I know about my area. I would like to inform you that most of those schools, the kids that attend my daughter's school, they are bussed there. So, therefore, you're not talking about necessarily, those children's parents. You're talking about anyone that lives in that community who may want to vote. And often time, Representative Cowlshaw, when a woman or a child is out playing, they're out there to play. They are not looking for their rights to be violated. But often times when an adult is put in a particular situation, anything could happen. And I think what you're doing is putting our children in harm's way. Because it should be up to that particular municipality whether or not they want the schools open, whether or not they want these strangers amongst our children, I'm talking specifically mine. And I can assure you that I would not, and I would think as an adult, as a taxpayer of the City of Chicago, as a taxpayer of the State of Illinois, I, too, would like to have a say.

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And I would appreciate if you would take this Bill out of the record and let us continue to govern ourselves in the City of Chicago."

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "That was not a question."

Speaker Black: "I tend to agree. Were you asking her to take the Bill out of the record, Representative?"

Flowers: "Yes."

Speaker Black: "Representative Cowlshaw, you care to respond?"

Cowlshaw: "No."

Speaker Black: "Representative Flowers."

Flowers: "Representative Cowlshaw, you said that this Bill was good government. How would it be good government if a child is harmed as a result of this legislation?"

Speaker Black: "Representative Cowlshaw."

Cowlshaw: "Well, perhaps the voters in the area you are referring to are some different kinds of people than they are where I live. But, where I live we think that voters are grown-ups who are encouraged in every way that we can, get them encouraged to come to the polls and cast their ballots, and while they are there, the children in that school building can see how democracy actually works. They see the little polling booths that have been set up. They get an example in the actual workings of democracy. I don't know why you are distrustful of grown-ups who are voters. Why are they a threat to these children? And if they are, maybe they ought to be in prison."

Speaker Black: "Representative Flowers."

Flowers: "Representative Cowlshaw, I can assure you that most of them or some of them are in prison, and every day, every day there are more and more entering prisons. So, in your area as well as my area, and you are the lucky one,

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Representative Cowlshaw, if you have no children..."

Speaker Black: "Yes, Representative Flowers, your time is expired. Please bring your remarks to a close."

Flowers: "Again, Representative Cowlshaw, I would like to congratulate you and your area. You are the lucky one. You have no crimes and there is no victims out there. Well, in the City of Chicago we're not that fortunate. And I would appreciate again if you would take this Bill out of the record. Thank you very much."

Speaker Black: "Further discussion, the Gentleman from Cook, Representative Lang."

Lang: "Thank you, Mr. Speaker. I rise in opposition to House Bill 3052. There are several provisions of this Bill that make good sense and I'd be prepared to vote for them, and so would many on this side of the aisle. But the section of the Bill dealing with the mandate to the City of Chicago public schools to not have a holiday on the day of election is a very dangerous move. First of all, the very Sponsor of this Bill is the Sponsor of the Chicago School Reform Bill, and is very proud of that, very proud of removing the shackles on the Chicago Board of Education and telling them 'do your thing'. And they've done their thing and they've done it remarkably well. But, here's a mandate. We're going to tell them after removing all of these mandates from them, we're going to give them a mandate. We're going to say we know better what days you should be open and what days you should not be open although we're not going to tell the DuPage County schools, or the Lake County schools, or the Winnebago County schools or any other schools in the State when they should be open and closed. For some reason, we're going to tell the schools in Chicago when they should be open and closed. The Sponsor talks about

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what a great idea it is for kids to see democracy in action because those schools are polling places. But apparently it's not such a great idea for the schools where kids could see democracy in action in DuPage, and Winnebago, and Sangamon, and Cass County and all over the rest of the State of Illinois. Apparently, those kids don't need to see democracy in action. Apparently, it's okay for those kids to not be able to see the light of day the democracy can bring them. So, Ladies and Gentlemen, this is thinly veiled. This is an effort just in the City of Chicago to keep people from voting on election day. That's all this is. This is an effort to keep chaos in the polling place on election day so that when people come to vote on a very crowded and busy day at a school in the City of Chicago, where there may be three polling places in one school, where there's hundreds of school busses and hundreds of kids and hundreds of teachers and administrators and cafeteria workers running around that school. So there's no place to park. So senior citizens don't want to park their cars and walk three blocks to vote. That's what this is all about. And the Sponsor takes a very bad and very dangerous piece of legislation and puts it in a piece of legislation that is otherwise a good piece of Legislation, is otherwise legislation that we would all vote for. And she tries to disguise it as good government. Well, the Sponsor by her own words, belies that because she says 'Well it's good for kids to see democracy in action'. But apparently it's only good for kids to see democracy in action in the City of Chicago. Come on. Let's be real. What this Bill is really about is to keep thousands of people away from the polls at the next general election in the City of Chicago. That's what this is about. It's not

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even veiled. So, for those of you who are concerned about free elections, including the City of Chicago, you should not be voting for this. For those who have railed on this Floor for years about mandates to local school districts, you should not be voting for this. If your philosophy says you're opposed to mandates, you cannot vote for this no matter how much of the Bill you like. And so I would suggest to the Sponsor who apparently is well-intentioned on the rest of the Bill, to go back to the drawing board to take this provision out. And I would suggest to the rest of the Body 'present' votes, not 'no' votes, 'present' votes because we know that the rest of the Bill makes some sense. I would be for the rest of the Bill. But I cannot in good conscience vote for a mandate for the City of Chicago schools. And I cannot in good conscience vote for a Bill that's designed very specifically to cut into the proper election process in November of 1996. That's what this is all about. It's to keep people from voting. And when you vote on this, you'll be telling your constituents how you feel about free and open elections. I would suggest 'present' votes."

Speaker Black: "And further discussion? The Gentleman from Kendall, Representative Cross."

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

Speaker Black: "The Gentleman has moved the previous question. And on that Motion, all those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question has been put. Representative Cowlshaw to close."

Cowlshaw: "Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. The very most important provision in this entire Bill is the one that I think you can detect

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there is some alertness to this because of the most recent speaker saying just vote 'present'. Certainly wouldn't want to vote 'no'. This Bill says if you are suspended or expelled from a public school in Illinois for one of three offenses: possession of a gun, distributing drugs, or assaulting a staff member, you have to pay the full penalty of that suspension or expulsion. Maybe you think they ought to get 'off the hook'." They shouldn't have to pay any penalty for possession of a gun on school property. If you think it's okay for kids to bring guns to school and not be punished for it, vote 'no'."

Speaker Black: "The question...excuse me, Ladies and Gentlemen of the House, excuse me. Representative Dart, are you seeking recognition for some purpose?"

Dart: "Yes, thank you, Mr. Speaker. I had wanted to speak on the Bill, but like usual I was not recognized. I am now asking, I ask for a verification after this over."

Speaker Black: "I'll grant you the verification. The question is, 'Shall House Bill 3052 pass?' All those in favor vote 'aye'; all those 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 69 voting 'aye', 4 voting 'no', 36 voting 'present'. This Bill, having received a whoops, excuse me, we'll hold it right there. Representative Dart, you requested a verification. Is that correct?"

Dart: "Yes I do."

Speaker Black: "A verification has been requested by Representative Dart. Members will please be in their chairs. The Clerk will verify the affirmative vote. Mr. Clerk, call the Affirmative Roll."

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Clerk McLennand: "Those Members voting in the Affirmative. Ackerman. Balthis. Biggert. Biggins. Black. Boland. Bost. Brady. Churchill. Ciarlo. Clayton. Cowlshaw. Cross. Curry. Davis, Steve. Deuchler. Doody. Gash. Goslin. Hassert. Hoeft. Hoffman. Hughes. Johnson, Tim. Johnson, Tom. Jones, John. Klingler. Krause. Kubik. Lachner. Lawfer. Leitch. Lindner. Lyons. Mautino. Meyer. Mitchell. Moffitt. Moore, Andrea. Mulligan. Murphy, Maureen. Myers. Noland. O'Connor. Pankau. Parke. Pedersen. Persico. Poe. Roskam. Ryder. Saviano. Schoenberg. Skinner. Smith. Spangler. Stephens. Tenhouse. Turner, John. Wait. Weaver. Wennlund. Winkel. Winters. Wirsing. Wojcik. Woolard. Zickus. Mr. Speaker."

Speaker Black: "Thank you. Representative Dart, with your permission, there are several people down in front who are in meetings who would like to be verified. Let the record show it's Representative Wojcik, Representative Ryder, Representative Churchill, Leitch, Pedersen, and Biggert. With your permission, those will be. Thank you very much. Yes, Representative Dart, do you have challenges to the 'aye' vote."

Dart: "Yes. Representative Klingler."

Speaker Black: "Representative Klingler. Representative Klingler is in her chair."

Dart: "Representative Kubik."

Speaker Black: "Representative Kubik. Representative Jack Kubik down here in the well."

Dart: "Representative Murphy."

Speaker Black: "Representative Murphy is down in front."

Dart: "Representative Johnson, Tim Johnson."

Speaker Black: "Representative Johnson. Representative Tom

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Johnson, did you say? Oh, Tim, Tim Johnson, Representative Tim Johnson, is the Gentleman in the chamber? Apparently not. Remove him from the Roll."

Dart: "Nothing further."

Speaker Black: "On this question, there are 68 voting 'aye', 4 voting 'nay', 36 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 9 of the Calendar appears House Bill 3613. I believe that is now on Third Reading. Please read the Bill."

Clerk McLennand: "House Bill 3613, a Bill for an Act that amends the Illinois Public Aid Code. Third Reading of this House Bill."

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

Winters: "Thank you, Mr. Speaker. House Bill 3613 asked that the Illinois Department of Public Aid, along with the Departments of Alcoholism and Substance Abuse and Public Health, through a public awareness campaign may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care and other pertinent programs directed at reducing the number of drug-affected infants born to recipients of medical assistance. It is a Bill designed to increase the awareness in the general population for the need for prenatal care and for not allowing drug abuse among women who are pregnant. It is a very low cost program simply trying to coordinate these throughout the state bureaucracy. I would be willing to answer any questions."

Speaker Black: "And on that, the Gentleman from Cook, Representative Lang. Are you seeking recognition on this Bill?"

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Lang: "Parliamentary Inquiry."

Speaker Black: "Yeah. State your inquiry."

Lang: "Thank you. This Bill appears on Second Reading on the Calendar. I know you moved it to Third Reading today. I'm having trouble finding the appropriate rule but is it not appropriate to have a Supplemental Calendar issued with showing this Bill on Third Reading before we vote on it?"

Speaker Black: "I am informed by the Parliamentarian, Representative, that the precedence is that the Bill must appear on the Calendar. It has done so and the Clerk shall state the status of the Bill which the Clerk has done. On the Bill, the Lady from Cook, Representative Schakowsky, are you seeking recognition to the Bill? Speak."

Schakowsky: "Thank you."

Speaker Black: "Excuse me, that didn't come out quite right. Proceed, Representative Schakowsky."

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

Speaker Black: "He indicates he will."

Schakowsky: "Thank you. Representative, I understand what you're trying to do. But if it is not the function of the Department of Alcoholism and Substance Abuse, and the Department of Public Health that it may provide information concerning treatment for alcoholism and drug abuse and addiction, prenatal health care and other pertinent programs, then pray tell me, what is the function of the Department of Alcoholism and Substance Abuse and the Department of Public Health?"

Speaker Black: "Representative Winters."

Winters: "That is an excellent question. The Department of Alcoholism and Substance Abuse does nothing in prenatal care. The Department of Public Health does nothing in substance abuse. The idea is that we get all of these

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departments dealing with both of these cases. That's the idea is that if somebody is actually in contact with Public Health, that they not only deal with the prenatal care, but they deal with the drug abuse. All three departments should be pushing this same message on all fronts. They have been very specific agencies. This is trying to get them to stretch their horizons a little bit and to actually consider putting information out in every possible forum, not only on their specific area of expertise but in other areas where they can be involved in more of a cooperative function."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Once again, not to demean your intention, I'd like to read to you from existing law which says that the Department of Alcoholism and Substance Abuse shall 'cooperate with and assist the Illinois Department of Public Aid in the development and provision of services offered to recipients of public assistance for the treatment and prevention of alcoholism'. We have also that 'It shall publish or provide for the publishing of a manual to assist medical and social service providers in identifying alcoholism and substance abuse in another,' and on and on in another. It is charged with an entire Article 35 of its enabling law to develop and administer services for pregnant women and mothers, including several duties that require coordination with Public Aid, Public Health and other state agencies. It's not in any way, my intention to say that this isn't a good idea. It is only simply to say that in many places with in existing law this is already being done. So I'm trying to figure out why we need your Bill."

Speaker Black: "Representative Winters."

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Winters: "It is not being done as in a broad ranging fashion as it could be. The feeling is that these departments have really become so focused in on their primary mission, that they often do not take advantage of some of the chance encounters as they're dealing with their client case-load, that they may focus strictly on drug abuse, and not consider other areas such as prenatal care. And that we're trying to tie those very closely together and make sure that every chance that a person, whether they come into contact with DASA, Public Health, or Public Aid, that they will get the same unified message. Whether it's through public service announcements, whether it's through postings on the internal network of news letters that these departments have, that we have a multifaceted and broad range of approaches, that I don't feel that we've been doing presently."

Speaker Black: "Representative Schakowsky."

Schakowsky: "Well, I'm trying to figure out where in your Bill any of that stuff that you just described, any of those functions are required. In fact, the department may do pretty much anything it wants and may do pretty much anything that it already, there's already language saying that it ought to do. So, Representative, actually, you know what, this isn't a question. This is to the Bill now. This Bill basically does nothing new at all. It restates what is a nice idea for the Department of Alcoholism and Substance Abuse, the Department of Public Health to work together. We all want to address substance abuse, we all want to deal with the issues of prenatal care. All of those things are in existing law. I don't suppose it would hurt except that it's more paper and more language and redundancy and all those things that I thought your side

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wanted to get rid of. Maybe you need this Bill. I don't know. We certainly don't need this Bill. The people of the State of Illinois certainly don't need this Bill. Children, unborn children, substance abusers, nobody really much needs this Bill. If you do, maybe that's reason enough for some people to vote for it, but it's really kind of silly."

Speaker Black: "And further discussion on the Bill, the Gentleman from Clinton, Representative Granberg."

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

Speaker Black: "He indicates he will."

Granberg: "Representative, now my curiosity is piqued. Can you explain to me in your Bill where it describes any additional functions that aren't already in existing law?"

Speaker Black: "Representative Winters."

Winters: "This Bill, the entire point of this Bill, is to get these agencies talking together. We have not had that kind of cooperation where they will willingly train their caseworkers to consider areas outside their own expertise. One of the major impetuses behind this is to make sure that this cooperation takes place, the agency sat down with me and came up with a list of different programs that they felt they had not been properly emphasizing that they would be willing to do. That is the purpose of the Bill. And much of what is happening is that they are sitting down and saying 'By golly, you know we have been missing out on this and we need to do more in this area'. So, while that's not written into the legislation, it has certainly been one of the by-products of it. And this simply emphasizes again that this is the direction that these agencies ought to be going in."

Speaker Black: "Representative Granberg."

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Granberg: "But, Representative, I think the answer is already in existing law. Isn't that currently the function of these agencies in the existing law? What changes are in your Bill that adds to those functions of those responsibilities? Where can you tell me in your Bill that makes those additions to give them additional responsibilities?"

Speaker Black: "Representative Winters."

Winters: "We have not yet had a specific coordinated campaign and that's what this is designed to do. Certainly, they have been working in somewhat of cooperation but nothing that's specifically coordinated with a group meeting together and saying 'This is the area that we want to work on, prenatal care and drug abuse, to get these infants born addicted to drugs'. Do you understand that it costs about \$8 thousand to put a pregnant woman through drug treatment? If we do that, if we can encourage her to do that, it will save almost \$30 thousand. The cost of a newborn infant addicted to drugs is over \$37 thousand. So, for every single pregnant woman that we can get into drug treatment, get her cleaned up before she delivers that baby, it saves approximately \$30 thousand."

Speaker Black: "Representative Granberg."

Granberg: "Well, I mean, we're all for that, Representative. But that's the existing law, '20 ILCS' provides that, cooperation, '20 ICLS 31-5, 20 ILCS 0135-5'. All these statements are in existing law, so how are you adding to it? How are you actually adding to it? Because it's already the law in the State of Illinois."

Speaker Black: "Representative Winters."

Winters: "The idea of cooperation among the agencies is in existing law. I will grant you that. But the idea of a

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specific targeted public awareness campaign is not. I'd like you to show me the language where you can show me that there is a specific public awareness campaign to be coordinated between these different agencies. I don't believe you'll find it. That's the purpose of this legislation."

Speaker Black: "Representative Granberg."

Granberg: "Well, 20-ILCS provides 'They shall cooperate with and assist the Illinois Department of Public Aid, publishing a manual to assist medical and social services.' All these things are existing law right now, Representative. The only thing I can ask you is or recommend to you, I think you're insulting Representative Rutherford. This is his commission, reduction, reduction of the statutes. You're adding provisions that are already in the law. Are you trying to just keep Representative Rutherford busy next year? This is an absolute duplicative effort. We're not doing anything in addition and Representative Rutherford ought to be very upset because we're going to keep expanding these statutes to do the same thing we do now. Now, if that's your idea of streamlining government, maybe we ought to go back to the drawing board and say 'forget it'. Let's take these laws off the books. Let's encourage our Department directors to work together anyway, because that's what they should be doing this regardless. Shouldn't they have some common sense and work together? Common sense day, Representative Rutherford, what happened to that? Should we call it 'Common Sense Representative Winters Day'? Let's do something different. Let's actually reduce these things. Let's actually streamline government for a change instead of wasting everybody's time in forming duplicative efforts. Thank you."

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Speaker Black: "Yes. The Gentleman from Livingston, Representative Rutherford. Are you seeking recognition because your name was used in debate, Sir?"

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

Speaker Black: "Mr. Rutherford has moved the previous question. All those in favor of moving the previous question signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. The previous question is moved. Representative Winters to close."

Winters: "This Bill will bring to this State finally a coordinated message to all mothers you need to get into prenatal care. You need to clean yourself up. You need to make sure that all infants born in this State are not addicted to drugs. I think that it is a far ranging and very innovative idea to have this public awareness campaign. I urge your support."

Speaker Black: "The question is, 'Shall House Bill 3613 pass?' All those in favor vote '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 103 voting 'aye', 0 voting 'nay', 3 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Ladies and Gentlemen of the House, we will be returning briefly to House Bills Order of Second Reading. On page 2 of the Calendar appears House Bill 347. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 347, a Bill for an Act that amends the Code of Civil Procedure. Second Reading of this House Bill. Amendment #1 was adopted in committee. No Floor Amendments. A Fiscal Note and a Judicial Note have been requested on the Bill and have been filed."

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Speaker Black: "Third Reading. On page 4 of the Calendar appears House Bill 2587. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2587, a Bill for an Act that amends the Illinois Health Finance Reform Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Note requests."

Speaker Black: "Third Reading. On page 4 of the Calendar appears House Bill 2616. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 2616, a Bill for an Act that amends the Illinois Pension Codes. Second Reading of this House Bill. Amendment 1, was adopted in committee. No Floor Amendments. A Pension Impact Note has been filed on the Bill. A Fiscal Note has been requested."

Speaker Black: "Mr. Clerk, hold this Bill on Second Reading. On page 4 of the Calendar appears House Bill 2651. Read the Bill."

Clerk McLennand: "House Bill 2651, a Bill for an Act that amends the School Code. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. A Fiscal Note and a State Mandates Note have been filed."

Speaker Black: "Mr. Clerk, the Sponsor of the Bill has requested that this Bill be held on Second Reading. Mr. Clerk, on page 5 of the Calendar appears House Bill 2670. Please read the Bill."

Clerk McLennand: "House Bill 2670, the Bill has been read a second time previously. No Committee Amendments. No Floor Amendments. A Fiscal Note has been filed. The Correctional Budget Impact Note that was requested has been withdrawn. The request has been withdrawn."

Speaker Black: "Third Reading. On page 6 of the Calendar appears House Bill 3057. Please read the Bill."

Clerk McLennand: "House Bill 3057, the Bill has been read a

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second time previously. Committee Amendment 1, was withdrawn. Committee Amendment 2, was adopted. No Floor Amendments. No Motions."

Speaker Black: "Third Reading. On page 7 of the Calendar appears House Bill 3157. Please read the Bill."

Clerk McLennand: "House Bill 3157, a Bill for an Act to repeal the Constitutional Convention Lobbyists Registration Act. Second Reading of this House Bill. Committee Amendment 1, was adopted. No Floor Amendments. A Fiscal Note has been filed on the Bill as amended."

Speaker Black: "I'm sorry, Mr. Clerk. Did you say the Fiscal Note has been filed?"

Clerk McLennand: "A Fiscal Note has been filed."

Speaker Black: "Third Reading. House Bill 3169 on page 7 of the Calendar. Please read the Bill."

Clerk McLennand: "House Bill 3169, a Bill for an Act that amends the Consumer Fraud and Deceptive Businesses Practices Act. Second Reading of this House Bill. No Committee Amendments. No Floor Amendments. No Notes."

Speaker Black: "Yes, Representative Pankau, are you seeking recognition?"

Pankau: "Yes, Mr. Speaker. Please take this out of the record. It is to be held on second until there is an agreement."

Speaker Black: "The Bill will be held on Second Reading. On page 8 of the Calendar appears House Bill 3447. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3447, a Bill for an Act concerning vegetative filter strips. Second Reading of this House Bill. Committee Amendment 1, was adopted. Committee Amendment 2, was referred to Rules. Floor Amendment 3, was referred to rules. A Fiscal Note and a State Mandates Note have been filed."

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Speaker Black: "Third Reading. On page 7 of the Calendar appears House Bill 3233. Mr. Clerk, read the Bill."

Clerk McLennand: "House Bill 3233, a Bill for an Act in relation to Solicitation and Providing Material Support for International Terrorism. Second Reading of this House Bill. Committee Amendment 1, was adopted. No Floor Amendments. No Notes."

Speaker Black: "Third Reading. On page 6 of the Calendar appears House Bill 3047. Mr. Clerk, please read the Bill."

Clerk McLennand: "House Bill 3047, a Bill for an Act in relation to the Transfer of an Interest in Real Property. Second Reading of this House Bill. Committee Amendments 1 and 2, were referred to Rules. No Floor Amendments. A Land Conveyance Appraisal has been requested."

Speaker Black: "Mr. Clerk, hold this Bill on Second Reading. Returning to the Order of Third Reading. Excuse me, the Gentleman from Clinton, Representative Granberg. Are you seeking recognition?"

Granberg: "Thank you, Mr. Speaker. I have an Inquiry of the Clerk."

Speaker Black: "State your Inquiry."

Granberg: "Since we've conducted all this very important business today, I have a question. Has the Tax Education Increase Constitutional Amendment been filed by a Republican Member yet?"

Speaker Black: "Mr. Clerk."

Clerk McLennand: "No Constitutional Amendments have been filed."

Speaker Black: "Thank you, Mr. Clerk. On page 6 of the Calendar appears House Bill 3091. Please read the Bill."

Clerk McLennand: "House Bill 3091, a Bill for an Act that amends the School Code. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Cook,

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Representative Saviano."

Saviano: "Thank you, Mr. Speaker, Members of the House. House Bill 3091 is a Bill which passed out of Elementary and Secondary Education Committee by a vote of 20 to 0. What this Bill does, we've had various versions of this over the last couple of Sessions to abolish Township School Treasurers' Offices. We took a situation what happened in my district, the Leyden Township School Treasurers Office, back in '92, our school treasurer embezzled a little over \$3 thousand, is now doing 4 years in a state penitentiary. We took a look at it. We passed an advisory referendum two years ago which got over 70% of the votes in the 'affirmative'. Just last November we put on a binding referendum on the ballot. Now, under current state law it requires that each individual school district in the township pass the referendum. It is not in aggregate or total popular vote. It has to pass in each individual district. What happened was that it passed in all 11 school districts except for one, which was a small school district which a Cook County School Treasurer's Office targeted with mail and it failed by a small amount. What this Bill would allow us to do in Leyden only, this is specific to Leyden Township and Norwood Park Township which the Treasurers Office both services, would allow a popular vote. It would say that school districts combined voting on the proposition vote in favor, then it would be abolished. I'm asking you for an 'affirmative' vote on this. I could tell you that the electors in my district have come out in favor of it. All the school superintendents are in favor of it. I would ask for an 'affirmative' vote. Thank you."

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

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Gentleman from Cook, Representative Dart."

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

Speaker Black: "He indicates he will."

Dart: "Representative, how many townships is this going to affect?"

Speaker Black: "Representative Saviano."

Saviano: "It will affect only one school treasurer's office, that's the Leyden Township School Treasurer's Office."

Speaker Black: "Representative Dart."

Dart: "And how many criminals will this affect?"

Speaker Black: "Representative Saviano."

Saviano: "I could tell you that we only came out with one criminal. But as a result, the three member trustee board, one quit, one died, one was appointed. We have a two member board. We went to the Circuit Court to have the judge appoint a third member and he refused to do so. Actually, we didn't have a whole lot of takers, you know. So we're operating with a two member board. The place is in disarray. All the school districts have already adapted so their business offices could handle the normal procedures that the trustees used to do. The smaller school districts who are short on resources have pulled together and worked out a cooperative to handle the same thing. Now, additionally that office spent between \$4 and 500,000 in administrative costs. This will limit that and that money will be allowed to be distributed to our school districts and hopefully get down to the children where it belongs."

Speaker Black: "Representative Dart."

Dart: "Representative, did we get a Corrections Impact Note on this one to see how the prison population would be affected?"

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Speaker Black: "Representative Saviano."

Saviano: "Well, I could tell you by the fact that he got four years, that costs around 20 or 30 grand. So, it's costing us a 100 grand right now."

Speaker Black: "Representative Dart."

Dart: "Is he getting postage stamps?"

Speaker Black: "Representative Saviano."

Saviano: "Yeah. He makes 11¢ an hour. He sweeps the floors of the prison."

Speaker Black: "Representative Dart."

Dart: "Well, it sounds like a good Bill, Representative."

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

Saviano: "I would ask for a 'favorable' vote. Thank you very much."

Speaker Black: "The question is, 'Shall House Bill 3091 pass?' All those in favor vote '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', 0 voting 'nay', 1 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 4 of the Calendar appears House Bill 2587. I believe this Bill was moved to Third Reading earlier today. Please read the Bill."

Clerk McLennand: "House Bill 2587, a Bill for an Act that amends the Illinois Health Finance Reform Act. Third Reading of this House Bill."

Speaker Black: "And on that, the Gentleman from Jersey, Representative Ryder."

Ryder: "Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a relatively simple concept that we have

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discussed on a prior occasion. The purpose of this Bill is to allow the Illinois Health Care Cost Containment Council to develop and obtain information on outpatient surgery, what we usually call day surgeries or surgeries that are performed in surgical centers. They have the task of obtaining this information in a hospital setting. This would be a different setting but the need for the information is even more important because now more than 50% more surgeries are done on a day patient status than in the traditional over-night hospital stay. We think it's important for the Health Care Cost Containment Council to be able to get this information. I'd be glad to answer any questions."

Speaker Black: "And on this measure, is there any discussion? The Lady from Cook, Representative Schakowsky."

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

Speaker Black: "He indicates he will."

Schakowsky: "The Illinois Hospital Cost Containment Council, Representative, has one of the most narrow missions of any such data collection agency around the country. And I suppose some expansion of it is a good idea but I mean, it certainly is a good idea. But why is it that now that we're moving into managed care and all kinds of new entities that we've limited the expansion of its data collection operation in such a limited way now only to include outpatient data?"

Speaker Black: "Representative Ryder."

Ryder: "Representative, when we are doubling the work load, I don't consider that a limitation. I consider that an expansion. More surgeries are performed on an outpatient basis than in the traditional over-night hospital stay basis. I think it's time for the Health Care Cost

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Containment Council to be able to develop the methodology and the surveys to obtain this information. While you and I may disagree on what other task we would ask Health Care Cost Containment Council to accomplish, I'm happy that you were so strongly in support of this Bill when it was in committee and indeed voted for it."

Speaker Black: "Representative Schakowsky."

Schakowsky: "I am in fact very supportive of this legislation. But it has come to my attention in the last couple of weeks that those research centers in Illinois, the academic ones, the University of Illinois, et cetera, that have been trying very hard to collect Medicaid data in Illinois have found that that data is not readily available from the Illinois Hospital Cost Containment Council and should be. I suppose that's an issue for another Bill and perhaps another day. I would support this legislation but wanted to ask you, how do you come up with the 100, where does this number for the cost of the legislation come from?"

Speaker Black: "Representative Ryder."

Ryder: "I didn't hear all the question, Representative. Could you repeat the part about the numbers?"

Speaker Black: "Ladies and Gentlemen of the House, the Chair appreciates your cooperation in what has been a long day. If you'll just give the people your attention so they can hear perhaps we can soon leave the chamber. Representative Schakowsky, would you please repeat your question?"

Schakowsky: "Well, you were saying that this doubles the work load and yet you've come up with a figure of \$150,000 for the cost. Where did this figure come from?"

Speaker Black: "Representative Ryder."

Ryder: "The information came from the Illinois Health Care Cost Containment Council, the folks that asked for this

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legislation. And in fact, it's supported by \$193,000 that's in their 1997 appropriation line."

Speaker Black: "Representative Schakowsky."

Schakowsky: "To the Bill. Ladies and Gentlemen of the House, as we move through this time of changing health-care landscape where there are all kinds of new providers and new collaborations going on, it's very important that Illinois be collecting appropriate data. This Bill is a first step but by no means a last step in collecting the kind of information we need to help guide us through these very challenging times in the health care arena. So I would urge support for this legislation."

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

Ryder: "Thank you. I'd appreciate a 'yes' vote."

Speaker Black: "The question is, 'Shall House Bill 2587 pass?' All those in favor vote '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 108 voting 'aye', 0 voting 'nay', 0 voting 'present'. This Bill, having received a Constitutional Majority, is hereby declared passed. Mr. Clerk, on page 11 of the Calendar appears House Bill 2794. What is the status of this Bill?"

Clerk McLennand: "House Bill 2794, a Bill for an Act that amends the Illinois Income Tax Act. The Bill is on the Order of Third Reading."

Speaker Black: "Mr. Clerk, please return the Bill to Second Reading. And on page 6 of the Calendar appears House Bill 2900. What is the status of this Bill?"

Clerk McLennand: "House Bill 2900 is on the Order of Third Reading."

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Speaker Black: "Please return this Bill to the Order of Second Reading, Mr. Clerk. Mr. Clerk, Introduction of Resolutions."

Clerk McLennand: "House Resolution #90 offered by Representative Blagojevich. Refer to the Rules Committee."

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

Clerk McLennand: "No announcements."

Speaker Black: "Ladies and Gentlemen of the House, with thanks for your cooperation today, we've moved a number of things on the Calendar. Now, Representative Churchill moves that the House stand adjourned until Tuesday, March 26th, 1996 at the hour of 9 a.m. All those in favor signify by saying 'aye'; opposed 'nay'. In the opinion of the Chair, the 'ayes' have it. Allowing Perfunctory time for the Clerk, the House now stands adjourned until Tuesday, March 26th, 1996 at the hour of 9 a.m."

Clerk McLennand: "The House Perfunctory Session will be in order. And the House Perfunctory Session will stand in recess until the hour of 8:30."

Clerk McLennand: "House Perfunctory Session will be in order. Introduction - First Reading of Senate Bills. Senate Bill 1385, offered by Representative Tenhouse, a Bill for an Act in relation to the finances of the Capital Development Board. Senate Bill 1471, offered by Representative Parke, a Bill for an Act concerning regulation of the financial industry. Senate Bill 1564, offered by Representative Maureen Murphy, a Bill for an Act to amend the Property Tax Code. Senate Bill 1650, offered by Representative Novak, a Bill for an Act in relation to Criminal Law. Senate Bill 1747, offered by Representative Parke, a Bill for an Act to amend the Children's Advocacy Center Act. Senate Bill 1594, offered by Representative Churchill, a Bill for an Act to

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amend the Environmental Barriers Act. Senate Bill 1748, offered by Representative O'Connor, a Bill for an Act to amend the Unified Code of Corrections. Senate Bill 1781, offered by Representative Spangler, a Bill for an Act concerning gubernatorial appointments. Senate Bill 1666, offered by Representative Winters, a Bill for an Act to amend the Probate Act of 1975. Senate Bill 1665, offered by Representative Lawfer, a Bill for an Act relating to life tenants of farmlands. Senate Bill 1780, offered by Representative Balthis, a Bill for an Act to amend the Code of Civil Procedure. Senate Bill 1410, offered by Representative McGuire, a Bill for an Act relating to the Illinois Public Aid Code. Introduction - First Reading of these Senate Bills."

Clerk McLennand: "Being no further business, the House Perfunctory Session stands adjourned and the House will reconvene in full Session on Tuesday, March 26th at the hour of 9 a.m."

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